

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th July, 2000

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.232

DISBURSEMENT OF PRESIDENTIAL YOUTH HARAMBEE FUND

Mr. Speaker: Mr. Onyango is not in? Next Question!

Question No.225

ESTABLISHMENT OF HEALTH TRAINING INSTITUTIONS

Dr. Kulundu asked the Minister for Education why the Ministry is encouraging the establishment of training institutions that offer health courses outside hospital settings.

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

My Ministry is fulfilling the mandate given to it by the Government through this Parliament by the Education Act, Cap.211 of 1970, Revised Edition 1980 which states *inter alia* that:-

"The Minister shall promote the education of the people of Kenya and the progressive development of the institutions devoted to the promotion of education, and that the Minister may from time to time formulate a development plan for education, consistent with any national plan for economic and social development of Kenya".

Mr. Speaker, Sir, the courses offered in the school training institutions under my Ministry are demand-driven and train various cadres of personnel. The health industry is only one of the major beneficiaries of the skilled manpower trained in these institutions.

Dr. Kulundu: Mr. Speaker, Sir, there has emerged a dangerous trend in this country where the Ministry of Education purportedly offer training in medical courses. The end result of this is that, you get certain cadres of professionals who are not ethical, have no experience in patient care; they are quacks for all practical purposes.

Is the Assistant Minister aware that in the most recent legislation - leave alone Cap.211 - medical training is now governed by the respective professional bodies, for example, the Pharmacy and Poisons Board and the Medical Laboratory Technicians Technologic Board?

Dr. Wamukoya: Mr. Speaker, Sir, I think the Questioner has stated so many issues, but I do not believe that the people trained in the institutions which are run by the Minister are quacks. Because, medical technologists whom they have trained from 1964 are even employed by the Ministry of Health. For example, Mr. Boit the Principal of MTC graduated from the Kenya Polytechnic in 1969, while Mr. Chege, who holds a big post in the Ministry of Health graduated from the Kenya Polytechnic in 1966.

Mr. Speaker, Sir, the interpretation of the Medical Laboratories Technologies course is very clear; that the people who are going to be members of that board are trained at the Kenya Medical Training Institute or other similar institutions recognized by the board. It goes further in Section 6 regarding the composition to state that the Director of technical training in the Ministry, for that time being responsible for education. This was passed in November last year, which indicates that this House recognizes the mandate of the Ministry of Education to train people, not only for the

Ministry of Health, but for many other ministries.

Mr. Otula: Mr. Speaker, Sir, is the Assistant Minister aware that the curriculum used by these particular institutions is quite different from the curriculum used by KMTC?

Dr. Wamukoya: Mr. Speaker, Sir, different institutions may use different curricular but the end result is usually the same. The Kenya Polytechnic and Mombasa Polytechnics have trained people who have been employed by the Ministry of Health from 1964 to date. Why did they not complain? I can assure you that the Ministry of Health is the one that sponsored all those people at the Kenya Polytechnic. I have the list here and I can read out the names of 101 people who trained there under Ministry of Health sponsorship.

Mr. M.M. Galgalo: Mr. Speaker, Sir, Mr. Boit is, in fact, not one such good example the Assistant Minister should have used because the institution he is heading is corrupt and he usually not there all the time to serve Kenyans. This implies that those who are trained outside the professional institutions are not the right people to serve in these institutions. Could the Assistant Minister undertake to do something about training the right people in the right places?

Dr. Wamukoya: Mr. Speaker, Sir, I gave the name of Mr. Boit because he is holding a high position in the medical institution. But I have got a long list of people working in health institutions and hospitals and nobody has complained that they are doing a shoddy job.

Dr. Kulundu: Mr. Speaker, Sir, is the Assistant Minister aware that the Kenya Polytechnic is ill equipped in terms of staffing to train anybody in medical courses and if not so, could he lay on the Table of the House the names of the purported lecturers and their qualifications?

Mr. Speaker, Sir, I know for sure that there are some medical students who failed at the University of Nairobi and have been recruited to train Kenyans at the Kenya Polytechnic.

Dr. Wamukoya: Mr. Speaker, Sir, being asked to lay names on the Table now, which I was not prepared to, is deviating from the original Question. The Questioner sought to know why we are continuing to develop new institutions to train medical personnel and I have told the House that I have the mandate to do that.

Dr. Kulundu: On a point of order, Mr. Speaker, Sir. I have asked this Assistant Minister a legitimate Question: For the benefit of the House and all Kenyans, is he not going to lay on the Table of this House the names and the qualifications of the lecturers for us to determine whether they are competent or not to offer training?

Mr. Speaker: Order! Dr. Kulundu, in all fairness, that question was not what the Assistant Minister would say a requisite subsidiary. According to the way you framed your Question, you wanted the reasons why they are being trained and not the nature or the quality of the training.

(Loud consultations)

Order! I do not approve of hon. Members sitting down there and generally heckling the Speaker.

Mr. N.M.G. Nyagah: Mr. Speaker, Sir, is the Assistant Minister aware that some of this so called "lecturers" who have been employed within the various polytechnics in this country are failures in the medical profession? Is he further aware that the Ministry of Health and the Ministry of Education who are engaged in the various training have agreed to discuss the anomalies that have been taking place?

Dr. Wamukoya: Mr. Speaker, Sir, for the first part of the question, I am not aware.

Secondly, I know that my people attended a session of the Committee which is headed by the Questioner, and they agreed to sit together and harmonise the anomalies. This is what I came here with, only to find that the Questioner is asking the question.

Question No.366

IMPROVEMENT OF FACILITIES AT BUTE SECONDARY SCHOOL

Mr. Speaker: Is Dr. Ali in? I hope this is not the same Question I deferred yesterday. Hope he comes! Next Question.

Question No.298

TRANSFER OF AYORO CO-OPERATIVE SOCIETY'S LAND

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

(a) if he is aware that Land title number Central Kasipul/Kamama 3077 in Rachuonyo District belongs to the Ayoro Coffee Farmers Co-operative Society Limited.

(b) what steps he is taking to help the Co-operative Society get its land back.

Mr. Speaker: Where is the Minister for Lands Settlement, Mr. Nyagah?

(Mr. N.M.G.K. Nyagah stood on his feet)

Probably, Mr. N. Nyagah, this is not an issue to be deal with by the Ministers. So, you are not Mr. J. Nyagah when it is something to do with the real Minister.

(Laughter)

Proceed, Mr. Opore.

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

(b) I am aware that land LR Number Central Kasipul/Kamama 3077 belongs to M/s. Ayoro Coffee Farmers Co-operative Society Limited.

(b) According to the records at the Ministry, the co-operative society is the registered owner of the land. There is, therefore, no need for intervention from the Ministry as I am not aware of a dispute over the ownership of the land.

Mr. Otula: Mr. Speaker, Sir, now that the Assistant Minister is aware that there is a problem because a private developer has a fish pond on that land, what steps is he going to take to make sure that person does not work on that particular land?

Mr. Opore: Mr. Speaker, Sir, we are not aware of any interference on that particular piece of land.

Mr. Otula: Mr. Speaker, Sir, I have made the Assistant Minister aware that there is a problem in that particular piece of land. What plans does the Ministry have to solve that problem?

Mr. Opore: Mr. Speaker, Sir, the hon. Member has not availed any evidence to us to show there is a dispute.

Mr. Speaker: Very well. Next Question, Eng. Toro.

Question No.270

EVICITION OF MRS. IKEU

Eng. Toro asked the Minister for Lands and Settlement:-

(a) if he is aware that a Mr. John Karanja Kagacha fraudulently obtained an identity card in the name of Mr. Karanja Ikeu and used it to obtain the land certificate of land parcel LR No.LOC5/Kaganduini/7923, after which he obtained a loan from Standard Bank and a charge was in effect registered against the said title deed on 23rd October, 1981;

(b) if he is further aware that the Magistrate's Court, Murang'a vide Criminal Case No.3172 of 1989 jailed Mr. Kagacha and further ordered that the title deed be returned to the owner, Mr. Ikeu; and,

(c) since the Bank has refused to comply with the court order and even advertised for sale, the said land on 28th October, 1999 through Dolphine Auctioneers, what urgent action does he intend to take in order to save Mrs. Ikeu from eviction from her own land.

The Assistant Minister for Lands and Settlement (Mr. Opore): Mr. Speaker, Sir, I am aware that a Mr. John Karanja Kagacha fraudulently obtained an identity card in the name of Mr. Karanja Ikeu and used it to obtain the land certificate of land parcel LR No.LOC5/Kaganduini/7923, after which he obtained a loan from Standard Bank and a charge was registered against the title deed on 23rd October, 1981.

(b) I am also aware that the Magistrate's Court, Murang'a vide Criminal Case No.3172 of 1989 jailed Mr. Kagacha and further ordered that the title deed be returned to the owner, Mr. Ikeu, by the bank.

(c) The Ministry has no powers in law to stop the intended sale of the said land by Dolphine Auctioneers. Neither does it have powers to order the bank to release the title deed. The only way Mrs. Ikeu can save her land from being auctioned is for her to urgently obtain orders from the court to the District Land Registrar, Murang'a to rectify the register against the title deed of parcel LR No.LOC5/Kaganduini/7923.

Eng. Toro: Mr. Speaker, Sir, this Question was deferred a few weeks ago. The only difference between the answer given today and the last time is that the Assistant Minister says that he is aware. Last time, he had said he was not aware at all. He is now aware and he says the only way that land can be saved from the auctioneer's hammer is by order from the court being taken to the District Land Registrar, Murang'a. However, the copy of the judgement was given to the District Land Registrar, Murang'a. What other orders do they need to take action?

Mr. Opore: Mr. Speaker, Sir, last time, what was passed to us was a copy of the criminal proceedings. What the Ministry wants now is the verdict from the civil proceedings, so that the Ministry can be protected from being asked to pay by the bank---

Mr. Speaker: Order! Just to help the House, so that we can make progress; under part "b" of the Question, you agreed that, that title deed be returned to the owner.

Did you agree to that? If you did, why not implement?

Mr. Opore: Mr. Speaker, Sir, we saw the order of the criminal proceedings. We need to see the civil proceedings where even the bank is represented and the verdict of the order of the court, ordering us to reverse the ownership of the land. **Mr. Keriri:** Mr. Speaker, Sir, does it matter whether the order was given by the court in a criminal case or a civil case because the court ordered that title deed be returned to the owner? It is only a question of action being taken to implement that order. Is the Assistant Minister not capable of doing that without asking for another order?

Mr. Opore: Mr. Speaker, Sir, we are capable of doing that. At the same time, we do not want to incur any expenses. We do not want to take up the liability, unless we get protection from the court. You can only get that when you file a civil case.

