

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 26th March, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of South Nyanza Sugar Company Limited for the year ended 30th June, 1999, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Coffee Auctions Limited for the year ended 30th June, 2001, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of National Cereals and Produce Board (NCPB) for the year ended 30th June, 1999, and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo) on behalf of the Minister for Agriculture)

QUESTIONS BY PRIVATE NOTICE

KILLING OF MASTER ONGODO BY CROCODILE

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

(a) Is the Minister aware that on or about 15th February, 2002 near Asat Beach, a crocodile killed Master Charles Otieno Ongodo, a 13-year old pupil at Jonyo Primary School in South West Sewe in Kombewa Division, Kisumu Rural Constituency?

(b) Could he inform the House how many people have been killed by crocodiles in the past three years in the Nyanza Gulf?

(c) What urgent plans are in place to reduce the number of these killer reptiles from the area?

The Minister of State, Office of the President (Mr. Nassir): Mr. Speaker, Sir, although my voice is hoarse, because of old age, I beg to reply.

(a) The Minister is aware that on or about 15th February, 2000 near Asat Beach, a crocodile killed Master Charles Otieno Ongodo, a 13-year old pupil at Jonyo Primary School in South West Sewe in Kombewa Division, Kisumu Rural Constituency.

(b) For the past three years, reports in our Occurrence Book (OB) indicate that only one person has been reported killed by the crocodiles in the Nyanza Gulf.

(c) The District Warden Officer, Kisumu has deployed rangers at Nyanza Gulf in order to destroy rogue crocodiles.

Mr. Ayoki: Thank you, Mr. Speaker, Sir. Now that the Minister has accepted that their crocodiles have killed a person, could he tell the House if the parents of this pupil will be compensated for the loss of their child, and if so, how much money they will be paid?

Mr. Nassir: Mr. Speaker, Sir, we have a committee in the hon. Member's district which, in conjunction with the Ministry of Health, Provincial Administration and game wardens, will determine the amount of money which will be paid to the parents. The committee will reveal how this child was killed. It would be helpful if the hon. Member would work with this committee.

Mr. Michuki: Mr. Speaker, Sir, the Question is asking the Minister to tell this House the number of people who have been killed by crocodiles in the past three years. The Minister, in his reply, has said that only one person has been reported killed. Is he saying that there is nobody who has been killed since he is talking about a report? Could he clarify which is which?

Mr. Nassir: Mr. Speaker, Sir, I have made it clear that it is only one person who has been killed. If Mr. Michuki, and the hon. Member for that constituency, could give me the names of the other victims, I would be very pleased.

Mr. Sungu: Thank you, Mr. Speaker, Sir. I am quite happy with the Minister, except that he has actually told the House something which is not true. It is only late last year that a man was mauled by a crocodile in Kisat River on your way to Kisumu Airport within Kisumu Town. There are many cases of such incidents. It is only the other day that a British citizen was killed by a crocodile at Lake Chala---

(A mobile phone rang)

Mr. Speaker: Order! Whose gadget is that? Is it you, Mr. Ndicho?

Mr. Ndicho: Mr. Speaker, Sir, I am one of the most obedient Members of Parliament. I leave my mobile phone outside.

Mr. Speaker: Who is it?

Mr. Ndicho: Who could it be now?

(Laughter)

Mr. Speaker: It is all right! I hope it will not ring again! Could we give this House respect? Please, switch off all those gadgets. All the strangers should take note that the Speaker will be very unhappy if any of them brought those gadgets to disrupt the proceedings of the House.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. Could I seek guidance from the Chair? Several times you have warned that anybody who comes to the Chamber with a mobile phone interrupts the proceedings of this House. Could you now send the hon. Member, whose mobile phone rang, out of the House if he is here?

Mr. Speaker: Who is it? I am unable to identify him! Mr. Sumbeiywo, could you help me?

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Speaker, Sir, I think we have some Orderlies in this House who can tell us who the person is. For the benefit of the House, if we identify the person, I would like to request the Chair to send him out.

Mr. Speaker: Very well! I think every person has noted that. Please, switch off those gadgets and come to the House to participate in its proceedings.

Proceed, Mr. Sungu!

Mr. Sungu: Mr. Speaker, Sir, I was saying that it is only the other week that a British lady was killed in Lake Chala. Her death caused a big uproar in the British Press. This has had a negative effect on tourism in Kenya. So, the Government should decide whether it would like to equate human life with that of animals or develop a particular policy so that this country can proceed. Could the Minister tell us the policy of the Government *vis-a-vis* the destruction caused by wild animals to human beings and even crops?

Mr. Nassir: Mr. Speaker, Sir, I responded to the question according to the information I have. If any hon. Member has additional information, he may write to us and table the same before this House. The Kenya Wildlife Service (KWS) is trying its best to remove all dangerous wild animals from that area.

Mr. Omamba: Mr. Speaker, Sir, it is very sad to see crocodiles killing people in Nyanza Province, especially in River Kuja in Uriri Constituency. What steps is the Ministry taking to contain this kind of killing of human beings? In my constituency, human beings are attacked and killed by crocodiles whenever they try to cross the river. The river is heavily infested by crocodiles. Bridges should be constructed across rivers. How does the Government intend to contain this problem?

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. I wonder whether it is in order for Mr. Mamba to protest about *mamba* when it has killed a man.

Mr. Speaker: Mr. Kihoro, the hon. Member's name is "Omamba" and not "Mamba". By the way, are you "Mr. Mamba" or "Mr. Omamba"?

Mr. Omamba: Mr. Speaker, Sir, it is now four years since Mr. Kihoro came here. He should know that my name is "Omamba" and not "Mamba".

(Laughter)

Mr. Speaker: Very well. Proceed, Mr. Nassir.

Mr. Nassir: Mr. Speaker, Sir, we will do all we can to ensure that rogue crocodiles in Kisumu and elsewhere are destroyed. We will try as much as we can to remove them from rivers. We will employ more people for that particular job.

Mr. Speaker: Very well. Ask the last question, Mr. Ayoki!

(Mr. Wanjala stood up in his place)

Mr. Speaker: What is your point of order, Mr. Wanjala?

Mr. Wanjala: Mr. Speaker, Sir, I am not on a point of order. I want to ask a question.

Mr. Speaker: Who gave you authority to talk to me?

(Mr. Wanjala resumed his seat)

Mr. Speaker: Ask your last question, Mr. Ayoki!

Mr. Ayoki: Mr. Speaker, Sir, the crocodile problem is not only in Lake Victoria but also in rivers countrywide. Obviously, crocodiles are killing a lot of people. Since it is a fact that crocodile meat is consumed in certain areas of this country, could the Minister consider reducing the number of crocodiles in Lake Victoria, by either fishing them [Mr. Ayoki]

out, or killing them, and then selling the meat to people in areas where crocodile meat is eaten? Crocodiles do not have natural enemies. So, we have to find a way of controlling their numbers by actually killing them and eating their meat or selling it to people in areas where it is edible, particularly around the area where the Minister comes from.

Mr. Nassir: Mr. Speaker, Sir, I made it very clear that the best idea is to move the crocodiles elsewhere. I know how dangerous crocodiles are. Meanwhile, hon. Members should report to KWS wardens any rogue crocodiles moving about in their respective rivers.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. I also live along Lake Victoria. Is the Minister in order to mislead the House that when marauding rogue crocodiles are reported to the KWS, game wardens take immediate action? People in Western Province have reported fatal crocodile attacks in Sio River and in Lake Victoria, but no action has been taken. Even last week, a crocodile in Budalang'i Constituency severed somebody's hand. We have reported the incident but nobody has gone to the ground. Is the Minister in order to mislead the House that whenever a crocodile attack is reported, KWS officers take action immediately?

Mr. Nassir: Mr. Speaker, Sir, I do not use a language which misleads people but rather one which facilitates understanding between us. The best idea is to remove crocodiles from those areas. We are trying to remove them as I have indicated.

Mr. Speaker: Very well, next Question!

CONSUMPTION OF UNHYGIENIC MILK

(Dr. Murungaru) to ask the Minister for Agriculture:-

(a) Is the Minister aware that many unsuspecting *wananchi* are consuming unhygienic milk peddled by milk hawkers?

(b) Is he further aware that some of these hawkers have conned innocent small-scale farmers of their hard-earned money by way of unpaid milk supplies?

(c) What action will the Minister take to regulate the industry with a view to protecting the interests of farmers, consumers and other stakeholders?

Mr. Speaker: Is Dr. Murungaru still not here? I will drop this Question.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. I seek guidance from the Chair. This Question was on the Order Paper last week. You were very kind to allow it to be brought to the House again today. It has been the habit of hon. Members to accuse Ministers for not turning up to answer their Questions. The situation is now the other way round. So, what action are you going to take against hon. Members who do not turn up to ask their Questions?

Mr. Speaker: I will drop their Questions! Dr. Murungaru's Question is, consequently, dropped.

(Question dropped)

Let us proceed to Dr. Kulundu's Question.

LACK OF AMBULANCE DRIVERS IN LURAMBI

Dr. Kulundu: Mr. Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice.

(a) Is the Minister aware that Navokholi, Bukura and Bushiri Health Centres in Lurambi Constituency have working ambulances but no drivers?

(b) What urgent measures is he taking to rectify this anomaly?

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

(a) I am aware that Navakholo and Bushiri Health Centres have working ambulances but no drivers. Bukura Health Centre has a driver who is currently temporarily incapacitated.

(b) The Ministry faces a countrywide shortage of drivers. However, measures have been put in place to ensure that emergencies at Bushiri and Bukura Health Centres are promptly attended to from Kakamega Provincial General Hospital.

Dr. Kulundu: Mr. Speaker, Sir, parliamentary language is too restrictive when it comes to such a provocative answer from the Assistant Minister. I think this is the only Ministry which claims to experience a countrywide shortage of drivers. This country is awash with drivers. He says that measures have been put in place for emergencies at these health centres to be attended to from Kakamega Provincial General Hospital. Does the Assistant Minister know that Kakamega Provincial General Hospital and these three health centres do not have telephone services? How do they contact each other during emergency situations?

Mr. Mukangu: Mr. Speaker, Sir, I am not aware of the lack of telephone services at these facilities. The hon. Member might be aware that there is an embargo on recruitment of civil servants. We have, however, requested the Directorate of Personnel Management (DPM) to allow us recruit more drivers to meet the shortages.

Mr. Ayoki: Mr. Speaker, Sir, you heard the Assistant Minister accepting the fact that the three health centres have ambulance but they do not have drivers. How does he expect a patient to be evacuated to Kakamega Provincial General Hospital in case of an emergency? Does he expect patients to be carried on bicycles?

Mr. Mukangu: Mr. Speaker, Sir, some of the measures we have taken include hiring retired drivers, whom we usually pay using the cost-sharing funds. We sometimes borrow drivers from other centres. We are doing everything possible to ensure that the problem is addressed.

Mr. Speaker: Mr. Assistant Minister, we are not talking about ordinary drivers, but rather about ambulance drivers for the sick. So, could you be a little clearer? Be serious.

Mr. Mukangu: Mr. Speaker, Sir, if I may repeat myself, I said that we have already requested the DPM to allow us to employ more drivers, specifically for the ambulances. I have the letter with me here, in which we have made the request.

Mr. Muite: Mr. Speaker, Sir, we have health centres in Wangige and Nyathuna and both do not have ambulances. Could the Assistant Minister consider undertaking to employ two drivers for those ambulances at Kabete? Could he also undertake to redeploy those ambulances to Nyathuna and Wangige instead of them lying there without drivers? We shall employ the drivers.

Mr. Mukangu: Mr. Speaker, Sir, I want to assure the Member for Kabete that our intention right now is to employ about 150 drivers. Immediately we get this kind of authority from the DPM, I will personally ensure that I take drivers to the places mentioned.

Capt. Ntwiga: On a point of order, Mr. Speaker, Sir. Mr. Muite wanted the Assistant Minister to withdraw the ambulances since they are idle in that place. He is seeking the authority of the Ministry to withdraw them and take them to his place because he has got drivers. That is what he says.

Mr. Mukangu: Mr. Speaker, Sir, I do not know whether Capt. Ntwiga got Mr. Muite right. Mr. Muite did not talk about withdrawal of ambulances.

Mr. Muite: On a point of order, Speaker, Sir. Could we get your guidance here? Could these Ministers and Assistant Ministers listen carefully to the contributions of hon. Members? I said that instead of those ambulances staying idle there without drivers, we will employ the drivers if he can redeploy them to Wangige and Nyathuna.

Mr. Speaker: You will withdraw them from Kakamega?

Mr. Mukangu: No way, Mr. Speaker, Sir! There is no way I can do that. I will not promise to do that.

Mr. Wanjala: Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House that there are no

drivers, when in Malava Hospital, there are two drivers without ambulances? These constituencies and the hospital are adjacent. Is he in order to mislead this House?

Mr. Mukangu: Mr. Speaker, Sir, Mr. Wanjala should know that we are not talking about ambulances only. The Question is specific on ambulances. Mr. Muite said that he has got drivers who have no ambulances. I am not aware of that. However, I will find out.

Mr. Muchiri: Mr. Speaker, Sir, now that he has been made aware; that, there are two drivers without vehicles to drive, could he now take the drivers and utilise them?

Mr. Mukangu: Mr. Speaker, Sir, I will find out.