Eng. Toro: Mr. Speaker, Sir, I seek the indulgence of the Chair, since the person sitting on the Chair is a distinguished lawyer who knows that interpretation of what the Assistant Minister is saying that an order from one court is not valid until it is given by another court?

Mr. Speaker: If I were you, Eng. Toro, I would straightaway move to the High Court and get an order of mandamus to force the Assistant Minister to do what he has been ordered by the court to do. You can also apply for the Minister to be committed to civil jail for disobeying a court order. If I were you, but I am not you. Are you satisfied.

Eng. Toro: Mr. Speaker, Sir, I am not yet satisfied because this land is due to be auctioned. What can the Minister do in view of the fact that there was a court order? According to your advice, I should go to the High Court. I think the Chair is assuming I am the complainant, but I am not. Could the Assistant Minister undertake to advise the bank not to go ahead and sale the land?

Mr. Speaker: Eng. Toro, can you proceed and put a prohibition on the sale of the land when the issue is being sorted out.

Mr. Opore: Mr. Speaker, Sir, that is possible, but I would wish to clarify one thing. That is, the criminal proceeding was for the purpose of making judgement on the person who committed the crime. He was jailed. On civil application, it is for the purpose of giving us power and protection, so that when we do that, the bank does not ask us for the money.

Eng. Toro: Mr. Speaker, Sir, you gave the Assistant Minister a very good piece of advice on how to protect this land, because the powers to protect this land from being sold lies with him. Instead of saying that he is going to do it, he is meandering around a field which he is not competent in. Could he answer in the affirmative?

Mr. Speaker: Well, I think, I can only advise you, but none of you is bound to take my advice. It was not an order, but a piece of advice.

Mr. Opore: Mr. Speaker, Sir, I think the Question is already there. The onus now is on the Questioner and his constituent so that---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The Assistant Minister is expressing an opinion; that he thinks that the caveat is there and, yet, the Chair has advised him to ensure that there is prohibition so that this property is protected. Is he in order to give us an opinion?

Mr. Opore: Mr. Speaker, Sir, that is not an opinion. I have a document which was passed to me by the Questioner. I am only impressing upon the Questioner to---

Eng. Toro: On a point of order, Mr. Speaker, Sir.

(Eng. Toro stood up in his place)

Mr. Speaker: Order, Eng. Toro! Thou shall not turn this august House into a market place. Do not stand like that. In any case, I think we are now labouring in vain. I have given you advice and it is up to you to use it or not to use it. I cannot force the Assistant Minister to do what he does not want to do. I also do not want to be partisan. So, it is really up to you, Eng. Toro. Let us move on to the next Question.

Question No.162

REHABILITATION OF AHERO-KISII ROAD

Mr. Anyona asked the Minister for Roads and Public Works:-

- (a) if he is aware that the rehabilitation of the Ahero-Kisii Road (A1) stalled at Eroga Market, some 19 kilometres from Kisii Town at the boundary of Kisii and Rachuonyo Districts;
- (b) why the rehabilitation of this road between Kisii and Kisumu stalled; and,
- (c) how much money has been set aside to complete the rehabilitation of the road and when the work will commence.

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

- (a) I am aware that the rehabilitation of Ahero-Kisii Road (A1) stalled sometime in 1999, but work has now resumed.
- (b) The rehabilitation of this road stalled due to lack of funds.
- (c) During this Financial Year 2000/2001, we plan to spend Kshs110 million on the road, which will be completed in the next six months.

Mr. Anyona: Mr. Speaker, Sir, could the Assistant Minister explain why the road stalled when already there was a budget provision, and precisely why it stopped at the border of Kisii and Rachuonyo Districts? Which politics is behind all this? What happened to that money which was allocated for the repair of the road? Who took it?

Eng. Rotich: Mr. Speaker, Sir, I do not think that the repair of the road was planned to stop at the border. I would like to inform this House that the problem was lack of money although the budget was there.

Mr. Angwenyi: Mr. Speaker, Sir, could the Assistant Minister confirm to this House that this time round, this road will be completed up to Kisii Town, because we have been told before that the road is being done and they do one kilometre and then they move away? I would like to inform this House that this road passes through my constituency and our people have been promised many times that it will be repaired. Could he confirm that the road will be done up to Kisii Town?

Eng. Rotich: Mr. Speaker, Sir, I would like to confirm that the 83.5 kilometres from Ahero up to Kisii Town will be done.

Mr. Anyona: Mr. Speaker, Sir, the provision which the Assistant Minister has mentioned in his answer to part "c" relates to 1999/2000 Financial Year, which is the previous year. Could he tell us the amount of money which is available now and what happened to the money he has put down here?

Eng. Rotich: Mr. Speaker, Sir, I stated that this figure is for 2000/2001 Financial Year and not 1999/2000 Financial Year. That was a typing error.

Question No.232

DISBURSEMENT OF PRESIDENTIAL
YOUTH HARAMBEE FUND

Mr. Speaker: Mr. Onyango's Question for the second time! His Question is deferred.

(Question deferred)

Dr. Ali: Thank you, Mr. Speaker, Sir. I am sorry I was late. Before I ask my Question, let me say that I have not received a written answer.

Question No.366

IMPROVEMENT OF FACILITIES AT
BUTE SECONDARY SCHOOL

Dr. Ali asked the Minister for Education:-

- (a) why Bute Secondary School dining hall is in a deplorable state, forcing students to eat their meals under a tree;
- (b) what happened to the money that was allocated for purchasing of cookers for the school five years ago; and,
- (c) what he has done to improve general facilities in the school.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, we received this Question yesterday in the Ministry and we are investigating the issues raised here.

I would like to request the Chair to allow me to answer the Question next week.

Mr. Speaker: Is that alright, Dr. Ali?

Dr. Ali: Mr. Speaker, Sir, interestingly, how did he receive the Question yesterday and it appears on the Order Paper today?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, we are also surprised! We saw the Question yesterday and today it is on the Order Paper.

Dr. Ali: Mr. Speaker, Sir, we will allow him to answer the Question next week.

Mr. Speaker: Thank you very much, Dr. Ali. It looks like this matter was being bounced to us. Thank you, Dr. Ali for accepting that the Question be deferred. Will Thursday next week be alright with you, Mr. Karauri?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Yes, Mr. Speaker, Sir.

QUESTIONS BY PRIVATE NOTICE

CONDUCT OF PROVINCIAL ADMINISTRATION OFFICERS IN SOTIK

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

(a) Could the Minister explain why the Provincial Administration in Sotik prevented the area MP from addressing a leaders meeting on 13th June, 2000?

(b) What action has the Minister taken to reprimand the officers involved and ensure that such an act does not recur?

ASSISTANCE TO FAMINE VICTIMS

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

(a) Why has the Minister excluded Nyatike, Rachuonyo, Mbita, Nyakach, Nyando and Rarieda Constituency from the recently published list of areas where famine is looming?

(b) What arrangements are being made to cater for Kenyans from the above mentioned regions who are under imminent threat of famine?

The Assistant Minister of State, Office of the President (Mr. Kochale): I do not know why the Chair skipped Question No.1 by Private Question.

Mr. Speaker: Mr. Kochale, who told you that you are the prefect of the Chair?

(Laughter)

Would you apologise to me?

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

(a) I am not aware of any published list of areas where famine is looming. However, Nyakach, Nyando, Nyatike, Rachuonyo, Mbita and Rarieda Constituencies have had favourable rains until one month ago when the weather changed for the worse. Rains became erratic resulting in crop withering in the fields.

(b) The District Social Dimensions of Development Committees of the affected regions in which the hon. Members are members are mandated to carry out periodic assessment of the food situation in the districts. On the recommendations of the above Committees, the Government will take appropriate action to avert the imminent threat of famine. So far, no such reports have been received.

Mr. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. This is a very unsatisfactory answer. It is an attempt by the Assistant Minister to withhold information from this House. Could he inform this House the districts that have been agreed by the Government as famine stricken?

Mr. Kochale: Mr. Speaker, Sir, the recent appeal launched by His Excellency the President included districts of North-Rift, North-Eastern, Eastern and parts of Coast Province which have not had adequate rainfall for the last two years. Assessment reports have been received from these areas indicating high malnutrition rates among the population and livestock deaths. The other areas have been requested to send comprehensive reports on the current drought situation to enable the Government to respond.

Mr. Nguni: Mr. Speaker, Sir, the Assistant Minister has stated that all these constituencies had adequate rains until last month. Could he be informed that these areas plant their crops in February, and by last month, the crops had matured and, therefore, could not wither? Which crops did wither when the rains stopped last month?

Mr. Kochale: Mr. Speaker, Sir, as far as we know, there is no enough rain in the whole of the Republic. The only thing that should be done is for the District Social Dimensions of Development Committees of the affected regions, in which the hon. Members are members, to carry out periodic assessments. So, they are the ones to see the problems they have in their districts and send the reports to the Ministry.

Mr. Ndwiya: Mr. Speaker, Sir, this Question is of national interest. We are making an international appeal for food because rain has failed in this country. We have power rationing because certain areas in the water catchment area around Mt. Kenya have not had rain for so long. Leaving out some districts because it is assumed they have had rains has resulted in big problems for the districts that have been left out. Is the Assistant Minister aware that as a result of this omission two people have already died in Embu District, Kithimu Location? The DC, Embu, has already sent a report to the Ministry. What else does the Assistant Minister expect from the Districts omitted from this report?

Mr. Kochale: Mr. Speaker, Sir, as I have already said there is no district which has been omitted from the list. We have a lot of problems with rains so the DDC will have to sit down and send their recommendations to us.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. In the case of Homa Bay District the DDC actually met last week and made recommendations that have been forwarded to the Ministry. Can this Minister tell us what action he will take in the case of Homa Bay and how they determine the severity of the problem? A *goro goro* of maize used to cost Kshs10 and now it costs Kshs52.

Hon. Member: What is a *goro goro*?

Dr. Ochuodho: It is a two kilogramme tin of maize. At what level will the Government think it is life threatening? Is it when the price reaches Kshs100 per *goro goro*, Kshs200 or at what level?

Mr. Kochale: Mr. Speaker, Sir, as the MP said they have met last week. The report has not reached the office. If we see the report then we will process it.

Mr. Ochillo-Ayacko: Mr. Speaker, Sir, can the Assistant Minister assure this House that famine relief will not be distributed in a discriminatory manner that does not cover the areas mentioned in this Question?

Mr. Kochale: Mr. Speaker, Sir, I assure the House.

Mr. Speaker: Next Question, Mr. Mugeke!

PARTITIONING OF TOM MBOYA MEMORIAL HALL

(Mr. Mugeke) to ask the Minister for Home Affairs, Heritage and Sports:-

- (a) Is the Minister aware that KANU, Nairobi Branch, has taken over the famous Tom Mboya Memorial Hall at Makadara Estate along Jogoo Road?
- (b) Is he further aware that the hall has been partitioned into small offices leaving a very small holding area for meetings?
- (c) Could the Minister, as a matter of urgency, order KANU to vacate the hall and restore it to its original status?