Dr. Kituyi: Mr. Speaker, Sir, this circus should not be allowed to go on forever.

Mr. Speaker: Order, Dr. Kituyi!

Dr. Kituyi: Mr. Speaker, Sir, first of all, let me discuss the circus, not the Assistant Minister's statement---

Mr. Speaker: Order, Dr. Kituyi! The business of the House can never be a circus because I will never preside over a circus. Will you withdraw that?

Dr. Kituyi: Mr. Speaker, Sir, please help the House not to degenerate into a circus; where an Assistant Minister is telling us to place a request before the DPM for drivers without him knowing how many drivers he has without vehicles. At the same time, he has refused to answer a very good question that was asked of him. If you do not have drivers for the ambulances available in Lurambi Health Centre, in case of an emergency, how do you get vehicles to transport people from that place to Kakamega General Hospital? What will you do?

Mr. Mukangu: Mr. Speaker, Sir, during emergency cases, we can even go to an extent of hiring vehicles.

Mr. Mukangu: Order! Mr. Mukangu, the Chair is asking you again: Are you serious?

Mr. Speaker: Very serious, Mr. Speaker, Sir!

(Laughter)

Dr. Kulundu: Mr. Speaker, Sir, in fact, the Assistant Minister should be ashamed of that answer. Malava Sub-district Hospital has got two drivers, and Shamakhuvo Health Centre in Shinyalu has got one driver and no ambulance. These drivers are in the same Kakamega District. The Assistant Minister does not know about that. Could he order that those idle drivers be taken to those health centres that have got working ambulances or the other way round, if he wishes?

Mr. Mukangu: Mr. Speaker, Sir, I will consider that option.

ALLOCATION OF MIWANI LAND TO AN ASIAN

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

(a) Is the Minister aware that land belonging to Miwani Sugar Factory, now under receivership, is about to be allocated to an Asian tycoon?

(b) What is the total acreage of the farm?

(c) What urgent measures is the Minister taking to stop this action?

(d) Could he allocate this land to people of Kano and Kajulu, who are the original owners?

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

(a) I am not aware that land belonging to Miwani Sugar Factory, now under receivership, is about to be allocated to an Asian tycoon.

(b) The farm measures 9,288 acres.

(c) Since the answer to part (a) is negative, I am not contemplating taking any urgent measures to intervene in this matter.

(d) The land is privately owned. I, therefore, have no powers to allocate it to the people of Kano and Kajulu. If they are interested in the land, they should just negotiate with the owner on a willing-buyer-willing-seller basis.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. You will remember that this Question came up last week. The Chair intervened in the interest of justice and asked this Assistant Minister to go back and liaise with his counterpart in order to tell the House more correctly what the position is. But he has come back and read out exactly the same answer. Is that not contempt of the Chair and the House?

Mr. Speaker: Mr. Tarar, have you had some consultations?

Mr. Tarar: Yes, Mr. Speaker, Sir. There is a civil case in the High Court No.566 of 1999; one for Jepsing (?) and Others who have sued Miwani Sugar Factory for a debt of Kshs165,620,046.55.

Mr. Sungu: Mr. Speaker, Sir, the Assistant Minister's response is entirely unsatisfactory. It shows that the Government has Ministers and Assistant Ministers who do not appreciate the problem of the people. This is the kind of thing that led to war in Zimbabwe, where people are being killed. Our people are ready to invade this farm if it goes to a single individual, when it is enough for 10,000 families to settle on. Therefore, the Assistant Minister should go back, consult and find out the root causes of the problems. Why should a debt of Kshs150 million be used as a reason to grab land worth over Kshs1 billion?

Mr. Speaker: Order, Mr. Tarar! I thought last time we deferred this Question so that you could talk to your colleagues in the Ministry of Lands and Settlement or the Ministry of Agriculture and Rural Development; so that we know the position regarding the Government's interest in this farm. Have you done that?

Mr. Tarar: Yes, Mr. Speaker, Sir. Since the case of that land is in court - LR No.7545/3 - it cannot be sold to anybody.

Mr. Kamolleh: Mr. Speaker, Sir, I find it a little bit confusing in that the land, according to Mr. Sungu, belongs to Miwani Sugar Factory. The factory has a case; they owe some people some money. But whose land was this before Miwani Sugar Factory acquired it? If it was allocated, therefore, the Government should be the owner of the land. It was only allocated to Miwani Sugar Factory. Could the Government, therefore, consider the case of the people of Kano and Kajulu? As Mr. Sungu said, why should land which can accommodate 10,000 families be left to only two Asians? Could the Government consider that?

Mr. Tarar: Mr. Speaker, Sir, that is private land. It is not Government land as the hon. Member is alleging.

Mr. Speaker: Order, Mr. Tarar! I do not know whether you are the same Assistant Minister who answered this Question last time. The issue that made me postpone this Question is the fact that the Government has a whopping 49 per cent shareholding in the company that owns this land and, consequently, the Government has 49 per cent ownership of the properties of that company and the land! That is why I told you to go and consult your colleagues in the Ministry of Agriculture and Rural Development, and other organs of the Government. You should consult them so that you can come up with modalities of saving that land from being auctioned for Kshs165 million. I also wanted you to tell this House what measures are being undertaken to resettle members of the public on that piece of land as demanded by Mr. Sungu. Did you consult any of your colleagues about that issue?

Mr. Tarar: Mr. Speaker, Sir, to be honest with you, we did not consult the Ministry of Agriculture and Rural Development.

Mr. Sungu: On a point a point of information, Mr. Speaker, Sir. I would like to inform the Assistant Minister that the Ministry of Agriculture and Rural Development and the Kenya Sugar Authority are aware of this case. This matter is so crucial that the lives of the people involved hinge on it. So, the Government must take this matter seriously. I plead with the Chair to order him to go and consult his colleagues and come back with a proper answer.

Mr. Tarar: Mr. Speaker, Sir, as I said earlier, a court ruling was given in favour of Mr. Sajjid Singh and others but later on, the Kenya Sugar Authority challenged the order and obtained a stay of execution. There is, therefore, no threat to auction the land until the court gives further orders on the matter.

Mr. Kihoro: Mr. Speaker, Sir, it is very clear that the Government has a 49 per cent ownership of the land in this particular case. What measures are you going to take to ensure that the Government part of the land is not going to be auctioned, sold or handed over to Mr. Sajjid Singh?

Mr. Tarar: Mr. Speaker, Sir, I seek the indulgence of the Chair that I be allowed to consult my colleagues in the Ministry of Agriculture and Rural Development, so that I can come back with a proper answer.

Dr. Omamo: Mr. Speaker, Sir, although the Assistant Minister is going back to consult his colleagues in the Ministry of Agriculture and Rural Development, I would like to say that this land is causing a lot of insecurity in that area. At the moment, I happen to be the Member of Parliament for that area where this farm is located. The Assistant Minister should know that the over 9,000 acres, which are now lying idle without any farming activity, have created a vacuum. Nature hates vacuum because it causes insecurity in that area. Could he make sure that the security aspect of it is taken care of? If this farm is disposed of in a manner that does not take into account the interests of the people in that area, there is going to be bloodshed. The Assistant Minister should address the security aspect of it when he comes back to the House with the answer. He should assure the House that there will be no bloodshed at Miwani.

Mr. Speaker: Very well, I will defer the Question for two weeks. I am being generous to you.

(Question deferred)

Next order!

MOTIONS

THANKS FOR THE PRESIDENTIAL ADDRESS

*(The Vice-President and Minister for
Home Affairs on 13.3.2002)*

(Resumption of Debate interrupted on 21.3.2002)

The Assistant Minister for Transport and Communications (Mr. Kitur): Mr. Speaker, Sir, the Port of Mombasa should be made a free port, the same way they have done in Dubai and Ireland. That will enable us to improve our volume of trade.

Mr. Speaker, Sir, on the registration of voters, I would like to associate myself with the sentiments raised by my colleagues. I would like to request the Electoral Commission of Kenya to extend the voter registration exercise. It is a fact that about four million people have not been registered because they do not have identity cards. The identity cards have not been issued to many of our people and it is only fair that the registration exercise is extended, until all the people are issued with identity cards. In my constituency, there are Rwandese who moved in, in 1946 as tea pluckers and planters. These people have nowhere to go to. I am requesting the Ministry concerned to naturalise their citizenship and issue them with identity cards, so that they can be *bona fide* citizens of this country. Most of their daughters have been married by our community and they cannot go back there because they are too old to go back to their country.

Mr. Speaker, Sir, the recent merger between KANU and NDP was a success story. I request the other small parties in this country to come forward and join us. I have in mind parties like the Shirikisho Party of Kenya, FORD(A), SAFINA and many others.

With those few remarks, I beg to support.

Mr. Mbela: Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to the Presidential Speech. This Speech, among other things, addressed the issues of peace, unity and poverty eradication. The President revealed that his Government had identified poverty as one of the principal enemies to be fought. He said that poverty remained a serious challenge to his Government and a lasting solution to it must be found.

During the last recess, and after I was discharged from hospital, I had a chance to visit my constituency and I was struck by the level of poverty in that area. This area experiences unreliable rainfall and---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Honestly, we can hardly follow what the hon. Member is saying. Proceed, Mr. Mbela!

Mr. Mbela: Mr. Speaker, Sir, people in my constituency have not had any harvest in the last four seasons. So, when they are required to cost-share with the Government in the provision of services, especially in education, they are over-burdened. Building funds still continue to be demanded from parents in various schools and, without them, you can be sure that your child will not remain in school. Levies for various activities, including coaching, activity, drama, music and sporting fees, as well as money for buying pencils, exercise books and pieces of chalk, are also required.

Time has come when education in this country should be completely free; from Standard One up to Standard Eight. As long as we continue to leave that burden to the poor peasant, and 56 per cent of Kenyans are categorised as living below the poverty line, you can expect that we will have two classes of people, namely, those who are able to educate their children and those who are not able to do so. We should take seriously the option of having to offer free education to all Kenyans. I also noticed that most of the pupils who drop out of school after Class Eight, particularly girls, within two years, either get infected with the HIV/AIDS virus or get unwanted pregnancies. This is a big loss. Dropping out of school has become a very serious problem.

Also on education, my district has had to do without 100 teachers. One hundred teachers for a district such as Taita-Taveta are many. This is happening at a time when there are a lot of trained teachers who have not been employed. Teachers working in arid and semi-arid areas, which are classified as hardship areas, should ideally be paid a hardship allowance. But, somehow, there seems to be some discrimination. Teachers in Kilifi and Makeni Districts, which are in the same ecological zone as Taita-Taveta District, are paid a hardship allowance, but teachers in Taita Taveta District do not get this allowance. Also, I am aware that teachers have been fighting for a salary increment. For those of us who receive reasonable salaries, we should be sympathetic to the teachers, otherwise, we should not be surprised if teachers do not look at us very kindly, particularly, since all of us went through their hands.

Mr. Speaker, Sir, cost-sharing has become a major problem, particularly, in the provision of health services. Many Kenyans today are afraid of going to hospital because of the amount of money they are required to pay before they can be attended to. Besides, when they are attended to, they are directed to pharmacies which are known to the members of staff of the Ministry of Health. You will never know whether the members of staff of the Ministry of Health work in partnership with the owners of these pharmacies. They seem to know where the right drugs are stocked. Life expectancy of many Kenyans has gone down by as much as 15 years, mainly because they avoid going to Government hospitals. It is important that we should provide free medical services as we used to do sometime in the past.

When we were launching the Constituency Aids Control Committees (CACCS) in the constituencies, we had a lot of pomp and fanfare. These Committees are now terribly starved of money. We hear of huge amounts of money being spent nationally, yet when it comes to money required in the constituencies, where real work is supposed to be done, we are told that there is no money. Apart from the Kshs150,000 that was given initially, no money seems to be flowing into the constituencies. The National AIDS Council seems not to be releasing any money to the CACCS. It is important that money is released immediately to the constituencies.

While on the HIV/AIDS scourge, I would like to support the nurses and the paramedics in their bid to have their salaries increased. Instead of the Government threatening to sack them, it should find time to sit down with them, discuss and see what their problems are. I am a witness that when you are really ill, you cannot expect to make it unless you go through the hands of the paramedics. I had a chance of going out of the world for 14 days without knowing where I was, and the nurses brought me back to this world. I think the nurses urgently deserve to have a salary increment. The idea of cost-sharing should be abolished in our system.

Mr. Speaker, Sir, the other issue that I want to touch on is insecurity, which has caused a lot of problems in this country. Right from the time when the policemen are recruited, people have to pay their way into recruitment. It is common knowledge that you cannot be recruited into the police force unless somebody pays for you to be recruited. After the training, the recruits try to recover the money that they initially paid. If you go into the corners of the City of Nairobi, you will find that the people who are taking money from the poor Kenyans are the policemen. It is important that the Government pays the policemen a decent salary which they can live on, and also look into their poor housing facilities. This situation, which has gone on for nearly 50 years, should be rectified.

With those few remarks, I beg to support.

Mr. Mwakiringo: Thank you, Mr. Speaker, Sir. Having gone through the President's Address, which he delivered during the official opening of this Session on 12th March, 2002, I have found that he has identified poverty as one of the causes of the economic decline in this country. The Address gave the way forward, but not exhaustively.

If we are to develop and eradicate poverty, we have quite a number of issues to address or look into and implement. One of them is rural electrification. By now, Kenya should have been covered fully by the rural electrification programme since it was started in 1963 when we took over the running of this country from the colonialists.

Mr. Speaker, Sir, Kenyans could be rich people if only we had proper policies in this country. By now we could be having proper and sufficient windmills in Samburu and Turkana areas, in the Rift Valley Province and on the Taita Hills. We have enough wind in North Eastern areas which can propel the wind engine for energy production. There is no way we can retrench people from the Civil Service, and even from the private sector, when they do not have anything to go and do back at home. If there was electricity in those areas, people would not be flooding urban areas looking for employment in order to earn a living.

Mr. Speaker, Sir, we fought for Independence so that we could own land in this country. However, for the last 39 years, it has been impossible for some Kenyans to have title deeds, as a sign of ownership of the land on which they live. The Government should come up with a clear policy on the issuance of title deeds to people whose land has already been demarcated. It takes unnecessarily too long for one to get a title deed! It is surprising for the Minister for Lands and Settlement to talk about "fake" title deeds being printed at River Road, Nairobi. If he can complain about fake title deeds being printed in River Road, what about the common *mwananchi* who cannot reach the media? This is an issue that needs to be addressed seriously, to show that the Government is really committed to poverty eradication by addressing the issue of land. I am seeing a situation where an explosion will occur in the next few years because the Mugabe kind of approach will, definitely, erupt in Kenya, if the Government does not address the issue of land appropriately. How come that Kenyans have become land-grabbers to the extent of grabbing toilets, road reserves and not taking care of the people who live around those areas? We need a clear Government policy on land and the Ministry of Lands and Settlement must come up in order to eradicate that problem.

Mr. Speaker, Sir, I am surprised that the Anti-Corruption Police Unit (ACPU) announces where it is going next to do investigations concerning allegations of corruption. How committed is the unit if it can announce where it is going to do investigations? The ACPU is supposed to ambush a Ministry, a Government department, or those

institutions where they are going, so that they can see the problems which are there, rather than announcing that: "We are going to the Ministry of Lands and Settlement tomorrow to carry out investigations." If you do so, you have already alerted the officers on whatever you intend to do there! If I wanted to do some investigation somewhere, I would hide it definitely. The ACPU should not announce where they are going, if they really want to get the culprits whom they are looking for.

Mr. Speaker, Sir, with regard to the Mombasa Port, we are talking about privatisation, commercialization and containerization. All these cannot come if we have no plans of expanding the Port of Mombasa. The ports of Amsterdam, Rotterdam and Antwerp are man-made ports, from drylands and, yet in Mombasa, with wetland and mud, dredging the mud, improving and expanding the Port, cannot be done! We have the potential at the Port of Mombasa! Let us do the dredging of the Mombasa Port, Kilifi Creek, Malindi Port and above all, Kipini in Lamu and also expand the ocean sea arms along the Kipevu and Miritini areas. The Ministry of Agriculture and Rural Development should come in and, if possible, establish the Kenya Meat Commission (KMC) there so that we can use it for the manufacture of meat products using the livestock kept in the North Eastern Province as a raw material and, therefore, we can do easy shipment and transportation of meat and its products to our countries of export. If we are committed to making Mombasa a free-zone port and a harbour for container transport in Africa, then we have to plan for its expansion.

Mr. Speaker, Sir, it is a pity that Kenyans are dying because of lack of medication, yet we have enough resources in this country. We are taxed heavily so that we can fund Government projects. I am sure every Kenyan would say: "Let us have free medication for our people, let us stop everything but provide free medication for our people." It is too expensive for a common *mwananchi* to afford medication in private hospitals! We only need proper management of our economy.

Mr. Speaker, Sir, I am not an economist, but given Kshs210 billion per year, I can do economics very easily. I only need to give Kshs10 billion to the hospitals for free medication, Kshs5 billion to the police force for proper uniforms, housing, telephones and vehicles. I will also give Kshs50 billion for rural electrification programme; Kshs5 billion to our teachers who are doing a commendable job in this country. I will give another Kshs5 billion for water harvesting from the rivers and its management. I will give about Kshs10 billion for communications, for example, telephone services. I am not an economist, but I can still remain with a balance of Kshs80 billion as a surplus in my budget!

An hon. Member: How about a budget for those who retire?

Mr. Mwakiringo: Maybe, I can allocate Kshs10 billion for the National Social Security Fund for people who may have gone on retirement.

Mr. Speaker, Sir, whatever the Government entered an agreement into--- I would like to support my colleagues who had spoken earlier and said that teachers' salaries which were agreed upon between the Government and the Teachers Service Commission must be fulfilled. If it is not done within the course of this year, then we will say that it was just a political gimmick for the KANU Government and the KANU party to want to remain in power by hoodwinking the teachers in 1997. Teachers are very important people in society! If there are people who should be paid more, second from Members of Parliament, it should be the teachers, the police, the doctors, nurses and those in the medical profession, because they are doing a commendable job in this country, yet we are not taking care of them.

Mr. Speaker, Sir, the management of this country must come above everything. Self-interest should not come first! The interest of this country and that of its citizens must come first! We cannot have 200 millionaires and billionaires at the expense of 30 million Kenyans who are languishing in poverty.

Why should the common *mwanachi* be taxed, yet he is not given services in return? It is a pity!

Mr. Speaker: Your time is up, Mr. Mwakiringo!

Is there anybody interested in contributing to the Motion? Mrs. Kittony, the Floor is yours!

Mrs. Kittony: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Motion on the Presidential Address.

I stand to support the Motion and I would like to say a few words in that regard. I was not in the House during the State Opening of Parliament because I had travelled with my colleagues to England. I came back and since Thursday last week, I have been following the debate on the Floor of the House. Indeed, the Presidential Address had a lot to offer in terms of security, health and education. It is time we took the Presidential Address seriously and implemented what he said in his Speech. We cannot come to this august House, year in, year out, just to repeat ourselves without implementing what we discuss.

Mr. Speaker, Sir, a lot of careless talk and irresponsibility has contributed to the problems that are affecting this country. It is time Kenyans realised they have a beautiful country and enough space for development. They should be responsible and lead a responsible life.

Mr. Speaker, Sir, the Government has made a lot of efforts towards poverty reduction. We have held seminars and come up with very good papers on poverty reduction. However, we have never implemented them. A woman is

the poorest person in this country because she is the pillar of the family and she does everything in the homestead. So, it is a pity to hear some of the statements attributed to some hon. Members who belittle the dignity of women in this country. I am talking about a particular statement made by Mr. Sifuna. He said the majority of the women in high positions and leaders in our society are divorced. How many divorced men are in high positions in this country? Why should Mr. Sifuna target women only? I believe Mr. Sifuna is a married man. Could he table the names of two women in this House whom he said have stable families? I would like to ask him to visit our homes---

Mr. Speaker: Order! I think we had already finished that matter. Mr. Sifuna was challenged by Mrs. Sinyo. I ordered him to withdraw and apologise to the House. He did withdraw and apologise. Therefore, that matter has been dealt with and it cannot be revisited under the rules. Mrs. Kittony, I let you a little time to express your sentiments. But that is the furthest you can go.

Mr. Muite: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mrs. Kittony, would you like to be informed?

Mrs. Kittony: No, Mr. Speaker, Sir.

Yesterday, Mr. Sifuna was quoted in the Press as saying that he stood by what he said in the House. If you allow me tomorrow I will table copies of newspapers to show what Mr. Sifuna said outside Parliament. We, as women of Kenya, cannot take it lightly.

Mr. Speaker: Do not worry about what he said outside Parliament. But you can go ahead and lay copies of those newspapers on the Table.

Mrs. Kittony: Mr. Speaker, Sir, can I take the information from Mr. Muite?

Mr. Speaker: Very well.

Mr. Muite: Mr. Speaker, Sir, you have already given the gracious lady permission to talk about this issue. I would like to inform her that Mr. Sifuna went outside this House and reiterated that he stood by what he said. So, Mrs. Kittony would probably talk about hon. Members who have no regard or respect for women and make degrading statements even outside this Parliament.

Mr. Speaker: Is Mr. Sifuna here? He withdraws it in the House and then he goes to tell the Press that I was not honest to you?

Hon. Members: Yes, Mr. Speaker, Sir!

Mr. Speaker: Maybe I will have to have a word with him.

Proceed, Mrs. Kittony.

Mrs. Kittony: Mr. Speaker, Sir, I would like to tell you and the august House that Kenyan women are very disappointed by the statement made by Mr. Sifuna. We will not take it lightly. It is an open secret that men do not respect women. We have witnessed many incidents where men mistreat women.

Hon. Members: There are good men!

Mrs. Kittony: Mr. Speaker, Sir, I said the majority of men do not respect women. If there are good men, may be one or two in 100, but the majority are bad men. They do not have regard for women. It is time men respected women. None of you---

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. gracious lady to say men do not respect women when we respect them so much day and night?

(Laughter)

Mrs. Kittony: Mr. Speaker, Sir, last night on television, we saw how a man butchered his wife and celebrated when the police officers went to arrest him. He said it does not matter because he is a man.

Hon. Members: That is a mad man!

Mrs. Kittony: Unless a doctor says that he is mad, we know that is a man who killed an innocent mother of children. We have so many incidents of beastly murders of women by men.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I do not wish to waste the gracious lady's time because that was a very sad issue. However, in today's newspapers, there is a picture of a woman who bit her husband's "thing" and she has never been arrested.

(Laughter)

Mrs. Kittony: Mr. Speaker, Sir, I said very clearly that majority of us women leaders are very disappointed. We do not want to take it as a joke. Sincerely, most men do not have room for women. How many divorced men are there in this House or in positions of leadership in the Government, or private sector, but women have never talked

about them? We are not taking the remark by Mr. Sifuna lightly. Tomorrow, I will table copies of newspapers to show what Sifuna said outside this House because his statements continue to torture our minds. I would like to appeal to all hon. Members to respect us, as fellow human beings. Yes, men like women, but they do not like the woman in their house. That is why so many women have to persevere and continue with life.

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

Dr. Murungaru: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. Those who have studied the Speech made by His Excellency the President during the State Opening of Parliament will agree with me that there were many deficiencies in that Speech, as a policy statement.

The greatest challenge facing Kenyans today is poverty; their economic status. Those of us who were in this House during the State Opening of Parliament expected the Speech to contain concrete strategies aimed at resolving problem of poverty. Poverty has got many faces and, equally, there are many solutions which can be applied to it.

What concerns me is the fact that agriculture, being the backbone of our economy, was not given its due attention in the Speech. As I speak now, and I say so at the risk of sounding repetitive, there is one section of the agricultural sector which is reeling under a huge problem. That is the dairy sector.

Mr. Speaker, Sir, as I speak here today, farmers all over the country are only able to market approximately 30 per cent of the milk they are producing. For example, in Kieni Constituency, at the moment, the daily milk production stands at over 20,000 litres per day. We are only able to market, through the formal marketing system, only approximately 5,000 to 6,000 litres of milk per day. The rest is literally going down the drain. This is totally unacceptable, particularly when we have just come out of a devastating drought. Farmers are still trying to recover from that drought. The only way they could have been able to recover is if they would have been able to market that produce in order to generate resources to rebuild their capital base. This will include purchase of livestock to replace those which perished during the drought.

I read in the newspapers that the Government has increased duty on imported milk products. I would like to suggest to the Government to go a step further. There is no point in the Government engaging itself in economic semantics. The Government should outrightly ban the importation of milk. I know some people are going to talk about WTO agreements and other agreements, while the Kenyan farmer is threatened with extinction. I would like to call upon the Government to ban the importation of milk products until such time that our dairy industry shall stabilise. We are talking of an industry that supports more than 600,000 small holder farmers and other categories of farmers on whom approximately three million Kenyans depend. This is very important, and the Government must undertake to do that.

Mr. Speaker, Sir, even in the area of livestock products, the Government should first of all take care of its own before worrying about tariffs and WTO agreements. Farmers must be productive in order to participate in the formulation of agreements. If you do not participate in the global economy, you have no business talking about agreements. That is the risk that we may run into. Our farmers will be destroyed, and all the agreements we have made will be useless, because we shall not be able to participate in the global agricultural economy.

Mr. Speaker, Sir, the other area which was necessary to address was the education system. As we talk here today, the drop-out rate in both primary, secondary schools, and tertiary institutions has never been higher. Indeed, an analysis done in Nyeri District, which for many years has been the most literate district in the Republic; at 94 per cent, has now dropped to approximately 67 per cent. Those are real statistics. That means that this country is increasingly sliding back in terms of gains made over the years in education. That is an area that must be looked at seriously. It is an area that any Government should pay very special attention to, because, without education, no nation can be able to participate in global programmes. We should not be left behind. We have to improve the education system and introduce measures that will accelerate the school completion rate to almost 100 per cent.

Mr. Speaker, Sir, while talking about education, and general development, I am particularly concerned about marginalised areas. Everybody knows that there is a special problem in the northern part of Kenya. If we have to address the problem of poverty in this nation, we must start from the most disadvantaged regions. I cannot believe that it is now nearly 40 years after Independence and we have not come up with a marshal plan for education in Northern Eastern Province, northern Rift Valley and parts of the Coast Province. The only way to eliminate the economic, insecurity and social problems in those marginalised areas, to bring them in tandem with the rest of the nation, is to have a special education programme. The Government must commit resources to education. I think everybody in Kenya agrees with that. The Government must commit resources in those areas for education and facilities to make sure that every child is educated. I am even thinking of the Government providing special teachers' training institutions for those areas, so that they can be brought at par with the rest of the nation.