Mr. Speaker: Is Mr. Mugeke not here? The Question is dropped.

(Question dropped)

Next Question, Mr. Shambaro!

BLOCKING OF ACCESS TO GALANA ISABAKI RIVER

(Mr. Shambaro) to ask the Minister for Agriculture:-

- (a) Is the Minister aware that residents of the semi-arid areas of Assa and Kone in Garsen Constituency have lost many of their livestock and are now faced with poverty because they are denied access to Galana Isabaki River, the only permanent water source?
- (b) Could the Minister ensure immediate re-instatement of the earlier arrangement which allows access corridor to the river passing between Galana and Tsavo East National Park boundary?

Mr. Speaker: Is Mr. Shambaro not here? The Question is dropped.

(Question dropped)

Mr. Kimetto's Question?

CONDUCT OF PROVINCIAL
ADMINISTRATION OFFICERS IN SOTIK

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

(a) Could the Minister explain why the Provincial Administration in Sotik prevented the area Member of Parliament, Kimetto from addressing a leaders meeting on 13th June, 2000?

(b) What action has the Minister taken to reprimand the officers involved and ensure that such an act does not recur?

The Assistant Minister of State, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I beg to reply. The Provincial Administration in Sotik did not prevent the area MP Mr. Kimetto, from addressing a leaders meeting on June 13th, 2000 as it was not even aware of such a meeting.

Arising from my answer to part "a" of the Question, part "b" therefore, does not arise.

Mr. Kimetto: Mr. Speaker, Sir, is the hon. Assistant Minister telling this House the truth or is he lying?

(Laughter)

Mr. Speaker: Order! Mr. Kimetto, could you please withdraw the last word? That is unparliamentary language.

Mr. Kimetto: Mr. Speaker, Sir, is the hon. Minister telling this House the truth or misleading it? I know for sure that I was---

Mr. Speaker: Order, Mr. Kimetto! You must obey the Chair's directions first before you participate.

(Loud consultations)

Order! Hon. Members, how can we run a Parliament---(inaudible)

Mr. Mwenje: (Inaudible)

Mr. Speaker: Mr. Mwenje, is this a Parliament in ---(inaudible)

Mr. Mwenje: Yes, we are!

*(Mr. Mwenje shouted from behind the
Speaker's Chair and quickly
withdrew from the Chamber)*

Mr. Speaker: Sergeant-at-arms, will you make sure that Mr. Mwenje is out of this building now, wherever he is found. Ensure he is out of the perimeter fence and use all necessary force to get him out.

Hon. Members: Why? What is happening?

Mr. Speaker: Order! Hon. Members, you must understand. An hon. Member stands behind the Speaker and shouts at what the Speaker is doing. He is outside the Chamber. What more gross misconduct do you have? I am throwing him out. Hon. Members, be a little bit serious. We cannot run Parliament the way we are doing now. I am afraid at this rate we stand the very real risk of being harshly condemned by history for grossly eroding the dignity of Parliament. Please, when the Speaker is on his feet everybody should be quiet so that we can communicate. There must be some form of order here. Mr. Kimetto, I ordered you to withdraw the word that was unparliamentary so that I can allow you to ask your question. Hon. Members, please let us be hon. Members.

Mr. Kimetto: Mr. Speaker, Sir, I withdraw the word: "lie" and apologise. The Assistant Minister is misleading this House because I was supposed to hold a leaders meeting on that very day only that the area DO and the officer commanding the police station came and prevented me from holding that meeting. Is the Minister being misled from the ground or is he just saying this because he is in Nairobi? Was he misled by his officers from the ground to enable the Minister to mislead this House?

Mr. Samoei: Mr. Speaker, Sir, I have an obligation which I abide by to tell this House the truth and I will do

so always. It is not the business of the Provincial Administration to help leaders organise their meetings. The Provincial Administration by law ceased a long time ago to be associated with public meetings conducted by leaders. In this particular situation, hon. Kimetto knows that the agenda he had put up for a meeting giving notice of 12 hours was to discuss security matters in a baraza and he was advised accordingly.

Mr. Mwiraria: Mr. Speaker, Sir, the security situation in this country is in such an appalling state that I am surprised that the Minister says an MP cannot call a meeting to discuss the security of his people even in less than 12 hours. What are people supposed to do if for instance, they are invaded or attacked? Are they just supposed to sit and wait until they are all killed?

Mr. Samoei: Mr. Speaker, Sir, on matters touching on security, hon. Members do know very well that we have the District Security Committee (DSC) in every district under which all security matters should be addressed.

Mr. Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that there is a provision under the Public Order Act that precludes an hon. Member from discussing security matters anywhere in his constituency?

Mr. Speaker: Order! As I would require hon. Members to respect this House, I would also require hon. Ministers and Assistant Ministers to be serious on matters that actually involve their own colleagues.

(Applause)

Let us not just turn Parliament into a place of showing off.

(A number of hon. Members stood in their places)

Order! Hon. Members, as I try to get the Ministers and Assistant Ministers to respect you, you must begin by respecting the House and the Chair. So, keep quite!

Mr. Assistant Minister, could we be a little serious about complaints from your own colleagues?

An hon. Member: Reply properly!

Mr. Muchiri: Mr. Speaker, Sir, that is a very serious matter, because a member of the public is a civil servant, and a public officer under the definition in the Constitution. The DCs and DOs are public officers, and they are not security officers. Under what law have the DCs been chairing the DSCs?

Mr. Samoei: Mr. Deputy Speaker, Sir, the provisions of the Public Order Act do empower the DC to chair the DSC meeting.

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

Mr. Speaker: Mr. Sambu, I will come to you, but first, let us hear Mr. Murungi.

Mr. Murungi: Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House that there is a provision in the Public Order Act which empowers DCs to chair DSC meetings? Could he tell the House which section refers to what he has just said?

Hon. Members: Hakuna!

Mr. Samoei: Mr. Speaker, Sir, since I do not have a copy of the Act here, I cannot explain more, but I will be able to provide it as and when required.

(Loud consultations)

Mr. Speaker: Order! When you are in an uproar like that, I cannot hear what he is saying, and you expect me to make a ruling! So, could we hear what he is saying?

Mr. Samoei: Mr. Speaker, Sir, the setting up of the DSC, which I believe has done a lot in helping us run security issues in the district, does provide for a position of a chairman or woman which happens to be the DC in every district. They have chaired these meetings all this time, and I think the provisions of the Act do give the powers to somebody to chair those meetings.

Mr. Speaker: Yes, Mr. Sambu, because I had recognised you much earlier.

Mr. Sambu: Thank you, Mr. Speaker, Sir. Is the Assistant Minister aware that the beginning and symptoms of a Police State are what we are seeing now, where two or three people cannot gather, and where people are shot when someone makes a telephone call to the police and says that a car had been hijacked? Could he tell this House that, in effect, the Provincial Administration is starting to run this country as a Police State?

(Applause)

Mr. Samoei: Mr. Speaker, Sir, the Provincial Administration, as it stands today in law, does not have any such powers to run this country as a Police State, and they will not attempt, let alone try to do that.

Mr. Anyona: Mr. Speaker, Sir, it will be wrong for the House to be given an impression that there is a provision in the law that allows the Provincial Administration to break the law. Is it in order for the Assistant Minister to claim that the DSC is a creature of the law? Is it not merely an administrative arrangement which is meant to suppress freedom?

Mr. Samoei: Mr. Speaker, Sir, the DSC is meant to facilitate the peaceful co-existence of Kenyans and the maintenance of law and order.

Mr. Wamae: Mr. Speaker, Sir, is it in order for the Assistant Minister to continue insisting that there is a law which created the DSCs or Divisional Security Committees which the DCs and the DOs are chairmen? Would it be in order for us to ask him to bring that document and lay it on the Table?

Mr. Speaker: Mr. Wamae, as you see me quiet, it is because I do not know whether he is right or wrong. The Chair does not pretend to know everything. I have not looked at the Act, and I am sure a lot of you have not, either. So, I do not want to speculate.

Mr. Wamalwa: Mr. Speaker, Sir, the Assistant Minister's answer has given the impression that no citizen is allowed to discuss security matters, yet there are many cases where citizens discuss their collective security together, and even make arrangements to defend their rights. Is he right to try and give the impression that under no circumstances can leaders and citizens discuss their security except only through the DSC?

Mr. Samoei: Mr. Speaker, Sir, I was very specific when I made that particular remark with reference to the meeting that was supposed to have been held on 12th June, 2000. All members of the public have the freedom to discuss their security under the provisions of the law.

Mr. Kimeto: Mr. Speaker, Sir, you have heard that, specifically, my meeting was disrupted because maybe one of the items on the agenda was to discuss security matters, and those who were preventing the meeting to take place were claiming that the order came from "high above."

(Laughter)

Hon. Members: Say "higher authorities"!

Mr. Kimeto: Mr. Speaker, Sir, could the Assistant Minister tell us how "high" was that order from the higher authorities?

(Mr. Kimeto demonstrated the height using his hands)

(Laughter)

Mr. Speaker: Order! Could we hear from the Assistant Minister how "high" the order was?

Mr. Samoei: Mr. Speaker, Sir, we stopped using the reference "higher authorities" long time ago, and I am not aware, in Mr. Kimeto's case, of any order from a higher authority.

Mr. Angwenyi: Mr. Speaker, Sir, the Assistant Minister has said that in this specific case, there were specific peculiar reasons as to why the meeting was cancelled. What were those specific peculiar reasons that made them cancel the meeting?

Mr. Samoei: Mr. Speaker, Sir, the tension that was in Sotik Town during that particular day did not, in our judgement, provide a conducive environment for a public meeting.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. Earlier today, Mr. Speaker stood up here and told us that this House must be respected. If this House is to be respected, the hon. Members of this House must also be respected. If hon. Members of Parliament cannot hold meetings in their constituencies because they are chased away by the chiefs, then how will we be honourable Members? Could the Chair rule on that? Will we really be honourable?

Mr. Speaker: Order! Hon. Members, I have been asked by hon. Wanjala to rule on whether we are honourable and whether the hon. Members must be respected. I wish to say the following for the benefit of the whole House and for the benefit of Kenya. Hon. Members are honourable Members and they must themselves, conduct themselves in an honourable fashion. The hon. Minister in charge of the Police Force must ensure also that hon. Members acting honourably must at all times be given that honour.

But you do not also expect the Chair to protect an hon. Member who strips himself or herself of that title of honourable by behaving unhonourably. I hope this does not happen and will not happen. So, can we, in that vein,

consider one another as hon. Members and treat each other honourably. Mr. Assistant Minister, you should protect your colleagues when they behave honourably. Hon. Members, you should assist the Assistant Minister to protect you by being at all times honourable.

Mr. Sambu: Mr. Speaker, Sir---, (inaudible)

Mr. Speaker: Order! Hon. Members, I will forgive him for he knows not what he is doing.

(Applause)

He has striped himself of the title "honourable Member". So, Mr. Sambu, take care. You will be called "Mr. Sambu" now.

Mr. Kajwang': On a point of order, Mr. Speaker, Sir. The Assistant Minister has talked of something which is likely to be interpreted by the Provincial Administration very dangerous. He has said that there was a lot of tension in Sotik Town and, therefore, they cancelled the meeting. How did they measure the tension? Is there a scale called "tensionmetre"?

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House--

Mr. Speaker: Are you taking us back to there? I have finished with that.

POINTS OF ORDER

GOVERNMENT POLICY ON GRAZING IN MOUNT KENYA

Mr. Mwiraria: On a point of order, Mr. Speaker, Sir. I stand on a point of order to ask, for the third time, the Minister for Environment to issue a statement on the Government policy on grazing in the forest. My people have lived around Mount Kenya for generations and they have not been allowed to graze there. Is the forest now open for everybody? Can the Meru people now take their cattle to Mount Kenya Forest?

TENSION OVER GRAZING OF CAMELS IN NORTH IMENTI

Secondly, I want to ask for another Ministerial Statement from the Minister in charge of internal security. I asked for it earlier on, and on 15th June, 2000, the Minister told me that they had pushed all the camels out of North Imenti. Last Monday, I was in North Imenti and the camels were roaming freely. They were, in fact, feeding on the only food items that grow during drought which are the sorghum and the pigeon peas. Some of the camels were moving down towards Tharaka and I do not know where they were headed. Since the Minister told the House that the camels had already been sent back and no more camels would come, could he tell the House what is happening?

In the *Nation Radio* news this morning, there was a report that camel herders and farmers in North and Central Imenti and Abothoguthi East have been fighting. In addition, the people in the forest who have been herding their cattle have of late come out of the forest and have started grazing in people's shambas. On Friday, they were grazing on Mr. Angaine's shamba where he has grown wheat, and there was a fight and they were chased away. But as late as yesterday, they are breaking water pipes. Onturiri Secondary school has no water because the pipes have been broken down by those herders. We really need protection from the Government, otherwise, the people of Meru will arm themselves and we will have clashes. I am afraid to appear to be threatening, but I have reached the limit.

Mr. Speaker: Order, Mr. Mwiraria! I gave you the Floor to put the case as you are entitled to do. However, you are not entitled to call for violence from the Floor of the House.

The Minister for Environment (Mr. Nyenze): Mr. Speaker, Sir, I am hearing this for the first time. I promise to give a Ministerial Statement next week, on Tuesday.

Mr. Speaker: Where is the Minister in charge of internal security?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I have taken note of that and I will give a Ministerial Statement next week.

Mr. Speaker: Please, will you respond as soon as possible? See me to give you a time frame.

The Assistant Minister, Office of the President (Mr. Samoei): Yes, Mr. Speaker, Sir.

SMUGGLING OF A KENYAN CITIZEN OUT OF THE COUNTRY

Mr. Magara: On a point of order, Mr. Speaker, Sir. About three weeks ago, I raised an issue in respect of one Mr. Tengea Omweno, who was smuggled out of this country on 6th June, 2000. Up to yesterday, the purported thugs who took away a Kenyan from this country had not taken him before any court known in this world. As you know, last year Mr. Ocalan was taken out of this country for a price. I am requesting if the Minister could come up and explain exactly how Mr. Tengea Omweno was smuggled out of this country on 6th June, 2000, and for what price?

RETRENCHMENT OF AFRICAN EMPLOYEES AT
NAIROBI HOSPITAL

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. On the 22nd June, 2000, the Minister for Medical Services gave a Ministerial Statement with regard to retrenchment at Nairobi Hospital. Having looked at the document, I think there are three other issues that the Minister should address. First, although he argued that the number of admissions at Nairobi Hospital has gone down, the figures that he himself tabled, does not support that fact. Secondly, looking at the entire list of 61 employees who were retrenched, all of them are Africans. I know that Nairobi Hospital has African and non-Africans employees. Is it that it was only the Africans who were to be retrenched? What have we saved in the process?

Finally, one condition at Nairobi Hospital with regard to retirement states that the retirement age of male employees shall be 55 years and for female employees shall be 50 years. Is this kind of gender discrimination allowed?

The Minister for Medical Services (Dr. Anangwe): Thank you, Mr. Speaker, Sir. As all hon. Members have heard, the hon. Member has raised three issues. We are differing over the interpretation of the data. I will have to look at the data again before I can respond.

THEFT OF DRUGS IN MWINGI
DISTRICT HOSPITAL

Mr. Musila: On a point of order, Mr. Speaker, Sir. I rise to request for a Ministerial Statement from the Minister for Medical Services with regard to incidents that have occurred during the last ten or so days in Mwingi District Hospital.

On the night of 19th June, 2000, some people within the hospital went to the store and stole drugs worth Kshs1.6 million. There was no breakage. Again, on 2nd July, 2000, without any breakage to the store, drugs worth over Kshs1 million were also stolen.

Mr. Speaker, Sir, as I have said, in both cases there was no breakage of the door to the store and, therefore, it appears as if some people, who have keys to the store are stealing the drugs. This is happening when the entire district is now without drugs, particularly in health centres and dispensaries. I would like to request the Minister for Medical Services to issue a Ministerial Statement on that matter.

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I shall oblige

Mr. Speaker: Very well. Next Order!

PROCEDURAL MOTION
LIMITATION OF DEBATE ON ANTI-CORRUPTION
SELECT COMMITTEE REPORT

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:- THAT, notwithstanding the provisions of Standing Order No.81A(2)(b)(iii) and (iv), this House orders that debate on the report of the Anti-Corruption Select Committee be limited to 15 minutes for each Member speaking, excluding the Mover and the Official Government Responder whose speeches shall not be limited.

Mr. Speaker, Sir, the Business Committee had its own meeting yesterday evening and decided to recommend this Procedural Motion to the House for the following reasons: First of all, it noted the fact that the report of the Anti-Corruption Select Committee is a matter of very great interest not only to this House but to all Kenyans. To that effect, taking into account that there are also several hon. Members in this House, in total 26 who have also been named in this report and also many other Kenyans, who have also been named whose representatives here may also wish to speak on their behalf; it was felt to reduce 30 minutes which are normally allotted to a Member speaking to 15 minutes in order to enable as many Members of this House to make their contributions to this House on this particular Report.

I beg to move.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I second.

(Question proposed)

Mr. Anyona: Mr. Speaker, Sir, I rise to oppose this Procedural Motion. In days gone by, matters of this kind had no time limitation in debate because of the nature of the issues that arise from them. Now, in the last review of the Standing Orders, the current limitation was imposed of half-an-hour. In my view, even that is not adequate to address matters of this kind. To seek to limit that further is really to limit the freedom of this Parliament. I see no hurry. This is an important Report. Kenyans want to be quite clear on what Parliament is saying, that is what the facts are. Now, to give a Member 15 minutes, particularly a Member who may be a victim, is not adequate. What can he say in 15 minutes? There is no limitation on the number of days we can discuss this Report. If it must be one week, so be it. If we must expend time to do it, I do not think there is any more important issue before this country today than this particular report. I really would like to appeal to the House that we must not mutilate our Standing Orders so much that you cannot recognise the meaning that they were intended for.

With those few remarks, I beg to oppose.

Mr. Angwenyi: Mr. Speaker, Sir, I rise to oppose this Procedural Motion. This is a very important matter for this nation and the people of Kenya would like to know where we stand or whether we are for corruption or anti-corruption. So, we must be given adequate time to express ourselves and the views of the people who have elected us in this House. I understand that this type of Motion has no time limit. We can discuss it for three months if there is need for that. Let every Member of this House contribute and express himself fully.

With those few remarks, I beg to oppose.

Mr. Speaker: Very well. I will hear one more Member. Mr. N. Nyagah.

Mr. N. Nyagah: Mr. Speaker, Sir, I want to first of all declare that I am a member of the House Business Committee and I have participated in this decision making. The reason why I support this Motion is based on the fact that we want to give as many Members of this House as possible time to be able to make a contribution. The House Business Committee, based on the previous Motion on the Budget which was passed a day before, allocated three days to this debate and we believe that they may be adequate enough. If one is given 15 minutes, he can come up with the key points that he wants to raise. Also, we are not limiting the Mover of this Motion. We also hope that the Chair, in its own considered opinion, will also give preference to members of the Select Committee so that they can give us the in-depth of how they came up with this report. It was on the basis of that, without trying to hide anything, that the House Business Committee yesterday came up with the agreement that we go through what the Vice-President has just proposed.

With those few remarks, I beg to support.

Mr. Speaker: Very well. I will dispose off the issue.

(Question put and negatived)

(Applause)

Order! Before we come to that order, I want your undivided attention.

(Mr. Anyona stood up in his place)

An hon. Member: sit down, Mr. Anyona!

COMMUNICATION FROM THE CHAIR

THE MANNER TO CONDUCT BUSINESS IN THE HOUSE

Mr. Anyona: Order, Mr. Anyona! Before we come to the following order, that is the next business which is the Motion we are coming to now, I want to lay the following on the Table: The Chair will do what it is supposed to do and that is to ensure that debate in this House is conducted in accordance with the rules and with due dignity and honour. That is number one. So, everybody be warned from the very first onset. There will not be abuse, heckling and

unnecessary points of order. So, take that from the very beginning.

Secondly, the Chair is in possession of 28 names of hon. Members, who have been adversely mentioned in that report. I have their names before me, extracted from the Report. The Chair will and must, in accordance with the rule of natural justice, accord those Members adversely mentioned an opportunity to be heard in preference over all others. That must be understood. That will be enforced by the Chair. The Members who are mentioned adversely will have their right to be heard before this House. I am afraid that those who are dissatisfied will have to live with the rule of natural justice. The other day, I heard hon. Murungi telling the House that, he had been reading the Bible recently. He told us many truths about the Bible. He correlated to a lot of things. As a result of that, I also followed him and read the Bible recently! I also noticed that when Adam made the first sin, God called him and asked: "Why did you do this?" Adam said: "I was told by Hawa!" Then, God called Hawa and asked: "Why did you do this?" Hawa said: "I was told by the snake!" As you know, snakes do not speak according to everybody else. So, you see that the rule of being given a chance to be heard is from God the Almighty. Who am I, a mere Speaker, to oppose God? So, I will allow every Member an opportunity.

An hon. Member: Halleluya!