Mr. Speaker, Sir, the other problem that affects poverty or the economic well being of Kenyans is the availability of capital. The most directly available form of capital in this nation today, which every *mwananchi* can make use of, is land. The average Kenyan without land is a de-franchised and impoverished person. There are too

many landless people running around this nation. There are very many landless people who are squatting on either Government or private land. As the previous speaker said, unless this problem is addressed and resolved as a matter of urgency, we are sitting on a time bomb. In Nyeri District, for example, we have more than 10,000 people who are completely landless. These people are either squatting on Government or private land, or basically living in the streets. There has got to be a land policy that will address that specific problem.

One of the ways of addressing that problem is through the non-residential cultivation strategy. At the moment, the Ministry of Environment and Natural Resources has let very valuable land go to waste. This is land which was intended for production of timber and rubber products in all gazetted forest areas. The Government should encourage those citizens who are landless to enrol themselves in the non-residential cultivation programmes. They should be provided with sufficient means and be facilitated to participate in the non-residential cultivation in forest areas. That way, we shall be able to hit two birds with one stone. We shall produce timber and rubber products and be able to enable those landless citizens to take care of themselves. If the Government addressed the necessary issues, we would strive to alleviate poverty.

I beg to support.

The Assistant Minister for Transport and Communications (Mr. Lengees): Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in contributing to this very important Motion on His Excellency the President's Speech during the State Opening of the Sixth Session of the Eighth Parliament.

I would like to congratulate His Excellency the President of this country, for making such an important Speech on that particular day. I would also like to take this opportunity to congratulate His Excellency the President, and Mr. Raila, for the merger of NDP and KANU, that took place on the 18th of this month at Kasarani. I think the merger had a purpose for leaders who have vision, their country at heart, unity, love and peace for the citizens of this country. Leaders and all Kenyans must think of how to unite and develop this country. We cannot think about development without unity in Kenya. We have seen countries around us which have been ruined by insecurity. If you to go Rwanda, Burundi and Uganda, although they are recovering at the moment, we are far ahead of them in terms of development and unity, although there are some people who say there is insecurity. It is true that some banditry activities go on in this country. But at the moment, *wananchi* in the Northern part of the country, parts of North Rift and Eastern Provinces have done a lot. Actually, I should take this opportunity to congratulate the Provincial Administration in North Eastern Province for keeping the people together; to eradicate insecurity for the sake of development.

Mr. Speaker, Sir, the President's Speech touched on very important issues, like poverty and education. Those are very important matters for the development of the country. Poverty is a real problem facing Kenyans at the moment. It is a problem in all corners of the country. The Government cannot solve the problem of poverty alone. It is our unity, together with the Opposition - because they are also Kenyans and part of the Government - to sit down in various fora to map out strategies to eradicate poverty.

Mr. Speaker, Sir, turning to Samburu District, the last drought cleared about 70 per cent of the livestock. The Samburu community depends heavily on livestock rearing. Most people were made poor and many families were left without cattle or goats. Those people have been suffering from terrible poverty since then. I thank the Government and the World Food Programme (WFP), because during the time of the drought and up to now, they have been supplying the people of Samburu District, northern part of the country and some other arid areas of this country, with famine relief food. I urge the Government to extend food supplies to Samburu District up to the end of this year.

In the process of supplying relief food, the Government should know that it is a process of slow recovery. If somebody has been left with about ten goats, he will have about 30 goats within a year. He will have 60 goats within two years. The same also applies to cattle. If somebody is left with about five cows and gets famine relief food for about one year, he will have ten cows. He will have about 20 cows within two years. I urge the Government and the WFP to see to it that Samburu District is not removed from the list of areas that will get relief food until the end of this year. Samburu District is like Marsabit, Isiolo and other dry areas. We only have a small portion of land that is green and good for agricultural purposes.

Mr. Speaker, Sir, leaders in this country have talked about democracy. The word "democracy" was very difficult to understand. But here in Kenya, it is very important for us to understand that democracy should have roots in Parliament. We are leaders who should, first of all, show unity, so that the country can get united. It is important to have peace although there are problems. It is important to move together, so that Kenyans and the children of this country, who are seated in the galleries listening to us, could focus on their own lives in a very clear atmosphere.

Mr. Speaker, Sir, the Maralal-Rumuruti Road was surveyed and evaluated a long time ago. It is important for the Government to reconsider that road, and see whether funds could be made available to construct it. Feasibility studies on the road were completed a long time ago.

Mr. Speaker, Sir, water in some of my divisions--- As one of the oldest divisions, Baragoi was started in

1950 and, up to now, it still lacks water. It is important because the Minister is seated behind me and he is listening to what I am saying. I think I will visit his office to find a solution to that problem in a very united manner.

Mr. Speaker, Sir, lastly, I would like to congratulate this Parliament, both the Government side and the Opposition, for maintaining unity. It is important for us, parliamentarians, to see that--- At the moment, we are the most enjoying people in this country because we are paid good salaries. We should not divide Kenyans when we have better stakes than most people. We should fight the poverty together. Thank you very much for giving me this opportunity.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Haji): Thank you, Mr. Speaker, Sir, for giving me this opportunity. First of all, I would like to congratulate His Excellency the President for his Opening Speech, in spite of the fact that some of my friends were not happy with it. I think a statement like that cannot have all the exposition and programmes of the Government highlighted at the same time, during the State Opening of Parliament. Nonetheless, I think His Excellency the President touched on various important issues, some of them being the security, the economy of this country, education and unemployment.

Mr. Speaker, Sir, in spite of the fact that this country has gone without donor assistance for the last 11 years, we can say with confidence that the country has been moving on, giving various services that are required by our people. We have been able to pay salaries to the medical personnel and teachers, despite the fact that the teachers are not happy. But so far, teachers have not gone without salaries and our schools have continued educating our children. In spite of the grievances from the teachers, I am sure everything possible will be done to reach a compromise, so that the teachers can remain in the classrooms teaching our children.

Mr. Speaker, Sir, I am a bit shocked to read about statements issued by my colleagues in this House about the Sudan oil. I understand that the other day, some Members of Parliament sneaked into Sudan without following the protocol---

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Haji to say that "Members of Parliament sneaked into Sudan", when he is aware that Members of Parliament---

Mr. Speaker: What is your point of order?

Mr. Muite: The use of the word "sneaked" is improper! The Standing Orders---

Mr. Speaker: Order! To the best of my knowledge, I do not know whether you sneaked, walked into or flew into! So, could we hear whether you actually "sneaked?"

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I said "sneaked" because I read the statement and talked to some of my colleagues to find out how they went. They did not go through the Sudan Government. That was taking a very serious risk. If anything happened to those Members of Parliament, it would have brought the two countries into collision!

Mr. Muite: On a point of order, Mr. Speaker, Sir. The Standing Orders do prohibit any Member from using insulting language. Members of Parliament who went to the New Sudan were invited by the Catholic Bishops and the Sudan Peoples' Liberation Army (SPLA). We did not need---

Mr. Speaker: Order! Mr. Muite, I do not think you have a right to re-invent the geographical or political arrangements that are in place. Let the hon. Member express his opinion. You are calling a country a "New Sudan" and he is calling it Sudan. So, if you have your views, he has his own. He is entitled to express his views, is he not?

Mr. Muite: He should do so without insulting other hon. Members!

Mr. Speaker: Order! Could you rise above that? By the way Mr. Muite, you must also be thick skinned to take criticism if your colleagues think you have done wrong. Listen to him!

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, we know that a government that is legally in place is one that is accepted by the United Nations. I am not aware of New Sudan being accepted as a government by the United Nations. The Catholic Church is not a government. It is a religious faith. They have no mandate to invite people to other peoples country, if that is what you mean. We have a protocol with the Sudanese Government. They have our embassy in their country and we have theirs here. My concern that this is a member country of the OAU and anything that will bring us into collision with them should be avoided. The leaders should be the last people to do anything that will bring harm to these two countries.

We have been talking about the poor economy. If Kenya can get cheap oil from any source, this will greatly improve our economy. First and foremost, we should take care of our own interests. We should not be talking about the interests of other people. In any case, the leaders of this country, particularly the President, have spent a lot of time reconciling the warring factions in the Sudan. We will only be aggravating the situation if we become partisan in this House. I do not want to dwell on that issue because I have said what I feel about it. I am sorry if my brother, Mr. Muite, is offended. I did not mean to offend him at all. I am just saying what I think is right and he has the right to say

whatever he feels.

Mr. Speaker, Sir, on education, I think we have gone a long way in the whole region such that we have so many universities. Not only that, we hold *Harambees* every other day to send our children to other countries overseas to get higher education. Unfortunately, the number of educated people does not match the number of employment opportunities in the country. If we pool our resources together, we should be able to create employment opportunities by introducing small-scale businesses just like the *Jua Kali* sector which is doing a very good job. The *matatu* industry is also doing very well. It employs thousands of drivers and touts. It also contributes to the economy of the country in one way or another.

On security, I would like to single out and congratulate the PC, Mr. Salah, in North Eastern Province, the Provincial Police Officer, Provincial CID Officer and the Intelligence Officer for the excellent job they have done within a very short time since they were posted to that province. We know that the area had a banditry problem, but in the last six months when these new officers were posted there, I can say with confidence that you can travel from here to Mandera today without any escort. Prior to their posting, a lot of resources were being spent on escorting buses and people travelling from one district to another and I think that is a boost to the national resources. I would like to appeal to other officers, wherever they are, to work hard like these officers have done so that we improve the security situation in this country.

I will not ignore the efforts by the police in spite of their lack of resources. We know that without their commitment and hard work, we would not achieve much of the security that we are enjoying in this country. I would like to appeal to both leaders, and the common people, to help the police do their job more efficiently. Without information or co-operation from the public, the police are not angels and cannot be everywhere at all times. They have very limited resources. When they move from point "A" to "B" anything can happen before they reach point "B". Wherever these people are moving there are members of the public. If we help them with the information, I am sure they will be able to control the lawlessness that we see occasionally, particularly robbery with violence. I am saying this because, the other day, a bank was robbed. We read from the newspapers that the robbers came, they were offered tea and I am sure they were facilitated to steal. If those people had not co-operated with the thieves I am sure the money would not have been stolen. Finally, I would like to congratulate my brother, Mr. Ndicho, for the good statement that he made over the weekend.

Mr. Speaker, Sir, I beg to support.

The Minister for Water Development (Mr. Ng'eny): Thank you, Mr. Speaker, Sir, for giving me the opportunity to speak on the Presidential Address and to support this Motion.

It gives me a lot of pleasure when I see good Kenyans. I am sure all of us in this House are good Kenyans. I would like to see this type of trend continue. It is slightly over four years since I came to this House. During that time I have noticed a lot of changes in the attitudes of Kenyans towards each other. Even our attitudes in this House have changed. For example, at the beginning of this Parliament, some of our colleagues on the other side were so vocal and full of criticism towards the Government. I have seen that during the last four years they have all changed. I have noted that their criticism has tended to become genuine and objective. Even my friend here, Mr. Muite, is no longer as fiery as he was four years ago. This is a very good thing because we now see each other as good friends and neighbours and not as Members of opposite sides in terms of the Government and the Opposition. I believe this is the spirit which all Kenyans would like to see.

We all belong to this country and no amount of words or deeds will make this different. We have to steer this ship together. I would like to take this opportunity to thank His Excellency the President because he is a very good captain. He has steered this Kenyan ship in the last ten years, from the advent of multi-partyism, up to now. If it had been any other less-experienced captain, perhaps Kenya would be a different country today. So, Kenyans should be very grateful to the Head of State for having steered this ship in very stormy weather. It was really a very stormy weather. I am sure if we look backwards, ten to 11 years ago, the situation would have been definitely different without the experience of His Excellency the President.

Mr. Speaker, Sir, I would also like to thank His Excellency the President for his wonderful Speech because he recognised very important attributes which all Kenyans should adhere to. One of these attributes is that unity is an extremely important input in any society. In fact, it is a critical input which is assisted by good leadership. Without good leadership, Kenya will not be stable and, therefore, it will not progress.

Mr. Speaker, Sir, I am sure hon. Members of this House will agree with me that, in the beginning of multipartyism, there was a lot of misunderstanding between both sides of the House. This was because multipartyism, was equated with liberalisation of the economy and vice-versa. Those were two different things altogether. I recall that the catchwords in the Press, people's discussions and mouths and even here in the House were privatisation, liberalisation and so many other words. We discovered new words like transparency, opaque and so many others. We learnt a lot of vocabulary as if we had gone back to the university or school to learn new words. However, I am happy

and I am sure the hon. Members are also happy that those days have gone since we are in the new era of awareness. That is the awareness; that all Kenyans are in one boat called Kenya which we must take care of.

Mr. Speaker, Sir, you will agree with me that, in the last four years, when His Excellency the President and hon. Raila started discussing about KANU and NDP merging together, a lot of people were sceptical. However, because of His Excellency's wisdom because he wishes all Kenyans to be enjoined so that we have stability and progress, both of them came up with another word to fit that merger. Initially, it was called co-operation and later on partnership and eventually---

Mr. Ndicho: The act of KANU swallowing NDP!