(Laughter)

Mr. Speaker: Finally, as we come to discuss this Motion, know the following:-

As everybody agrees, this debate is of great moment to Kenya and to this National Assembly. Therefore, the Chair will ensure that the Motion will be discussed absolutely soberly! My regrets are to Kenyans who have written to me volumes. Unlike the Members whom I will give a chance to defend themselves, I cannot be allowed by the rules of the House to allow them to come to this Floor. There is nothing that I can do to them. But to those who are accusing, I will ensure that they have all the time within the law. You will not be heckled. Those who will be opposing will be given all their time. They will also not be heckled. That will be the rule of the game, understood from the very beginning.

Next Order!

Mr. Kathangu: Bw. Spika---

Mr. Speaker: Order! What is Bw. Spika? I am not called like that! Can you access?

Mr. Kathangu: Jambo la nidhamu, Bw. Spika.

Mr. Speaker: Now, you are accessing! What is it?

Mr. Kathangu: Kwanza, Bw. Spika, naheshimu uwezo wako zaidi! Najua kwamba una uwezo mkubwa. Lakini naona kama unatia hofu watu wengi ambao wako katika Bunge hili! Kabla ya kumsikiliza Mwenyekiti na Wanakamati walioenda nchini kote kuangalia kilichokuwa kinakula nchi hii, unataka kutuambia tusiongee---

Mr. Speaker: Order, Mr. Kathangu! I do not know whether you understood me correctly!

Mr. Kathangu: Yes, I did!

Mr. Speaker: If you did, please--- Order! I think the first people I will have problems with, will be from that corner! I have said what I have said! I am not intimidating anybody. The only person who must feel intimidated here is a heckler! If all hecklers feel intimidated, I have no regrets! I will not allow any intimidation of any Member, be those in the Committee or not. I will ensure fair play from the very beginning. That is why I am warning everybody that, I will be very strict to ensure fair play. We will not take any further time. Let us go to the substance.

Next Order!

Mr. Kombo: Mr. Speaker, Sir,---

Hon. Members: Enda kwa Meza bwana!

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. The Chair itself has just said that this Report is of tremendous interest to this House, country and our friends around the world. Given that the Mover of this Motion will be armed with a lot of documents, would I be in order to request the Chair to allow him to speak from the Dispatch Box for ease of reference to his notes?

Mr. Speaker: Well, if that is the wish of the House, I have no objection! Proceed, Mr. Kombo!

Mr. Kombo: Mr. Speaker, Sir, before I move this Motion, I appreciate the rulings that you have made. I also appeal to you to give the Members of the Committee an opportunity to speak.

Mr. Speaker: I will do that!

Mr. Kombo: Thank you, Mr. Speaker, Sir. Secondly, I would like to say that I am a lucky man to be moving this Motion now. At about 12.00 noon, there were six policemen who came to arrest me!

Hon. Members: Shame! Shame!

Mr. Kombo: This is something that I cannot understand!

Mr. Speaker: Order, Mr. Kombo! You are out of order! Can you move the Motion first?

Mr. Kombo: Those are facts!

Mr. Speaker: Order! You must move the Motion first, and then say whatever else you please after you are in business! We are not in business! Actually, you are now trying to give a personal statement under Standing Order No.69! You should move the Motion and, within the Motion, say what you please.

MOTION

ADOPTION OF PARLIAMENTARY ANTI-CORRUPTION SELECT COMMITTEE REPORT

Mr. Kombo: Mr. Speaker, Sir, I beg to move the following Motion:-

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

Mr. Speaker, Sir, as I was saying earlier on, I am lucky to be moving this Motion now. At around 12.00 noon today, six policemen came to my house purportedly to arrest me for issues that I do not know. Fortunately, they did not know me. I drove past them and went to the house while my security guards were telling them: "He does not live here!" Then, they left. I would like the Minister of State in-charge of internal security to look into that and find out why they tried to arrest me on this particular day.

If I have done something wrong, I have no problem. They could come to arrest me later. But the coincidence of the issue happening today is rather strange.

Mr. Speaker, Sir, on 8th July, 1998, the National Assembly set up a Parliamentary Anti-Corruption Select Committee to investigate corruption in this country---

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir. Having heard what hon. Kombo has said, what does the Minister of State have to say about hon. Kombo's security after presenting this Report?

(Applause)

Mr. Speaker: Proceed, Mr. Kombo!

Mr. Kombo: Mr. Speaker, Sir---

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. That is a point of order and we are asking you to guide us. We want to know from the Minister of State, the security state of hon. Kombo?

An hon. Member: He is a man of principle!

(Applause)

Mr. Speaker: Is the Minister of State here!

Hon. Members: Yes, he is there!

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I am not aware of what has happened as regards hon. Kombo, but I would certainly say that his security will be taken care of.

(Laughter)

Mr. Speaker: Proceed, Mr. Kombo!

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. These are not light matters; matters of security cannot be light matters. It is not enough for the Minister of State to repeat that the security of hon. Kombo is assured. Can he now make a statement to the effect that, we in the Opposition are part and parcel of Government; the Opposition is part and parcel of Parliament, and that, Parliament is part and parcel of Government, and that we shall not be intimidated in any way because of our stand in the interests of the people we represent lawfully in this House?

(Applause)

Mr. Speaker: Mr. Oloo-Aringo, what are you now trying to do? You are diverting the whole topic.

Mr. Oloo-Aringo: No, Mr. Speaker, Sir. Usually, I am very clear in my mind. I am asking you as the Speaker, on our behalf, the word "Speaker" comes from being Speaker of all us.

An hon. Member: Correct!

Mr. Anyona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I do not want this diversionary issue. As far as the Speaker is concerned, I will ensure that nobody will intimidate any of you here!. I will ensure that nobody will be intimidated.

Hon. Members: How?

Mr. Speaker: Order! If you do not want to debate this Motion, say so. Proceed, Mr. Kombo!

Mr. Anyona: On a point of order, Mr. Speaker, Sir. In view of what the hon. Kombo has said, and in view of the provisions of the National Assembly Powers and Privileges Act regarding what may happen to a Member, particularly when he was expected to move this Motion, does the question of privilege not arise? If so, how does the House deal with it?

Mr. Speaker: Maybe, I can question Mr. Kombo a little bit. Mr. Kombo, now that you made that allegation before this House, that you saw some people who wanted to arrest you, can you tell us a little more?

(Applause)

Hon. Members: Toboa! Toboa!

Mr. Kombo: Mr. Speaker, Sir, I just explained that as I drove into my house, there were six gentlemen or people at the gate. They were in conversation with the zone's security people. I then drove through and went home. At home, the security man came and told me that those six people that I passed by and saw him talking to, had come to arrest me.

Mr. Speaker: Did they say what for?

Mr. Kombo: This is what I want to find out.

Mr. Speaker: Order! Order! Order! Mr. Kombo, be honest to the House. You remember you communicated with the Chair in the Chamber. Give the House the story you gave the Chair; be honest!

Mr. Kombo: Mr. Speaker, Sir, I came to you and explained. Obviously, they were questioned by the security people. But let me speak---

Mr. Speaker: Order! Just get me right, I do not want the diversionary issue. Mr. Kombo, since you have now made it a House business, the story you gave the Chair is that some people came to your premises to try to arrest you for a civil debt of a company which you were a director and which was liquidated 10 years ago. Is that not what you said? That is why I am asking you to tell the House the truth?

Hon. Members: Why now?

Mr. Speaker: Order! Order!

Mr. Kombo: Mr. Speaker, Sir, precisely, that is what I was going to say and I actually said the coincidence is rather interesting. I am not afraid.

Mr. Speaker, Sir, as I was saying, on the 8th July, 1998---

(Loud consultations)

Mr. Speaker: Order! Can we leave the hon. Member to proceed? Proceed, Mr. Kombo!

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Speaker, Sir---

Hon. Members: *Kaa chini*, Mr. Haji!

Mr. Speaker: Order! Order! Hon. Members, as I said, there would not be intimidation. Every Member of this House has a right to rise on a proper point of order. The only thing I do not want is frivolous points of order and you would do so at your own risk.

Proceed, Mr. Kombo

Mr. Kombo: Mr. Speaker, Sir, as I was saying, on the 8th July, 1998, the National Assembly set-up a Parliamentary Anti-Corruption Select Committee to investigate corruption in this country. The Committee was established by a resolution of the House and I quote:-

"THAT, while appreciating the Government's efforts to stamp out corruption both in the public and private sectors, and noting with concern that rampant corruption has become so pervasive; that it threatens any further socio-economic development and the future of this country; aware that corruption has become so entrenched that the existing legal framework under the Prevention of Corruption Act, Cap.65, and the Kenya Anti-Corruption Authority are not adequate to significantly

reduce or eradicate it; and noting further that corruption has kept away potential investors and eroded the good image of Kenya; this House resolves to set up a Select Committee to study and investigate the causes, extent and impact of corruption, identify the key perpetrators and beneficiaries of corruption, recommend immediate effective measures to be taken against such individuals involved in corruption and recover public property corruptly appropriated by them and the enactment of a Bill to provide for stiff penalties on all corruption-related offences, and further that the following be Members of the said Committee:-

The hon. Musikari Kombo, MP,
 The hon. Suleiman Kamolleh, MP,
 The hon. Ngenye Kariuki, MP,
 The hon. Wycliffe Osundwa, MP,
 The hon. Mohamed Galgalo, MP,
 The hon. Sammy Leshore, MP,
 The hon. Henry Obwocha, MP,
 The hon. Kiraitu Murungi, MP,
 The hon. Wanyiri Kihoro, MP,
 The hon. W.A. Ayoki, MP,
 The hon. Martha Karua, MP,
 The hon. Awino-Achola, MP,
 The hon. David Sankori, MP,
 The hon. William R. Samoei, MP; and
 The hon. (Prof.) Anyang'-Nyong'o, MP.

Mr. Speaker, Sir, in the process, hon. William Samoei and hon. David Sankori were kicked upstairs and were replaced by the hon. Peter Maundu, Member of Parliament for Makueni and hon. Mohammed Weyrah, Member of Parliament for Wajir West.

Mr. Speaker, Sir, I want to begin moving this Motion by thanking the House for giving us the opportunity as a Committee or the hon. Members to serve on this very important Committee. I am calling it very important because, as time went on, we did realise that, such a Committee was the first of its kind in East Africa, Africa and, perhaps, in the world. So, we were making history and I think Members are extremely grateful to the House that they were given an opportunity to serve the Committee.

Through the Chair, the Committee would also like to thank the Secretariat, and in particular, Ms Christine Mwambua and Ms Mary Chesire, who formed the core of the Secretariat, and also members of the HANSARD who worked with the Committee.

At the first meeting, the Committee appointed me as the Chairman and hon. Suleiman Kamolleh as the Vice-Chairman. On behalf of hon. Kamolleh and myself, I also want to thank Members for having given us that opportunity to serve the Committee.