The Minister for Water Development (Mr. Ng'eny): No! NDP joined the Government and eventually there was the merger. I am sure most Kenyans can now see it very clearly; that whatever one says, New KANU is really a mighty party and one which is absolutely unbeatable. I also take this opportunity to request my colleagues on the other side not to beat about the bush. They should come to this side so that all of us can enjoy this new dawn of Kenyan way of life.

Mr. Speaker, Sir, I can see both my colleagues, hon. Muite and hon. Parpai, smiling and so they must be considering moving to this side. They are very much welcome.

Mr. Ndicho: We will kick you out!

The Minister for Water Development (Mr. Ng'eny): Mr. Speaker, Sir, with those few remarks, it is my pleasure to support the Motion.

Mr. Speaker: Is anybody interested in contributing to this Motion on behalf of the Government?

The Minister for Mineral Exploration (Mr. Kalweo): Yes, Mr. Speaker, Sir.

Mr. Speaker: Proceed, hon. Kalweo!

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Speaker, Sir, thank you. May I thank all the hon. Members from both sides of the House who have contributed ideas to this Motion. Those are the ideas which run the country. We may be in the Opposition or the Government, but at the same time, we are all running the Government and the same country. We all belong to Kenya. The Republic of Kenya relies entirely upon our thinking, planning and so forth. So, I thank all Kenyans most sincerely.

Mr. Speaker, Sir, may I also thank the Head of State for this important Speech during the State Opening of Parliament.

QUORUM

Mr. Muite: On a point of order, Mr. Speaker, Sir. Out of respect, when response to the Presidential Speech is being made by hon. Kalweo, should we really not have a quorum in the House? I doubt whether we have a quorum and this is not fair to the hon. Member replying to the debate on the Presidential Speech.

Mr. Speaker: Do we have a quorum?

The Assistant Minister for Education, Science and Technology (Mr. Awori): No, Mr. Speaker, Sir.

Mr. Speaker: Hon. Awori, are you confirming that there is no quorum?

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Speaker, Sir, I do not know whether you are looking at an empty House!

(Laughter)

Mr. Speaker: Where are the hon. Members by the way? There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: Order! Order, hon. Members! We now have a quorum. I hope we will maintain it until the end of the day.

Proceed, Mr. Kalweo!

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Speaker, Sir, I will now turn to the economy, an aspect that was mentioned in the Speech. The economy of this country was performing poorly, but now it is picking up. It is the duty of all Kenyans to contribute in whatever capacity, to turn around the economy. For example, the Maasai should graze their livestock properly so that we get beef. The Government is addressing the question of the Kenya Meat Commission (KMC) and if that plant is revived, it will be of much help to the pastoralist communities in this country. Therefore, when we talk about coffee, tea or cotton, we should also redirect our mind to the pastoralist

communities in this country, because their lifeline depends on livestock. Currently, we have livestock in the country and, therefore, we should look for ways and means of marketing them. But it will depend entirely on Kenyans themselves to improve the welfare of this country. So, if we take agriculture as the backbone of this country, we should, therefore, ask our researchers and professionals to come up with ways of marketing some of the crops that we grow in this country. For instance, if you take maize, what we know about this crop is that it can be pounded to produce flour which can be used to cook ugali and prepare porridge. Why should our people not do more research so that either this maize can be in the form of tablets or any other form that can be exported to other countries?

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the other area which this Speech touched on is education. We have so many graduates from our public and private universities. It is now up to the Government to legalise export of manpower so that our people can work in foreign countries. It should not be difficult because we already have Wazungus working in our country. So, it would not be bad for us if we exported manpower to other countries. Ways are being devised so that we can export manpower.

Mr. Temporary Deputy Speaker, Sir, on education, the enrolment in our schools is growing at an alarming rate. Therefore, there is need for expansion of schools and also employment of teachers. It would be unfair if we did not train enough teachers for our schools. To correct the anomaly, we have to balance that.

Mr. Temporary Deputy Speaker, Sir, the other area which is of importance is security. There are other sectors of the economy which require security to perform well. This means that, even the officers require security in their working places so that they can also direct their attention to the work they are doing. So, everybody should be involved, and wananchi should be encouraged to pass information to the security personnel so that they help to contain the situation. On bank robberies, that matter should be taken very seriously. How do robbers know where money is kept? While chasing the robbers, the bank staff should also be arrested to help in the investigations. So, security is of paramount importance.

We should learn to live harmoniously with one another because God created us to live in Kenya. So, any person from any part of this country should be free to live in any part of the country. No amount of politics or tribalism should force our people to fight one another. Where there are clashes, somebody must have---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Order, hon. Members! May I request that you consult in low tones, please!

Proceed, Mr. Kalweo!

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, no amount of politics should make people fight each other. In the past, Kenyans used to solve their problems amicably by talking to one another. The country is very small and as such, we should not stop Kenyans from moving to any part of the country. It is even worse when a Kenyan takes a gun and shoots another one. Really, what are they up to? Instead of blaming the Government, Kenyans should understand that there is no need of fighting one another. We live in one country; we have one Government, and we are one people. We should work hard so that we can tackle the issues which are ahead of us.

Mr. Temporary Deputy Speaker, Sir, the other area I would like to touch on is environment. This an area that one should not ignore, whether one is in the Government or private business. We are the last generation to live in Kenya and, therefore, we should take care of our forests. There were traditional ways of protecting the forests. In fact, when the whitemen came, they found that the Maasai did not destroy their forests. They used to preserve them so that during the dry weather, they could graze their animals under the trees. In Meru, and especially in Nyambene, where I come from, we protect our forests even today. Planting of trees is a continuous process. We have Nyambene Forest, and we believed that our God used to stay there. Nobody was allowed to cut down trees in that forest. Recently, some people came and destroyed that forest, but we moved in and stopped them. As of today, nobody is cutting down trees in that forest. When the foreigners came to this country, they found that we had thick forests. Although the population in the country has risen, the Government is in the process of coming up with a policy paper so as to advise Kenyans on how to protect their forests and water catchment areas. This is because water is a very important aspect of life. People should be settled, but this should be outlined in the policy paper.

We are now in the information technology age, and yet we are not a developed or industrialised country. So, we depend very much on imported materials. We would like to request our professionals to come up with ideas on how we should industrialise this country. For how long will we import goods from other countries? It is true that we do not have a lot of money to establish industries in this country, but we should focus our ideas on agriculture. We know what agriculture is. What should we do other than eating *ugali* and taking porridge?

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister of the Kenya Government to address the House as though he is addressing another animal out there? He should address the same Government that has caused insecurity and deforestation. Whom is he addressing? Is it in order for him to do that?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki!

Continue, Mr. Kalweo!

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I think he is the man to blame. I am saying that we need his good brain to initiate projects in the village he comes from, or the constituency he represents. This is because he promised them that he would develop the area. I would like to ask Kenyans to wake up and play their role. Let each and every person play his or her role.

The Chair will realise that sometime back, roads used to be done in a shoddy manner. The current Minister and his team in the Ministry have done a commendable job. Even hon. Members can bear me witness on this aspect. The other areas are being addressed. Let Kenyans know that Nairobi was not built in a day. So, change of attitude will help this country. On that note, we would like to invite every Kenyan to participate in the development of this country.

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

(Question put and agreed to)

ADOPTION OF THE TENTH PIC REPORT

Mr. Parpai: Thank you, Mr. Temporary Deputy Speaker, Sir. The Chairman of the PIC is in Sri Lanka on a study tour, but I happen to be a Member of that Committee. Therefore, I am mandated by the Committee to move the Motion.

I was seated when Mr. Kalweo was contributing to the Motion which has been passed, and I really sympathised because if a Minister of the Government, and more so a former Minister for Environment and Natural Resources, can talk in the manner he has done, I do not know where we are heading to. Nevertheless---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Parpai! You stood there to move a Motion on the Adoption of the Tenth PIC Report. We have already terminated the debate on the Presidential Address. Now, do you want to reply to what Mr. Kalweo has said? I will not allow you to do that at this time! I am sorry! Could you stick to your Motion?

Mr. Parpai: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to move the Motion for Adoption of the Tenth Report of the PIC. The PIC had the following hon. Members, whom I would like to thank for having endured long working hours and sacrificed a lot of their leisure time. The hon. Members were: Mr. Ochilo-Ayacko, who was the Chairman; Mr. Badawy---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Parpai! Move the Motion as it is in the Order Paper! Do you have the Order Paper?

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Tenth Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 14th August, 2001.

Mr. Temporary Deputy Speaker, Sir, the Chairman of the Committee was Mr. Ochilo-Ayacko, MP, and its Members comprised of Mr. Abubakar Badawy, MP; Ms. Grace Mwewa, MP; Mr. David Kombe, MP; Mr. Said Amin, MP; Mr. Ali Shaaban, MP; Mr. K.M. Sang, MP; Mr. J.B. Muturi, MP; Mr. G.M. Parpai, MP; Mr. Mwangi Githiomi, MP; Mr. Wafula Wamunyinyi, MP, and Mr. John Katuku, MP. You realise that the particular Committee had 12 hon. Members as opposed to 11 hon. Members. This was as a result of the re-designation of Mr. Paul Sang, MP, who ceased to be a Member of the Committee on 27th September, 2001, when he was appointed an Assistant Minister. He was then replaced by Mr. J.B. Muturi, MP.

On behalf of the Committee, I would like to thank the witnesses who appeared before it for their most helpful contribution in adducing evidence, answering questions put to them, and submitting documents asked for. The Committee would also like to extend its thanks to officers from the Office of the Auditor-General (Corporations), the Treasury, and staff of the National Assembly, for greatly facilitating the Committee's arduous task.

The Committee held 98 sittings during which it closely examined the audited accounts of 44 state

corporations and the Report thereof by the Auditor-General (Corporations). The Committee also undertook field inspection tours which covered projects in the Rift Valley and Coast Provinces. The exercise, which covered the Kenya Pipeline Company (KPC) and Kenya Ports Authority (KPA) projects enabled the Committee to make on-the-spot examination of the operations of the said state corporations.

Mr. Temporary Deputy Speaker, Sir, the Tenth Report of Public Investments Committee does not make a pleasant reading at all. The overwhelming and damning evidence of misappropriation, mismanagement and, in some cases, outright embezzlement of public funds is clearly disheartening, and does not augur well for a country which is facing harsh economic hardships. State corporations exist to serve public interests. The public expect some measure of financial prudence in the management of parastatals. It is, however, crystal clear that almost all state corporations projects were conceived, initiated and promoted by dubious, but well-connected persons.

Since it is not possible for me to go through each parastatal, I have chosen a few areas to illustrate the most critical problems in the state corporations. These include procurement procedures and award of tenders. I would like to cite a case in the KPC to illustrate this. In the 1996/97 Financial Year, the KPC awarded a contract on a single-sourcing basis for the construction of two access roads, measuring nine kilometres and 200 metres at a cost of Kshs513 million and Kshs104 million respectively. What I am saying, therefore, is that for this contractor to construct nine kilometres of road, through selective tendering, KPC awarded him a contract and paid Kshs513 million.

Hon. Members: Shame! Shame!

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, also, Kshs104 million was paid for the construction of a 200-metre road. The Committee was concerned that, after flouting the tendering procedures, the KPC awarded the contract to M/s Lwaha Concrete Company, which was not qualified to build roads. The company was registered under category "O", for painters and builders of access roads. It is very interesting to note that a contractor who was registered to carry out painting and do access roads was awarded a contract to do some tarmac roads. This was very baffling to the Committee.

We are further concerned that some parts of the said roads were worn out only two years after completion and handing over, despite the low level of traffic on those roads. These very expensive roads were ultimately completely worn out after two years. When the KPC called upon the same contractors to assess how much it would cost to repair the roads, the contractors quoted a whopping Kshs100 million. If it were not for the intervention of this Committee and assistance from the Ministry of Roads and Public Works, the cost of the roads would have increased by Kshs100 million. You can see how the KPC was being run. Revelations of the company's subsequent years' irregular tender awards, which were extremely exaggerated, will be made before this House.

Mr. Temporary Deputy Speaker, Sir, I will now give similar cases in the Kenya Airports Authority (KAA). On 27th September, 1995, the KAA irregularly placed an order for a Mercedes Benz E280 for use by the Managing Director at Kshs7,537,026. However, the actual price of the vehicle, as indicated on the proforma invoice by the seller, was Kshs3,766,103. The order for the vehicle was placed with M/s A.F. Weyham & Company, a private company based in the United Kingdom. Interestingly, the company was associated with a Mr. Tony Weyham, a Kenyan - he appeared before the Committee, and we interacted with him - and a Mr. Kiprono Kitony.

The order for the vehicle was placed with the seller on 27th September, 1995, and the Local Purchase Order (LPO) written in London by the then Managing Director, who then called his office in Nairobi and ordered immediate payment for the vehicle. The payment was made on 29th September, 1995, before he came back to Kenya. The amount paid was Kshs3,766,103, which was supposed to be 50 per cent of the sale price. The balance was to be paid after the handing over of the vehicle to the KAA in Nairobi. When the vehicle arrived in Kenya one year later, it was neglected because it was found to be a second-hand Mercedes Benz, and even duty was not paid for. What happened to the Kshs3,766,000 that was paid out to the company?