Mr. Speaker, Sir, the Committee met for the first time on the 31st of July, 1998, and held 150 meetings, spread over a period of 22 months and spent approximately Kshs5 million of taxpayers money and Kshs2 million of donor-funds, totalling to Kshs7 million. The work of the Committee was tedious and it involved long travels around the country and outside. At the first meeting, the Committee looked at the enabling resolution of the House and I think, it is absolutely important that, as Members debate this Motion, they actually look critically at the enabling resolutions of the House, which I have read above. So, the Committee looked at this enabling resolution and formulated its terms of reference. The terms of reference were:

1. To study the nature, extent and impact of corruption in this country.
2. To identify key perpetrators of corruption.
3. To recommend effective and immediate measures to be taken against those perpetrators of corruption; and,
4. To recommend the enactment of a Bill for stiffer penalties as per the resolution.

Mr. Speaker, Sir, I believe that, the report we are going to debate, was in accordance with these terms of reference and the resolution of the House.

Also, at its first meeting, the Committee looked at the methodology. It looked at the *modus operandi* and agreed on the following:

1. That, there would be advertisements in all local newspapers, calling upon the public to send to us memoranda and evidence on corruption.
2. That, we would visit all provinces and get a feel of the problem of corruption on the ground.
3. That, we would scrutinize all the memoranda that would be sent and, where necessary, summon those who would have sent the memoranda for clarification. Then we said that we would visit all sites of corrupt deals; as we visit the provinces.

We also agreed that we would invite various key personalities from all walks of life to come and share with the Committee their thoughts and ideas on corruption. This is because the Committee did realise that, they did not have the monopoly of knowledge on this issue of corruption. So, we needed to listen to as many Kenyans as possible, so that, at the end of the day, the report can truly be said to be a Kenyan Report and that, many people had shared their thoughts within it.

We also agreed that we would maintain verbatim records of all the evidence received, which we did. We further agreed that, we would study all the relevant literature from wherever we could find it, any literature that was relevant, any literature that talked about corruption; the Committee would study it so that "we do not re-invent the wheel." A lot of studies have taken place on the issue of corruption.

Lastly, we agreed that we would visit some countries that have had experience in the fight against corruption. That then, was the *modus operandi* and out of that, this Report we are talking about came about. Having set this road map, we immediately embarked on the first meeting with the key personalities of our society. I am glad to say that, some of those key personalities included the Vice-President, hon. George Saitoti; Mr. Micah Cheserem, the Governor of the Central Bank of Kenya; hon. Simon Nyachae, former Minister for Finance; hon. Wycliffe Musalia Mudavadi, former Minister for Finance; Mr. Noah arap Too, former Director of CID; and, Mr. Wilson Boinet, the Director of National Security Intelligence Service. We also met church leaders who included; Bishop Ndingi Mwana'a'nzeki, Rev. Mutava Musyimi; Archbishop David Gitari, Zablon Nthamburi and others; including Prof. El-Busaid, from the Muslim Faith.

We also met people from the NGO community and the women groups; the academia and the media. So, you can see that, what comes out of this Report is contribution from a very wide selection of Kenyans.

Out of that selection, we produced a Report which I want to present to the House, which was tabled on 9th June, 2000. I want to believe that Members have read the Report, which is in two volumes. The second Volume that I would like to touch on, is one that contains the Minutes of the 150 meetings that took place.

I want to recommend to hon. Members that, if they have not read the Minutes, they should read them critically because it is out of the Minutes that one can understand the philosophy behind the Committee; one can also understand what really went on during these 150 meetings. So, I recommend that, those hon. Members who may not have read Volume II of this Report to read it critically.

Mr. Speaker, Sir, Volume I of this Report contains the executive summary. Again, I would not like to go through this summary page by page; I hope that hon. Members have read it. The executive summary enables those who may not want to read the whole Report to get the gist of what we have said about the resolution of this House. Chapter 2 of this Report has a chapter on our findings on the causes of corruption, the nature of corruption, and many aspects, which I will deal with as I progress in my presentation.

Chapter 3 of this Volume of the Report contains this Committee's recommendations. In my view, and in the view of the Committee Members, these recommendations are extremely important since they touch on many aspects. Having spent time looking at the nature and extent of corruption in this country, and identifying the way forward, I would say that, when you look at our recommendations, you will realise that this Committee has come up with the way forward. So, once again, I recommend that hon. Members should read those bits very carefully.

We then have appendices, which are attached to the Report. Those appendices are, particularly, in line with one of the mandates, namely, to identify the key perpetrators of corruption in the country, which was given to the Committee by this House. This is what has generated a lot of heat, in my view, perhaps, at the expense of many other aspects of this Report. Appendix "A" looks at the Public Accounts Committee (PAC) Reports; I will explain why we did this. Another appendix contains the details of our findings in provinces, while another details the contents of the memoranda that we received from the public. We, finally, have an appendix which outlines the details on houses that have been allocated to some people in a manner that, in the eyes of this Committee, needs to be looked into further. I will talk about all these appendices in details later in my presentation.

Mr. Speaker, Sir, in this Volume, we also report on our visit to Botswana, which was extremely humbling. Botswana is a small country where you can, truly, see that corruption has zero-tolerance. It is a country that has put institutions in place to ensure that the corrupt are dealt with firmly and quickly. I remember that at one of the meetings, hon. Murungi asked: "What would happen if a Permanent Secretary (PS) violates the budgetary procedures?". The response from the Chairman of PAC of that country's Parliament was to look at hon. Murungi amazingly, as if he comes from planet Mars. This was because to them, that should not happen; budgetary procedures in that country are followed to the letter. Therefore, it does not happen that a PS can violate those procedures in that country. So, I think Botswana, small as it is, gave us a very interesting example.

We also had an opportunity to meet that country's retired President Masire, with whom we spent a whole afternoon on his farm, where he grows cabbages and rears ostriches. It was very humbling for a retired President to be in an overall, digging and doing other things. Our visit there was very interesting. I think this experience will enable hon. Members to also learn that this country can move forward only if we can have institutions that work in place. So,

all these experiences are contained in this Report.

Mr. Speaker, Sir, I will be referring to this Report from time to time as I go on, but I just want to say this: That, many Kenyans acknowledge that the problem of corruption in this country is huge, and that it shows its head in every sector of this country's economy as well as in every stratum of society. So, the problem being faced by this country is monumental. I believe that the fight against this problem is going to be lengthy and tedious, and that it will require reforms in attitudes and implementation approach of our systems and mechanisms. I believe that this Report is a new beginning for this country, and that Parliament, by accepting it, would be making a giant step in the fight against corruption.

(Applause)

The formation of this Committee itself, as I said earlier on, showed that Parliament acknowledged, as the watchdog of the ordinary person, that it was ready to give notice to everybody in this country that the days of those who have been involved in corruption, or have the tendency of getting involved in corruption, are over. So, by recognising that Parliament has a role to play in dealing with this problem, we also took notice that the existing legislations, as stated in this House's resolution, are inadequate. We recognised that the legal framework under the Prevention of Corruption Act and the Kenya Anti-Corruption Authority (KACA) Act are inadequate. We recognise that it is upon Parliament to improve that legal framework, and hence the recommendations that we talked about earlier on. So, as I have said, Parliament has taken the giant step, set-up the Report and given its notice. I would like to say this to the Executive: That, for quite some time, the Executive has paid lip service to the fight against corruption.

(Applause)

Mr. Speaker, Sir, Parliament has led the way by taking a giant step. If the Executive accepts the adoption of this report and facilitates its implementation, then we shall know that the Executive is also ready to join hands in the fight against corruption. When I look at the Front Bench, I believe the goodwill is there. I hope there would be no single Member of the Cabinet who will oppose the adoption of this report.

Mr. Speaker: Order! The Chair will not allow any intimidation. Hon. Members are free to say whatever they think.

Mr. Kombo: Mr. Speaker, Sir, I was just giving my opinion.

Mr. Speaker, Sir, all Kenyans are aware of the history of this country. It is full of economic scandals right from the time of Independence to date. The Committee looked into the history of corruption and scandals in our country. Whereas Kenyans recognise this problem, I think their problem has been on how to fight it. How do we fight the corruption? I want to say that the report gives Kenyans how to tackle corruption in this country. In carrying out our mandate, the report that we eventually produced has been described as being very sensitive. It would be, therefore, naive on my part and that of the Committee to think that it would have received universal acceptability. Obviously, we know that those whose names appear in the report will no doubt pour scorn on it. It would be equally naive for the Committee to claim infallibility because we are not angels. Therefore, we are the first to admit that there could be mistakes within the report. Depending on where you sit, any report of whatever nature, you can tear holes in it. And so, when people try to tear holes in this report, we understand. But to criticise it on the basis of chauvinism is to do a disservice to the people of Kenya.

(Applause)

Mr. Speaker, Sir, I believe that those people who come out with their guns blazing to attack and discredit the report in whatever way, are against Kenyans who are landless, unemployed, hungry, presently living in darkness, sick because there are no medicines in the hospitals and going without water, who are not in schools and who are so insecure wherever they are.

Mr. Speaker, Sir, all those Kenyans in those categories are in such situations because of the bad governance and corruption. That is what the Committee found out. The list of suffering Kenyans is endless. I am sure if you ask each one here to add on it, we can have another 210 woes that Kenyans are going through. Therefore, anyone who wants to accuse us or to pour cold water on the report because of the shortcomings we have readily accepted, would be shortsighted and seeking short-term advantage for a few at the expense of a truly long-term and greater benefit for the majority of Kenyans.

Mr. Speaker, Sir, the issue of corruption has to be discussed in its true perspective. Throughout my presentation, I intend not to trivialise any issue. This is because if we focused ourselves on corruption, then this whole House should really just stand up and say, "Mr. Kombo, you have finished." We pass the Motion, go home and we

start implementing what has been recommended in the report.

Mr. Speaker, Sir, I have already pointed out the methodology that the Committee used in doing its work. I have also said that we wanted the whole work to be as open as possible, and ensure that as many people as possible were involved. So, as I said earlier on, we advertised, we listened to oral presentations from Kenyans and we read their literature. Therefore, all recommendations in the report are based on memoranda that we got back in response to the advertisements, the oral presentations presented to us under oath by members of the public and particularly, the reports of PAC and PIC that have gone through this House. I want to emphasise that the time we had, could not have allowed us to be exhaustive or all conclusive. We have only cited but a few instances because we visited all provinces. If we had gone down the line up to the district level and so forth, I am sure we would have come up with a lot more of this. So, we only highlighted incidences where our investigations indicate a possibility of corruption or corrupt practices as they were given to us. Similarly, all those people mentioned whether at the provincial level or through the memoranda and PAC, the Committee decided from very early on that, these would be referred to as "alleged perpetrators of corruption in this country." The Committee did recognise that only the process of law can determine conclusively and convict them. The mandate of the Committee was to identify those individuals who were "alleged to be perpetrators of corruption in this country."