Mr. Temporary Deputy Speaker, Sir, the KAA contracted the same company to rehabilitate existing toilets. It was told to carry out some minor works at the airport to recover the Kshs3.7 million. We went to inspect the toilets that were said to have been rehabilitated, and we found nothing worth the Kshs3.7 million that had been purported to have been spent there. As if that is not enough, the said Mercedes Benz whose duty had not been paid is one of the vehicles parked outside Parliament Buildings. Its duty has not been paid, and the police have not been able to trace the whereabouts of the vehicle. But we know that it is parked outside here.

What are we saying? In the same year the vehicle was rejected by the organisation, they went ahead to buy another Mercedes Benz at Kshs6,416,689. What is happening in that organisation? What is happening with our police, if they are unable to find out that the vehicle is parked outside here? Mr. Tony went to report the matter to the Director of CID and the Kenya Revenue Authority. He told them where the vehicle is and that he has not even received the money. The "poor" man has not received the Kshs3.7 million. He appeared before us and that is what he told us, and it is in the HANSARD. We request the Government - please, this is an obvious case - to take action. If the Government does not mind about the taxpayers' money, let it mind about Kenyans. That poor man has not been paid, and he is

seeing the vehicle being driven up and down, because he is "small." He has recorded a statement, and he cried to us in the Committee - Parliament - thinking we could assist him. Tell us, how much can we assist him?

Having talked about that terrible incident, I want to touch on the Kerio Valley Development Authority's (KVDA) tendering process. I am now dwelling on the tendering process. I want to highlight the tendering processes of those three institutions; a few anomalies that we encountered. The KVDA, during the 1996/1997 Financial Year, awarded a contract to Micon Consultants in order to value the assets of Turkwell Hydro-electric Power Project, which they had struck off its records at a cost of Kshs45,759,318 without the approval of its board of management, the parent Ministry and the Treasury. Some consultants walked into the Managing Director's office and sweet-talked him because he was a man. They told him that they wanted to value KVDA's property so that it can be disposed of to KPLC and organise for funds from the Treasury. That is what is in the HANSARD. The Managing Director resisted; he said: "No, the Board has not sanctioned this, nor do we intend to transfer this." In the HANSARD, he says that he was pressurized. Indeed, he accepted, and the valuation was done, but the money was not forthcoming. So, the same person also sweet-talked the Treasury and payment was made. The cheque was drawn after some time, and the payment was made. The project is still there. In any case, there was no intended transfer. The matter was not taken to the Board. What a crazy system?

Mr. Temporary Deputy Speaker, Sir, it is hurting to find out that when some people start experiencing personal financial problems, they start eyeing parastatals and work out how to get money. This is a consultancy job. Somebody is paid Kshs45 million and just walks away, and the project continues. Where are we heading to? What kind of recovery are we talking about? People appear before our Committee and they say that, that is the position. The matter is recommended for investigations, and nothing happens. If investigations are carried out, it is done shoddily so that nobody is arrested. That is the position in that organisation. I am, therefore, saying that the public lost Kshs45,759,318 through KVDA; through that sweat-talking.

I now want to touch on investment of funds contrary to the Treasury guidelines. Some state parastatals made investments in some financial institutions and private banks which were later put under receivership or under the Central Bank Deposit Protection Fund management. These investments were done contrary to the Treasury Circular No.10 of 1992, which requires state corporations to invest in Government Bonds or Treasury Bills. Examples are as follows. First, the National Social Security Fund (NSSF). The funds deposited with financial institutions included an amount of Kshs990 million due from the Prudential Building Society, which, today, stands at Kshs1,183,763,000. Owing to inability by the Society to service the deposits, the amount was provided for as bad and doubtful debts at the end of June, 1999. The Fund, therefore, is faced with the possible loss of Kshs1,183,763,000.

We are saying that, that colossal sum was deposited in that institution. The institution is unable to pay back the money. We have even invited the directors of that institution to the Committee, and you will be shocked to hear what kind of arrangement they want to enter with the NSSF. They are talking about plots in Athi River and other funny places with exaggerated values. Even if those plots were to be accepted, they could not be worth a quarter of what NSSF paid for them. It is terrible that this corporation deposited Kshs990 million in a bank they were not sure of. It is common knowledge that all financial institutions are required by law, under the supervision of the Central Bank of Kenya, to publish their final accounts annually. Nobody can get convinced that these parastatals did not realise that this financial institution was going under. If they were prudent managers, they would have salvaged a bit of the Kshs990 million. But since that was public money and some of these people had a share at the end of the day, they took no action and, therefore, the Kenyan public stands to lose Kshs1.183 billion.

Mr. Temporary Deputy Speaker, Sir, Kenyatta National Hospital held a principal amount of Kshs411,893,073.90 in Euro Bank. These deposits, which form a higher percentage of the bank's total deposits are exposed to risk and, therefore, are unsafe. This money was deposited in that bank in total disregard of the Treasury Circular. This is an interesting scenario because one of the directors of this company is a senior officer in the Treasury. Therefore, he is party to the writing of the circular we keep referring to. It is interesting that even after pleas from Kenyatta National Hospital that this money be withdrawn, Euro Bank refused to comply. The directors of the said bank are Messrs. S.B.A. Muthamia, S.E. Jamal and J.B.W. Munge. We all know who Mr. Munge is in the Kenya Revenue Authority, which is a department of the Treasury. He should have been the first person to tell Kenyatta National Hospital that it was wrong to deposit money in that bank, let alone refusing to release the money to the institution. So, you can see where we are.

Mr. Temporary Deputy Speaker, Sir, at the end of the 1997/98 Financial Year, the Catering Levy Trustee held Kshs64,800,000 in private financial institutions contrary to Treasury Circular No.10 of 15th July, 1992. The financial institutions are in liquidations and are, therefore, unable to service the deposits. The institutions are: Thabiti, Trust Bank and Cosmopolitan Building Society. It is evident that the Kenyan public is going to lose the Kshs64,800,000 through the Catering Levy Trustee. The officers who actually deposited money, contrary to Government circulars, have been promoted from those positions for having done "a good job." Where are we heading to as a country? When

are we going to take the statements we keep on getting from Government officers seriously? It is a pity that serious issues like these ones are brought to their attention, and yet they do not take any action.

Mr. Temporary Deputy Speaker, Sir, the Committee was disturbed by the great number of dormant and abandoned projects undertaken by some corporations. The Committee strongly believes that the projects were initiated with a view to siphoning public funds. A lot of public funds have been sunk into these projects which show no signs of getting completed. The following corporations had dormant and abandoned projects: The defunct Kenya Posts and Telecommunications Corporation, which deferred a number of capital projects after incurring a sum of Kshs1,547,737,936 on consultancy and interest charges. It is ironical that land for some of those projects has not been identified to date. We have got one site in Karen where the issue of ownership has not been sorted out to date. How could they spend Kshs1.5 billion on consultancy alone? Those of us who sit in this Committee are perplexed to see those who have plundered our resources being promoted. Does it mean that Kenyans have to be encouraged to steal so that they can get promoted? It appears that the more people plunder our resources, the faster they get promoted. You will not only get promoted, but will also stay longer in service in the highest position that you can attain in this country. This is terrible! Kenya is ours and even if you think that you will live longer than the moon, your children are there. The National Social Security Fund (NSSF) incurred an expenditure of Kshs536,145,000 in payment of construction work and professional fees on a car park, which has since stalled. As you go to the Upper Hill area of Nairobi, especially if you are going to Community Area, on your right-hand side, you will see some old iron sheets representing embezzlement of Kshs536,145,000. This is a shame. Nobody wants to proceed with this project because, in the first place, a feasibility study was not carried out and the City Council of Nairobi had not even approved the plan. I do not even have a term to describe it. Officers involved in such scandals are the people who get promoted. The other day, the officer who made Kenyans lose Kshs536,145,000 in that abandoned car park was appointed Kenyan Ambassador to Nigeria. This is Mr. Muindi. That was the way in which a Kenyan who had embezzled Kshs536,145,000 was rewarded. We are mad! That man should have been jailed for life.

This is the kind of money we are looking for, for our hospitals. It is the money we are looking for to tarmack the Emali-Oloitokitok Road, or even the State House Road that is peeling off. Instead of being punished, he was told that he had done a good job and should go to Nigeria as the Kenyan Ambassador there. Mr. Lazarus Amayo, whose name I will mention in the next paragraph, was appointed the Kenyan Ambassador to India. Where are we heading to? The man who was involved in the Kshs1.5 billion loss is now the Minister for Water Development and is calling for reconciliation. This is shameful! If I were some of these people, I would not be leaving my wife's house because of shame.

An hon. Member: You would just hide there!

Mr. Parpai: This is part of the Report, Mr. Minister! You have failed to take action and we are annoyed about your inaction.

The Minister for Public Health (Prof. Ongeri): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Musila): Address the Chair, Mr. Parpai!

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, is that Prof. Ongeri's point of order? He was the Minister for Health and now he is the Minister for public Health, and so he should pay attention to what I am saying. We have made recommendations, and recommendations of this House should be implemented. We have recommended that the Kshs400 million that is in the Euro Bank should be taken back to Kenyatta National Hospital, so that house allowances for the institution's members of staff can be paid.

The Minister for Public Health (Prof. Ongeri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Parpai in order to indicate that I was the Minister for Health then? We are talking about the accounts of the year 1995/96. I was not the Minister for Health then.

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that we sit in the House, and do not pay attention to what is being said. I have said that, that money has not been returned to the parastatal to date. Prof. Ongeri is the Minister for Public Health today. This is the second time we have brought this matter to the House and so we expect him, as the Minister, to take action. The Minister should go and take action.

Mr. Temporary Deputy Speaker, Sir, I want the Minister again to take note that the Kenya Medical Research Institute (KEMRI), which is under his Ministry, spent Kshs101,727,177 on a housing project which was later abandoned. This means that the Minister needed to have told this House what he was doing about this issue through his Accounting Officer and the Director of KEMRI. The whole saga is between the National Bank of Kenya and M/s Cyperr Enterprises Ltd; whose director is Mr. Cyrus Jirongo. He is one of the KANU young turks, whom we expect to take us to Canaan. I do not want to impute any ulterior motives on him, but we are talking about Kshs101 million that has been sunk into this project. Unfortunately, this time, a Cabinet Minister is involved. Could we have this problem sorted out so that we can have the houses, even if their prices are exaggerated, so that taxpayers would somehow enjoy a small percentage of what they have been robbed of? As if that was not enough, the Government gave KEMRI

Kshs42 million to solve this problem. The Director of KEMRI, Dr. Davy Koech, deposited Government money in a lawyer's account. He refused to pay the National Bank of Kenya, whose interest would not have gone up as it has done. The money has been deposited in a lawyer's account.

We have tried many times to talk to the Permanent Secretary (PS), Ministry of Health, and the Director of KEMRI, Dr. Koech, to have the money withdrawn from the lawyer's account and, at least, if he does not want to pay the National Bank of Kenya, to deposit it in a Government account. Why should the money be deposited in a lawyer's account? We are not even sure whether that money is safe or not. During the preparation of our next Report, which we will bring to this House, we gave Dr. Koech time to bring the lawyer to us to tell us where the money is. Parliament and the PS, Ministry of Health, cannot order that the money be returned to KEMRI and somebody defies the order, unless there is something afoot in that issue.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the Kenya Ports Authority (KPA). This parastatal incurred an amount of Kshs952,204,813 in respect of construction cost and consultancy fees relating to Mtongwe Housing Project, which was to be completed in March 1993, but has since stalled. This is a very serious scenario because Kshs952 million had been spent and the contract was stopped on telephone! Somebody sits in his office and tells the Managing Director on telephone to terminate the contract. When the Managing Director said that he had already spent Kshs952 million on the project, he was told: "So what? That is not your money." That is all, Kshs952 million went to the drains and the project was never started up to today.

Mr. Temporary Deputy Speaker, Sir, I am happy because the then Managing Director is here in this House and he knows what happened. If a project is initiated and only after consultancy fees has been paid and the breaking of the ground has been done, it is stopped, surely, would you be convinced that there was any intention of ever doing that job to completion? The Committee in its own way, and after having interviewed the witnesses who appeared before the Committee, took it as a means of syphoning money out of the Kenya Ports Authority (KPA). As I said earlier, somebody must have sat down and thought of a way of getting money, maybe, to buy a Mercedes Benz or go to some place. He, therefore, decided to have a project started which would not take off. He knew very well that the project was not going to take off, but because he wanted the money urgently, he decided to have it started and then he stopped it mid-way. In fact, it had not reached even mid-way. The House will decide on what to do with those individuals. The individual who stopped the project was none other than the then Head of Civil Service and Secretary to the Cabinet.

Mr. Temporary Deputy Speaker, Sir, some of us who have worked in the Government know that there is a channel of communication. I thought if the Head of Civil Service and Secretary to the Cabinet had anything against this project, he would have written to the relevant Permanent Secretary who could have communicated the information to the Managing Director, but he chose, on his own to call, not even to write to the MD. He just called and said: "*Wacha huo mradi, na lipa hao watu waende!*" So, what else can you conclude from that? You want somebody to be paid and he goes, yet you are not in partnership with him! How can it happen? There is more than the amount of Kshs952 million! There must have been some collusion between the telephone caller and the contractors and that is what the Committee concluded.

Mr. Temporary Deputy Speaker, Sir, you would be surprised to know that the contractors of all the projects were not from more than three companies. Even the contractor who was registered to do the painting and given a road construction job, he is one of the consultants in this project. He was paid as an architect and yet he was not an architect! In fact, when I asked him why this job was not done, he said that he had a problem because there were Maasai cows which prevented him from getting to the site.

An hon. Member: You mean cows?

Mr. Parpai: Yes, cows, you can imagine! Just because he noticed that I was a Maasai who was questioning him on some of these issues. You can imagine the kind of consultants we have in this country. Today, one is a painter, tomorrow a contractor and the next day a roads engineer.

Mr. Temporary Deputy Speaker, Sir, those are the four examples I have picked for purposes of illustration on what Bowman and the abandoned projects have caused this country. If you add up that, it is going to be about Kshs3 billion, the money that we badly need for development in this country. So, we need the harmonization of the Enabling Act and the State Corporations Act, Cap.466.

In the course of the Committee's deliberations, the issue of some corporations being exempted from the State Corporations Act and the Exchequer and Audit Act, was viewed with great concern. The Committee noted that several State Corporations are hiding under such exemptions to avoid submitting audited accounts to Parliament. This obviously contradicts the provisions of the Constitution, which are categorically clear that public expenditure must be subjected to Parliamentary scrutiny. What we are saying as a Committee here is that, it is unfortunate that some of our State Corporations have been exempted. Once a corporation is exempted from the State Corporations Act and the Exchequer and the Audit Act, it ceases to bring the audited accounts to Parliament. In any case, the accounts are audited by private auditors and hence they do not bring those accounts to the relevant Committees of Parliament for

scrutiny. Therefore, that means the public will never know how their funds are being run. I know, at least, nowadays Kenyans have the opportunity of knowing how some of those State Corporations I have mentioned and those that I will mention, have performed over some specific period. If you exempt these corporations, therefore, it becomes very difficult for the public to know how they are being run.

Therefore, as a Committee, we are saying that we must be very careful, not to avoid exempting State Corporations from the relevant Act of Parliament so that all State Corporations get scrutinized by Parliament. It would be a way of checking them so that they will know that one day they will be called upon to account for whatever they have done. The Committee, therefore, made strong recommendations that State Corporations should not be exempted from the Exchequer and Audit Act. We can exempt them from the State Corporations Act, but not the other way round so that their accounts can be scrutinized.

With regards to the delay in submission of the accounts, the Committee was very much appalled by the way some State Corporations delay or possibly ignore the requirement of State Corporations Act Cap.446 and the Exchequer and Audit Act, Cap.412, which stipulate that State corporations' accounts must be submitted every year for audit by the Auditor-General (Corporations). This is a very serious omission and we urge this House to strongly censure those corporation and further calls upon the Government to take urgent legal action against the concerned Chief Executives.

Mr. Temporary Deputy Speaker, Sir, there is more to this because the Act requires State corporations to submit their accounts to Parliament on a yearly basis for audit purposes. But the relevant Act does not have some punitive measures. So, whether or not you submit your accounts, there is no way you will be made by your relevant Accounting Officer or the parent Ministry to comply with the law. Moreover, the parent Ministries and the Treasury are represented in board meetings of these parastatals. The interesting thing is that, the officers who represent the parent Ministries do not seem to know what they are supposed to do in those meetings. They do not advise board members although they sit in board meetings where these tenders are issued. We have representatives of parent Ministries or the Treasury as alternate directors, but they do not advise board members according to the laid-down regulations. Why should we have them in those boards? Why should they earn allowances for attending board meetings if they do not advise members accordingly? It is high time we looked into this.

If these officers do not play their rightful role in the board meetings, then we can as well allow board members to constitute themselves and do whatever they want without them. By the end of the day, these officers get subsistence and travelling allowances, but they do not advise board members. Many of them, when they appear before the PIC, look more green than us, hon. Members, concerning what transpired in the board meetings. Parent Ministries should thoroughly look into the role of their alternate directors in those boards. If they do not get the best out of their representation, they should replace those alternate directors with people who know what they are supposed to do in board meetings, so that we can strengthen those parastatals.

Mr. Temporary Deputy Speaker, Sir, among the state corporations that are notorious in submitting their accounts late is Egerton University, which had submitted accounts for 1991/1992 by the time we wrote this Report. By then, Kenyatta University had submitted accounts for 1992/93. When we were writing the Report, Kenya Industrial Research and Development Institute (KIRDI) had also submitted accounts for 1993/94. Kenya Bureau of Standards (KEBS) had submitted accounts for 1994/95 financial year. By that time, the Higher Education Loans Board (HELB) had submitted accounts for 1995/96. These are just a few examples.

Mr. Temporary Deputy Speaker, Sir, surely, if we have to correct this bad situation, how can we do so when we are now scrutinising accounts of 1991/92 financial year? That is about 10 years down the line. We discuss these reports because the Ministers in charge of these parastatals sit in this House. So, we wonder why they do not go and correct this bad situation. Why should the Ministries not discipline these irresponsible officers? Therefore, I urge Ministers to take seriously their jobs and look into the management of these parastatals because that is where a lot of our money is being embezzled.

With regard to restructuring of the state corporations, the Report says:

"The Committee noted with a lot of concern that certain State corporations have taken a long time to receive Cabinet approval for restructuring. This has greatly hampered effective operation of the corporations leading to further deterioration of their financial status. A case in point is Kenya Broadcasting Corporation (KBC)."

This corporation has a problem. In fact, it is technically broke; it has no money. The Government appointed a committee. A Cabinet Paper was written. They are still waiting for the outcome of this paper. They do not know what to do. Looking at the debtors of KBC, the highest on the list is KANU. In fact, if KANU pays them today, we do not even need to restructure the balance sheet. KANU really needs to be serious and pay debts it owes to KBC because it is a Government parastatal. The Government is quite different and distinct from KANU. Why does KANU not want to pay KBC? Why should we, by the end of the day, restructure the balance sheet so that KANU debts are written off?

KANU is not broke. If so, we need to be told. We also need to be told how it incurred these debts. It is regrettable. Looking at that balance sheet, other than KANU, there is no other political party that owes KBC money. Please, separate the party from Government institution because they are quite different. KANU and Government are not one and the same thing. They will never be one. If you are a good manager, you should be able to know what you can and cannot afford. If KANU cannot pay KBC, then they should stop incurring more debts.

The Temporary Deputy Speaker (Mr. Musila): Which party are you talking about?

Mr. Parpai: KANU!

The Temporary Deputy Speaker (Mr. Musila): Order! Address the Government through the Chair. Why are you addressing the them direct?

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, it is because I can see some senior KANU officials. But I am urging them to divorce themselves from the affairs of KANU. I am the national organising secretary of DP and I know when to talk about the issues affecting DP and when to talk as an hon. Member of Parliament. This Government does not see the difference between them and KANU, despite the fact that there are many learned hon. Members on that side. I am pleading with them to pay KBC. This parastatal is under this Government. So, please, assist them so that they do not grind to a halt.

Mr. Temporary Deputy Speaker, Sir, with regard to facilities accorded to the chairmen of boards of directors of state corporations, the Report says:

"The Committee noted with concern that certain non-executive chairmen of state corporations have been irregularly accorded executive facilities, including cars, for the exclusive use leading, to improper spending of public funds. In one instance, it has not been clear who the Chief Executive or the Accounting Officer of the Electricity Regulatory Board is, as the past non-executive chairman appeared to have been executing some duties of the secretary of the board".

Mr. Temporary Deputy Speaker, Sir, you can see the confusion. You get an appointment letter, but it does not state whether you are an executive chairman or not. This is why you see, in some offices, people doing different duties because they think they have some backing from somewhere. It is total confusion. Therefore, when appointments are made, let people be told what their responsibilities are so that we avoid conflict of interests that can run down an organisation. Since I am seeing the Leader of Government in the House, I would like to inform him that we have that problem much more on the Electricity Regulatory Board. That has to be looked into. If he is going to be an Executive Chairman, Parliament has no problem with that. Let him be. If he is not, let him be told so. That is all that we require. But you cannot hold both.

Mr. Temporary Deputy Speaker, Sir, the eighth item is with regard to the State Corporations Advisory Committee.

"The Committee noted with concern that several state corporations have reviewed their terms and conditions of service, and particularly sitting allowances for the members of the Board, and house allowances for staff, without recourse to the state Corporations Advisory Committee, contrary to the provisions of Section 27 of the State Corporations Act, Cap.446. For example, this applies to the Kenyatta National Hospital, the Capital Markets Authority, the Kenya Broadcasting Corporation and State universities. The Committee further noted that the holders of the office of the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service have in the past - even today, and it is still going on - sanctioned such decisions, purporting to be acting on behalf of the State Corporations Advisory Committee, thereby abetting an illegality".

The State Corporations Act, Cap.446, requires that we have a State Corporations Advisory Committee whose function is to look into the terms and conditions of parastatal employees. There is a section of the Act to that effect, but it has never been implemented, so we do not know what is really happening. Indeed, what we are saying here is that, the Head of the Public Service has all along been acting as if he is the State Corporations Advisory Committee. He or she has constituted himself or herself as that, and yet that section spells out who is supposed to be in that committee, and the Head of the Civil Service is not one of them. For heaven's sake, if that is bad law, why does the Government not bring it to the House, repeal it, and insert what you what to happen, as opposed to acting illegally as a Government? Why have a section of the law that you do not want to comply with? If you find it to be a bad law, why do you not bring it here? We are prepared to assist, but not to break the law which we have sworn to uphold, and keep that oath.

Mr. Temporary Deputy Speaker, Sir, if the Government wants the people it governs to take it seriously, it should obey the law. I know, hardly do you want to obey, but this time round we are telling Kenyans out there that you have broken the law, and yet you have a mechanism of doing what you want, if you wanted the Head of Civil Service, who is not mentioned in that section of the law to do what he or she is doing now. That is a very serious violation of the law by the Government. As a Government, you cannot expect citizens to obey the law if you do not.

Mr. Temporary Deputy Speaker, Sir, many of our laws have been broken. I do not know whether those who are appointed to head these parastatals at times look at the enabling Act for purposes of governing the same parastatals. I am saying this because, for example, the enabling Act for the National Cereals and Produce Board is very clear, that we must have some strategic balance at any given time.

QUORUM

Mr. Muithia: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a very serious Motion before the House, but there is no quorum.

The Temporary Deputy Speaker: Indeed, there is no quorum. I, therefore, order the Division Bell to be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! We now have a quorum. Proceed, Mr. Parpai!

Mr. Parpai: Thank you, Mr. Temporary Deputy Speaker, Sir. I had just finished on the State Corporations Advisory Committee, where I emphasised the recommendations about the Committee. It was recommended that that committee should be put in place as fast as possible. The Government said that it was a bad law and, therefore, it could not be implemented. We recommended that they should bring it to the House to be repealed.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the privatisation programme. The Committee strongly reiterates that a privatisation enabling Act be enacted in this House, to ensure that state corporations are disposed of to the public in a transparent, accountable and fair manner, devoid of under-hand, shoddy and frivolous deals. What we are saying as a Committee is that, it is true there is a lot of talk on privatisation. Everybody is talking about privatisation, but not even a Sessional Paper has been brought to this House for discussion. Privatisation is being carried out by the Government in a very untransparent manner. What is the Government privatising? It is privatising parastatals which are public bodies. The public should be able to know the manner in which a given parastatal is privatised. That is why we are calling for an Act that would enable the Government to do what it intends to do. Today, as a Member of Parliament who has been mandated by Kenyans, you can wake up in the morning, pick up a newspaper and get to read that a given parastatal is being privatised. You know that normally, they do not give details. As a Committee and, therefore, Parliament, we think the way privatisation is being handled, it is being done in such a way that before one is privatised, the buyers are identified. Therefore, they put them in papers just as a formality. Does this Government surely know that individuals are not owners of public property? Unless the Government knows that the property does not belong to Ministers and that it belongs to all Kenyans who have a right to get a share of a public institution, we are in for bad things!

Mr. Temporary Deputy Speaker, Sir, you know very well that very many companies in this country--- The Kenya Ports Authority (KPA) enabling Act clearly says that even if any part of KPA property or land is privatised, the KPA should still have an upper hand over it. But what has happened? You go to the KPA today and you will find that the Grain Bulk Handlers, who were given a piece of land, have installed their machines. They are even a security risk to this country. They have connected themselves to the sea, such that if they want to empty a ship carrying grains, bhang, guns, bullets, bombs or anything else, there is no way our security system would know! You can see how careless that situation is! As if that is not enough, they now own the piece of land 100 per cent. The KPA has no hand over them. That is a contradiction of the KPA's enabling Act. When you look at the minutes of their Board meeting that discussed and approved the allocation and transfer of the land, you will find that this country's Attorney-General was in attendance! So, you ask yourself: "Who else would, otherwise, have advised the Board?" Even if the Corporation Secretary had a hand, what about this country's Chief Legal Advisor? Surely, what kind of omission? That is how the situation is in this country. You know what happened to the cashewnuts industry? That is privatisation! You do not need to consult the poor farmers because somebody somewhere had a market for the cashewnuts. At all costs, he will have to buy you!