(Mr. Wanjala stood in his place)

Mr. Speaker: Order! Mr. Wanjala, do you understand the Standing Order that requires you to be seated at all times unless you are mobile?

Proceed, Mr. Kombo.

Mr. Kombo: Mr. Speaker, Sir, therefore, based on what I have just said, the Committee did not aim at convicting anybody. I want to say this very clearly. If there is a perception that those people who are mentioned within the Report are conclusively guilty, it is not the view of the Committee. I would like to say that the Committee did not talk of "a list of shame." If you read the Report, you will not find it anywhere and the Committee is not responsible for the manner in which the media interprets the Report. I would like to inform this House that the terminology that the media uses is not that of the Committee. So, for this list of shame to cause all this animosity, it is totally unnecessary. All I have produced is a list of instances---

(Mr. Ndwiga's mobile phone went on)

Mr. Speaker: Order! Mr. Ndwiga, keep that thing out and come back!

Mr. Kombo: Mr. Speaker, Sir, whatever we have done is merely to give a list of instances where we thought that there was sufficient evidence or reason to believe that corruption existed. I would like to inform this House that we recommended that these instances be investigated further. If people really read the Report, they will find that, that is what we have said.

As you know, corruption takes place in darkness. It has its own culture, which is the culture of secrecy and, therefore, instances of corruption that perhaps the public were aware of, if they did not reach us through the method that I have just described, we were unable to deal with them. It is important to know that corruption in Kenya has created a sophisticated culture of secrecy and protection, resulting to a situation where to attempt to fight it, you have really to look in real dark allies. Therefore, the process will also be long and tedious. The fight against or elimination of corruption does not start with this Report and end with it. It is something that will go on and on. That is why the Committee believes that once the process is going on, other institutions that are in place can carry out thorough investigations to either acquit or convict those that might be found guilty.

Mr. Speaker, Sir, again, I just want to say that the Report that we table here is in accordance with the mandate given to the House and I cannot stop repeating that. Therefore, I urge hon. Members to read again and again the mandate so that they are quite clear. The House gave us the mandate and each hon. Member of this House should, therefore, ask himself: "Is the result we are looking at in accordance with the mandate or not?" If the answer is "yes" as I said earlier on, then vote for the Report, but if the answer is "no" then you can reject it.

The Committee has done the job that the House mandated it to do. I would like to say that the Committee has given the House the Report, which now belongs to the House and it is up to it to determine which direction to go.

I also want to say that corruption is indiscriminate. I can even say that corruption is democratic, because it transcends all boundaries, race and whatever-have-you. Corruption has no political party and tribe and, therefore, any mention of an individual is a mention of an individual involved in corrupt practice. The Committee was inter-party and it acted professionally all along and, therefore, anybody who is mentioned in the Report is not being mentioned because he belongs to this or that political party. I would like to say that the Report is not about the Government, but it is about individual instances of corruption. The Report has nothing to do with the Kenya Government, because if we

needed to move a vote of no confidence in the Government, then that would have been done, but this Report strictly deals with the issue of corruption. Therefore, those people who feel or have tried to make the Report look as if it belongs to such and such a tribe, they are unfair. The Report belongs to the House and anybody who says that perhaps it was drawn on party or tribal lines is really questioning the integrity of the hon. Members. When you look at the list of the hon. Members who sat in that Committee, you can see that the "Intelligence Quotient" (IQ) in that Committee was extremely high and I do not think you can question it. On that basis, the findings of the Committee must be seen to be talking about instances where we felt corruption existed, but not convicting a party or the Government.

Mr. Speaker, Sir, I have talked about a limited period and within this period, it also meant that you could not identify everybody that people thought was corrupt. You could not! So, I have said that the list will not be exhaustive and the work to identify perpetrators and so on and so forth must be a continuous process; it must be something ongoing. Perhaps on an annual basis, this House should debate a Report like this one. The House has made its steps and I think we shall move on by adopting the Report and mandating other committees. We can have other future perpetrators identified. It must not end today or it does not end with this Report. The House and the Executive will earn a lot of confidence from the public because when we went out there, there was a lot of scepticism and I think even today it is still there. *Mtaweza kweli?* How many reports have we seen that have been shelved, gathering dust and so on?

All these issues are important; as we deliberate, we need to gain the confidence of Kenyans. We need to assure them that we are ready to go on this crusade against bad governance. I just want to mention about our visits to the provinces. It was very interesting to see that in every province we went thousands of Kenyans came forward to tell their story. Some of the stories could make you weep while others were frivolous. So, it was a whole range of stories. We had to listen to all these stories sometimes from 8.00 a.m to 8.00 p.m in the night.

Out of all these presentations, we did come up with an appendix that I refer to in the Report. In that Report I just want to quote what we have said about the provinces. It is important to realise that for every Schedule that we have put in that Report, the Committee has made certain comments. This is what the Committee says on the Schedule that was produced because of what we heard from the provinces. The Committee visited all Provincial Headquarters to receive evidence from the public and to visit sites where the cases of corruption had been reported. The information received was recorded by the Committee as sworn evidence. The records and minutes were summarised in the format that is in Volume II of the Report.

The Committee has sought to categorise the wide range of allegations in the provinces and complaints so as to bring out alleged cases of corruption, the type of economic crimes committed and the possible losses incurred; and it has made recommendations. Due to the time constraints, the Committee could not summon all alleged perpetrators to give evidence in the provinces. The Committee, therefore, recommends action by KACA or any other relevant authority to establish the validity of these allegations. Various issues came up in the provinces. There were issues on land, family, clan and so on. When you look through the Report, we have said: "Go to the Land Commissioner and so on" to ensure that all these people are given a fair hearing.

We had a Schedule that dealt with Memoranda. We advertised and asked for people to bring this information. In the Report, the Committee gave certain parameters in which they accepted the Memoranda. The Committee received written Memoranda from all parts of this country and they are in thousands. The memoranda contained complaints and allegations regarding land disputes, family disputes, unemployment, nepotism, injustices, petty and mega corruptions, grabbing of public assets, evasion of duties and taxes, misappropriation of public funds, corruption by NGOs and community-based organisations and abuse of public offices by various people assigned to look after ordinary citizens.

In certain cases, the Committee summoned the complainants with a view to substantiating their allegations through documentary evidence. Where that happened, we have the evidence in the archives. In view of the huge volume of memoranda which we had in thousands, and due to the limitation of time, the Committee found it impossible to summon all the complainants and alleged perpetrators. The Committee has given all those people an opportunity to go to KACA and eventually to courts of law, if it is found that their cases need to go further, or any other relevant authorities to clear their cases. I have dealt with two categories of Schedules in our Report. The second last category of the Schedule is the one that came from PIC/PAC Reports.

It was important because part of our mandate was to study literature around the world. The Committee thought that PIC/PAC Reports that have particularly gone through this House and are public documents are part of the literature that we could study; and we did. We found out that the PIC/PAC Reports have over the years identified cases of improper practices in Government Departments, parastatal bodies and so on. These Reports have been investigated by the Controller and Auditor-General which is a Government body. They then came to this House via the PAC or PIC. The House has debated those Reports and approved them. But we found to our horror that despite all that, there has been no action on the part of the Executive on many cases cited in the Reports of the PAC and PIC. So, we thought that since they are Reports of the House, it will be naive on our part to ignore what they have said, because we found out the problem at hand is one of lack of implementation. If the Reports of the PAC and PIC had been implemented over the years, this country would not be where it is today in terms of corruption.

(Applause)

An hon. Member: Say it again!

Mr. Kombo: Mr. Speaker, Sir, I want to salute the hon. Members who have served on the PAC and the PIC and wrote those Reports over the years because when you study them, you will find that they have done a commendable job. They have done this House proud, but it is the implementors who have let this House down. So, my Committee thought that we would use those Reports, push the case to the fore, bring it out and cry out and say: "The Reports of this House have not been implemented!" That is what the Committee is crying out when it included those Schedules in its Report.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I wish to inform the Chairman of the Committee, Mr. Kombo, that in one of the PIC Reports chaired by hon. George Anyona in 1993, he recommended that the Attorney-General institutes criminal proceedings against the Chief Executive of the Milling Corporation of Kenya, Mr. Lawi Kiplagat, who had embezzled Kshs1,497,781 with immediate effect.

(Applause)

In another case, in Mumias Sugar Company, he recommended that an hon. Member who had taken Kshs28,350,752 through his company be investigated by the Attorney-General and expedite criminal proceedings against him.

Hon. Members: Who is he?

Mr. Obwocha: It is in the Report.

Ms Karua: Mr. Obwocha, read out the Report!

Mr. Obwocha: Mr. Speaker, Sir, he is hon. Fred Gumo. I mean, I do not need to read out.

Mr. Speaker: Order, Mr. Obwocha! You are now taking away the time of the Mover. I think---

Hon. Members: But that is a point of information!

Mr. Speaker: Order! Point of information does not mean hijacking of time to debate to the exclusion of the hon. Member on the Floor, and by the way, hon. Members, I have already warned that there will be no heckling either of other Members or the Chair. Get it from me, because I will not be intimidated. So please, Mr. Obwocha, do not come to the Floor by the back-door. If you have to inform, do it quickly. Now, give way to Mr. Kombo. **Mr.**

Obwocha: Mr. Speaker, Sir, I was informing Mr. Kombo that anybody who has in his mind the idea to remove the names from the Report that, this trend started with Mr. Anyona.

(Applause)

Mr. Kombo: Mr. Speaker, Sir, the point is well-taken, and I do appreciate that nobody has the monopoly of information. So, if hon. Members have further information to give me, I am quite willing to accept it. I thank hon. Obwocha for that information, and as I said, the point is well-taken.

I was trying to re-emphasize why it was important to use the PAC and PIC Reports. Our Report would have not been complete, if we had not looked at those Reports that have not been implemented. So, all the unresolved issues, as I said earlier on, would not be with us, and probably, I would not be moving this Motion. Let me also re-emphasize at the expense or risk of being repetitive that it was important to use the PIC Reports that have been laid before this House, and which are public records, and draw heavily from the Controller and Auditor-General and the Auditor-General (Corporations) Reports, and also because they are public documents. So, for anybody who has questioned that rationale, I want to rest my case there. In fact, I want to say that during our first Press briefing, we talked about visiting provinces. There were people who shouted, including even the print media: "Why go to the provinces! The material is already there in the PAC and PIC Reports! What are you doing about them! You cannot deal with that!" Even the public knows that the lack of implementation of PIC and PAC reports is an important aspect.