Mr. Temporary Deputy Speaker, Sir, the Committee now requires that an Act be introduced in this House, so that the public would know how their property is being privatised. That would streamline the sale of their property.

Then, we looked at the implementation of the Public Investments Committee (PIC) recommendations. Our Committee came to a very painful realisation that its work in investigating state corporations is an exercise in futility. I utter this damning remark because the Committee's recommendations on parastatal officials who have been implicated in major scams have not been prosecuted, surcharged or even investigated. For example, in the Seventh, Eighth and Ninth Reports, the previous Committees recommended the prosecution of several officials against whom the

Committee found overwhelming evidence of having participated in one way or another, in embezzling public funds. I need not overemphasise this because I have said that the Government is not prepared at all to read and take action on what has been recommended by whatever Committee, PIC being one of them.

Mr. Temporary Deputy Speaker, Sir, the purpose of the PIC is to scrutinize the accounts of parastatals on behalf of the Kenyan public. We question witnesses who appear before us, get evidence from them and recommend action to be taken so that at least they can improve on what they are doing or account for their actions. The Government has just decided that these Reports be put on shelves to gather dust. The heads of these parastatals are not that many. These are people who get rotated. You will find that someone is the head of the National Housing Corporation, the next day he is heading the National Cereals and Produce Board or another corporation. These corporation heads are people who are in the "who is who" list in this country.

My prayers always are that the next Government, even if it will be KANU, will explain to Kenyans where they have taken their money. Their days are numbered. If you go by the Constitution, six months is too short a time for one to boast. If I were them, I would request that I be taken to court now when I have a godfather, so that when things change tomorrow, I will have cleared my name. Nevertheless, we know who they are. These Reports are documented and I am sure they are in safe custody. So, they should start counting down their privileged days. It is imperative that this House urges the Government to work without fear or favour to arrest, prosecute and finally punish those proven to have a role in looting state parastatals. The Government must show concrete, visible willpower and determination to undertake this. Otherwise, mismanagement, misappropriation and outright corruption will simply continue unabated in spite of the monotonous and repetitive Committee investigations.

When some of us listen to the speeches made by senior Government officials, Ministers and the Head of State to the effect that they are now serious in fighting corruption, one wonders whether these statements are really meant for public relations or to be believed by Kenyans. I say this because when you go to the Auditor-General (Corporations) or the Controller and Auditor-General's office, you will find what we are talking about here documented. When you come to Parliament, you will find the same having been documented. You do not need to go far to get to know who these looters are. They are few. If we are serious Kenyan leaders, we need to pick just one of the Reports and take appropriate action. We as a Committee are not saying that the police should take action as per the recommendations. We are saying that you can have an independent investigation and, indeed, that is how it should be.

You should find out whether what we are saying is true. I doubt whether we are very far from the truth. In any case, these Reports originate from the Auditor-General (Corporations). Besides, any person who is mentioned adversely is given a chance to defend himself or herself in this Committee, and we have had very many people doing so. Let the Government say what they mean. If they are talking of fighting corruption, they should be seen to be fighting it. There is no point in rushing a PS, a Minister and other civil servants to court just because the IMF representatives are between Washington and Nairobi, or in a committee room in Treasury Building. That is not enough! Kenyans expect more than that. Most of these cases are thrown out of court because they are just taken there for public relations purposes. Let them start working; otherwise, nobody will believe you.

Mr. Temporary Deputy Speaker, Sir, lastly, the Committee recommends:-

"Furthermore, the Committee urges the House to insist that Treasury must always produce comprehensive reports on what it is doing to implement the recommendations of the Public Investments Committee (PIC) as adopted by the House. The current Treasury Memorandum is too brief and hardly indicates the actions, measures and steps undertaken by Treasury".

This is the current Treasury Memorandum showing the implementation status of the Ninth Report. Just to illustrate my point, these are the kinds of memorandums we get from Treasury indicating the action taken. When you look at these recommendations, you wonder whether whoever wrote them was serious in the first place. Secondly, you wonder whether he has looked at this recommendation and, lastly, whether he is bound by law to do what is expected of him or her.

Mr. Temporary Deputy Speaker, Sir, I have just opened this page and I want to read this recommendation to the House. It states:-

"Financial Position of National Housing Corporation"

"The Committee recommends that the Corporation should be restructured and its mandate reviewed both in the mode of provisions of affordable housing and efficient management in accordance with the changed circumstances".

The Treasury says that the Chief Executive, who could not explain himself in the Committee, now says:-

"The Chief Executive confirmed that a corporate strategic plan is being put in place in line with the recommendation".

Who is now answering the question? It means, therefore, that the Treasury representative for the Permanent Secretary, who is supposed to answer this, has no answer to it nor did he even take interest in it. He writes to the Chief Executive and reproduces what he says. So, we summoned him and asked him: "Who was supposed to act; was it the Chief Executive who caused the query to be raised or you?" He had no answer for that question. So, we are not yet serious and it is high time some seriousness was attached to these Reports because as I said, the time is running out very fast.

Mr. Temporary Deputy Speaker, Sir, having said all this, I would then beg to move and call upon my fellow Committee member, hon. John Katuku, to move this Motion. Thank you.

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to second this Motion. I would want to start by thanking my fellow colleagues in the Committee for the work which was so much demanding. I would want to also appreciate the co-operation we received from the Inspector of State Corporations, the Auditor-General (Corporations) and all other departments. I must, in particular, thank Mr. Maluki, who was very helpful to the Committee in its deliberations, and also for pointing out these evils we are discussing here today.

Mr. Temporary Deputy Speaker, Sir, if you ever served this Committee, it is one of the most interesting and important Committees to serve in. This is because it is in this Committee where you see those who claim to be angels turning out to be devils. You will find out how those who claim to have leadership potentials have acquired money from the public to buy power. Some of the people you see around have used state money to be what they are. Somebody goes and loots a parastatal and then he is moved to another one and also loots it. At the end of the day, he is promoted and appointed to a very high position, maybe, a Minister or the equivalent.

Mr. Temporary Deputy Speaker, Sir, I do not want to take much of this House's time with such comments because it is common knowledge. The defunct Kenya Posts and Telecommunications (KPTC) which was mentioned by my colleague is a very good example, where the former Managing Director, who is a Minister, got himself involved in questionable deals. This Committee has questioned that issue, and it has come up year in, year out, in the same Committee, and it has never been resolved. You know very well that the said former Managing Director, with his companions like Chege Kirundi and Ruth Wamaita had an opportunity to loot the defunct KPTC of millions of shillings through a land deal. Up to date, previous Committees, including this Committee, have recommended that these fellows be investigated and taken to court.

The other day the Minister was taken to court, but the others were not. It is the concern of the Committee to have this matter taken to court properly. The Minister who was in charge of that corporation should be tried in a court of law. This lawyer, Mr. Kirundi, should also be taken to court, along with the Minister. We saw the case being withdrawn the other day. This is a recommendation which has been made by the previous Committees, and it is painful to see recommendations made in this House never seeing the light of the day. It is high time these recommendations are taken seriously and the Government implements them.

Mr. Temporary Deputy Speaker, Sir, recently, we went on a trip to India. We realised that in the Indian Parliament there is a committee which deals with implementation. The committee looks again at whatever Parliament has passed. It looks at what issues have been done, and what have not been done and then the report is brought again to the House. It is high time we had an implementation committee in this House so that it can be going around to see what has been done, or what has not been done and then a report is brought to the attention of the House. It is high time we had a committee in this House which looks at what Parliament has passed and whether it has been implemented or not, because it is a big shame. Matters of corruption in this country must be dealt with from the top to the bottom.

Mr. Temporary Deputy Speaker, Sir, you have problems in your area about squatters, and so do I. This Government sets aside land to be allocated to the landless. I want to draw your attention to one case of land belonging to Agricultural Development Corporation (ADC), which was set aside to be allocated to landless individuals. This turned out to be a big shame because this land never went to the needy or squatters. Instead, it was given to people with big names. We have in this document names of people who were given ADC land which was meant for the poor. We had several ADC farms given out, like Kipsigor, Jabali, Tall Trees, Ngata, Nyota, Sirikwa, Alta and Ol Jorai. Those parcels of land belonging to the Agricultural Development Corporation (ADC) were dished out to individuals. There is no squatter at all. The names contained in this document are of big fish in this country, who claim to be squatters. They have not paid the premiums which they were supposed to pay to date. I do not wish to name them, but I want to draw the attention of the House to such people who were given land on the pretext that they are squatters, and they have not paid their premiums.

Mr. Temporary Deputy Speaker, Sir, I would like to mention one or two names. So as not to be seen to be tribal in any way, I will try to balance by giving examples. I will start with a person from my area, who was given about 682 acres of land on the pretext that he is a squatter. He is not a squatter, and he has not paid a premium of Kshs4,433,000 to date. He is Gen. Mulinge. Coming up to this end, there is a Mr. W.K.K. Kimalat, whom we know very well. He was given 80 acres of land and he has not paid the premium to date. His name is still here in this document. Going further from home, a son of a key person in this country was given 49.7 acres. He has not paid the

required premium to date. He is the son of your Chairman, Mr. Temporary Deputy Speaker, Sir. I do not want to mention his name.

The Temporary Deputy Speaker (Mr. Musila): Order! Order!

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I know you have no party, but I was confusing you with the Member for Mwingi South!

(Laughter)

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Katuku! You should respect the Chair. I am presiding over this House. I am not the Member for Mwingi South!

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir. I respect the Chair very much. But I meant the Chairman of the other side, and the son in question is Mr. Jonathan Moi. According to this Government, Mr. Jonathan Moi is a squatter and he has not paid the required premium. This is a lot of money for this country. Coming closer to where we are now, there is also the name of a Member of Parliament who was recently appointed or selected to be the KANU Treasurer. I am not the one who has come up with these details. This "person" is the ADC itself. The new KANU Treasurer, Mr. Haji, according to this Government, is a big squatter! He has not paid the standing premium for the parcels of land he was given by the ADC. Mr. Haji was allocated plot Nos.LR.132/87/30, 132/87/31 and 132/87/32, amounting to 128.3 acres which is not being serviced. The information is in this document!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Katuku! Is the list you are reading in this Report?

An hon. Member: It is an annex!

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir. This is the annex of the details and the minutes. They are in the Report. So, I am quoting from the minutes of the meetings.

The Temporary Deputy Speaker (Mr. Musila): Order! According to the information you have, do we have the annex as part of this Report?

Mr. Katuku: Yes, Mr. Temporary Deputy Speaker, Sir. It is titled "National Assembly, Tenth Report, Public Investments Committee on the Accounts of State Corporations, Volume II. So, I am within the Standing Orders.

The Temporary Deputy Speaker (Mr. Musila): Very well, Mr. Katuku!

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, the man I am talking about was rewarded the other day because he is poor and an orphan! He has no land.

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir. The House should not be left in any doubt that the Seconder of the Motion is talking about--

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Kihoro!

Mr. Kihoro: It is part of the Report, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kihoro! You stood on a point of order. What is your point of order?

Mr. Kihoro: My point of order is that the name of the person who has not been named in this House is Mr. Mohammed Haji.

The Temporary Deputy Speaker (Mr. Musila): Order! That is not a point of order.

Mr. Kihoro: It was not clear, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kihoro! That is not a point of order.

Continue, Mr. Katuku!

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I confirm he is the one because we have the records here.

Mr. Muihia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for us to keep listening to the list of the "murderers" of our economy while the gallows in Kamiti are idle? They should be there!

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Muihia! That is not a point of order. I am asking Members to be serious. This is the Kenya National Assembly, and when you stand up, you must know what you are saying.

Proceed, Mr. Katuku!

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. I have only 30 minutes to contribute to this Motion, and I have very good things to say. That is just a tip of the iceberg.

Mr. Temporary Deputy Speaker, Sir, I agree with Mr. Muihia that these are "murderers" of our economy. They are the ones who have pushed our economy to the mortuary. Last year, it was in the Intensive Care Unit (ICU), and today, it is in the mortuary. These are "murderers!" They have plundered the economy of this country.

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Katuku! I have repeatedly warned you against using that kind of language. Could you withdraw that remark of "murderers" and apologise to the House?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, because I respect the Chair---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Katuku! Could you withdraw and proceed?

Mr. Katuku: I would like to withdraw that remark "murderers", but in the sense I am using it, I know I am right. But I withdraw it and apologise to the Chair.

The Temporary Deputy Speaker (Mr. Musila): It is not to the Chair, but to the House!

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise to the House. Whatever term I use, they are the same people who have pushed the economy of this country to the mortuary. I hope the word "mortuary" is also not unparliamentary! These people continue to be promoted although they have ruined the economy of this country.

Mr. Temporary Deputy Speaker, Sir, I now want to turn to a specific case about a land deal. If you look at the Report we are talking about on pages 115 to 117, there is very interesting reading. If you look at that and listen to what I am saying, you will fail to understand what is happening in this country. It is about the Catering Levy Trustee. This is a piece of land which was bought at Kshs70,000 and sold at---

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Katuku, you will proceed tomorrow!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the interruption of business. Therefore, the House stands adjourned until tomorrow, Wednesday, 27th March, 2002, at 9.00 a.m.

The House rose at 6

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30 p.m.