I would deal at a later stage with the question of why people were not invited from all those areas to defend themselves. But at this stage, I just want to repeat what I have said right from the beginning; that the issue at hand is corruption; the fight against corruption, and it is not even about the list of names of corrupt people. The issue at hand is: How do we, as a country, move forward in a situation where we have allowed corruption to be so pervasive? That is the issue.

The last Schedule that I want to mention is that of beneficiaries because, if you look at the mandate, it also says that the work of the Committee is to "identify key perpetrators and beneficiaries." So, there are people who, perhaps, are not perpetrators of corruption, but they are beneficiaries of a corrupt system. Those are the people who were allocated properties, houses, land and other assets. Those are the beneficiaries, and what the Committee did was

to look at those allocations, because arguments were put forward to us by some of those beneficiaries who appeared before the Committee that the law allows the President and the Commissioner of Lands to allocate land and property. Granted, that might be the law, and I am not a lawyer, but the lawyers would advise us about it. However, the Committee wondered: "Does the law say that the allocation by the President or the Commissioner of Lands should be a free gift?" That is the question. Although I am not a gambling man, I will bet my bottom shilling that the President expected those allocated land to pay for the market value. He did not allocate them, as it is. I will go further and say that the President expected them to pay good value for these public properties. We are all stakeholders. If we will sell away or give out what belongs to the public, then the value for the properties should be received. I am sure that the President expected this. What the Committee has said in this category is very simple. We have a list here of the allottees and the various properties that they received. Where we could find evidence, we have stated the allottee paid for the property. As you will see from the Report, houses in Upper Hill Estate went for a paltry Kshs30,000 and in Kileleshwa, houses went for Kshs20,000. The Committee has said: "No, as the protectors of all these stakeholders and we, also as hon. Members, being stakeholders, let these people come and pay to the stakeholders the market value".

(Applause)

That is all. We will not even take the properties away from them. They should just pay the market value and keep what they were allocated. I look at the process of allocation as a form of privatisation. This House has been crying that such and such Corporations have been privatised at peanuts. I think that you can see allocation of houses and properties in the same light, that when you allocate a Government property, you are privatising it. When you privatise a property, it behooves you to get the right price for it.

Mr. Speaker, Sir, for people in that category, the issue is very simple. They only have to come forward and say: "Yes, ---

(Loud consultation)

Mr. Speaker: Order! That very corner out there! Mr. Ngunjiri, can we listen to the hon. Member on the Floor?

Mr. Kombo: Mr. Speaker, Sir, I was saying that all these people need to do is to come forward and say: "Yes, I got this property and paid Kshs20,000. I think I am wrong and I should not have been for the decision of this system because it has deprived the public coffers money. I am willing and ready to pay the market value for this property". Then we move on. Those are the three or four schedules that dealt with mandate that needed us to identify the alleged perpetrators and beneficiaries.

Mr. Speaker, Sir, I promised that I would just focus on corruption as the major issue. If you look at the economy, you will see that corruption has caused untold damage to it. This is one of the single most important factor responsible for the collapse of this economy. If you look at the interest rates, one can demonstrate that the high interest rates being paid in this country are due to a transaction that can be categorised as a corrupt practice. So, the Committee has identified important weaknesses in the Prevention of Corruption Act, as I said earlier on. This is because Cap.65 merely targets bribery. So, it talks of the giver and the taker. So, under Cap.65, if the giver and the taker are not there, this is not corruption.

The Committee has gone a step further, and I think this is important for the hon. Members to note, and redefined corruption. This is because under that Cap.65, one got away with economic crimes. He did not think that this was corruption. But the Committee, looking at what damage has been caused to the country, said that corruption extends to a much wider range. When hon. Members of my Committee with legal minds come to talk, they will try and show what we have done through the Bill, to broaden and redefine corruption.

In the old times, nobody ever thought of abuse of office as corruption. A lot of my colleagues have come and asked me how I can define abuse of office as corruption. That is how narrow we were in our thinking. An example of abuse of office is the allocation of property that I was talking about where a person goes and gets 10 or 20 houses at the expense of so and so who does not get one. When you tell him that whoever gave him those houses was abusing his office, he says: "How? He has the authority to allocate them". These are the problems.

Corruption today ranges from petty corruption to huge corruption. This is what the Committee called "lootocracy". That is new terminology for us in this country. This is what in international terms is referred to as "grand corruption". In our case, cases of grand corruption could easily be counted, but in "lootocracy" where people abuse their offices and use public properties as if they were their own kitchen tools, was too much in this country. So, you have the effects of corruption on every aspect of the economy. You have institutions that have collapsed, for example, the Kenya National Assurance Company and the Post Bank Credit Limited. These institutions have collapsed because of corruption. You have institutions, for example, the National Bank of Kenya that are on their knees up to today

because of corruption. You have institutions, for example, the Kenya Commercial Bank, that those of us who still bank with them say a prayer every day that they do not go the same route because of corruption. You have got the National Social Security Fund (NSSF) and the Kenya Meat Commission (KMC).

Mr. Speaker, you are a pastoralist and you know how much we would benefit from KMC if it was still operational.

Mr. Speaker, Sir, you know how much you would benefit from the KMC if it was not suffering under the yoke of corruption. African Tours and Hotels and many other institutions have also suffered under the yoke of corruption. We are today living in darkness. I am a football lover and I missed the final of the Euro Cup because there was no power. You know why I missed it. It is because of corruption. That is why we are in darkness. I said earlier on that we have no water. I tell you that if you go round, people these days are dirty. When you enter a lift, you have to close your nose because people are stinking. They are not bathing because there is no water. This is all because of corruption.

(Applause)

Mr. Speaker, Sir, we also saw that within the tendering procedures in various Ministries and departments the economy suffered because nothing was done unless you were prepared to be corrupt. You can talk about roads. We visited Nyeri because honourable Mwai Kibaki had in this House talked about the road to Kiganjo which I believe goes to your place. We saw this road and, indeed, what honourable Mwai Kibaki had said, that millions had been spent for a millimetre of tarmac to be put on the road was true. We saw this with our own eyes. A company goes and spends money and then there is an officer from the Ministry that actually approves such a road. One wonders! This is the way it was across the board. That is whether you are talking about co-operatives, the sugar industry because I come from the sugar belt---

An hon. Member: Even the *miraa* industry has been hit by corruption!

Mr. Kombo: There is an honourable Member from the *miraa*-growing area who says that even the *miraa* industry has been hit by corruption. So, the economy of this country has collapsed due to bad governance caused by corruption. I really hope that the House will take this "animal" called corruption with both hands as we have started and battle with it to ensure that we move forward properly.

Mr. Speaker, Sir, we went through various recommendations and because I believe Members have read them, I will only highlight the issues we raised in our recommendations. However, all I want to say is that the fight against corruption must be active from everybody and it must be openly promoted by all. The Committee saw this especially in Botswana where the private sector, through the Chamber of Commerce is very actively involved in the fight against corruption. This is where the NGOs and civil society are involved in the fight against corruption. I must also add that even in this country as we went round, we were able to come across certain organisations like the *Futa Magendo* and Operation *Piga Firimbi*. I want to commend those organisations. They may be young now but they are extremely active in fighting against corruption. So, it is not only Parliament. Be warned that even the civil society and Kenyans out there are waking up and they are saying 'no' to corruption.

(Applause)

Mr. Speaker, Sir, the recommendations we have brought out are by no means exhaustive. I hope that the House will debate more and more and add onto the list as we go along, since I have said that **[Mr. Kombo]** the fight against corruption is on-going. However, basically these are, in outline, the recommendations of the Committee on the way forward. Number one is the Anti-Corruption and Economics Crime Bill, 2000. This Bill broadens the powers and responsibilities of KACA. In the past, KACA could not move, for example, without getting a nod from the Attorney-General. It had to seek permission from the Attorney-General and, perhaps, that is one reason why there have been delays in the fight against corruption. So, the Bill says: "KACA, you have more powers and teeth. You are independent. Please, go ahead and fight this inhuman thing called corruption". The Bill also establishes an Anti-Corruption and Economic Crimes Court, because in our present judiciary system, economic crimes and civil cases get the same importance, so that the case that is destroying the economy can also stay in the courts for eight years and we do have examples of such cases.

Mr. Speaker, Sir, lastly, it creates a Parliamentary Ethics and Integrity Committee because the Committee believed that the fight against corruption is on-going and that Parliament has taken this step to fight corruption. Therefore, Parliament should be on the forefront all the time to lead the rest of the society in the fight against corruption.

Mr. Speaker, Sir, secondly, another recommendation was that there be revived a Parliamentary Implementation Committee!

(Applause)

This is because, as I have said earlier on, if we had implemented whatever was in the PIC and PAC, we would not be here. Before my time and I believe, the old hands in the House like hon. Biwott will confirm this, that there was, once upon a time, such a Committee. God knows why it was removed. So, we said that this Committee be reinstated. We also recommend cultural transformation through public education because as we went around the provinces and listened to many people, we actually found that the attitude of people towards corruption was wanting. Corruption is so wide-spread that people have internalised it. It is *laissez faire*. It is "shauri ya Mungu." They cannot believe that anything can be done about it. You see it yourself on the roads. When a policeman waves down a motorist or a *matatu*, even before the policeman asks for his "*Toa Kitu Kidogo*" (TKK), the motorist is already putting his hand in the pocket and pulling out "something". That is there! It is in the mind. So, we think that education will help. I attended a small workshop which stated that if Kenyans declared one day corrupt free; that no Kenyan will take bribes or give a bribe for one day, according to this workshop, the savings will be Kshs1 billion. How they have done it, do not ask me, but that is what this workshop said.

Mr. Deputy Speaker, Sir, it is to emphasise that, if we stopped corruption and changed our culture, we will move forward very well.

(iv) We have recommended transitional justice because when we looked at all those problems--- There are thousands of Kenyans who can actually go to the guillotine for corruption if investigations are completed. We said: "Well, maybe the way forward is to leave it to the House and the Kenyan public to debate on how to deal with all these cases." So, we talked of the transitional justice which could either encompass the South African method of the Truth and Reconciliation Committee, or the Chile's Pinochet approach of amnesty - because he negotiated himself a total amnesty- we can also negotiate an amnesty. But it is an issue that Kenyans have to debate. Do we say: "Let us forget the past and move on?" So, those are the issues that the Committee put in the Report. I think they need to be debated thoroughly by Kenyans. My only thought was that, if you give amnesty or have the Truth and Reconciliation Committee, the people have to own up and say we have sinned. You know that I am a Catholic and for us, we go to church and say: "Father, I have sinned!" You tell him the sins and he forgives you. Perhaps, Kenyans can reach that stage. But I do not know!

(v) We have recommended a leadership code for elected leaders, and a code of conduct for all public officers. I am glad that the Attorney-General has moved in this area already. But that is part of what we talked about.

Mr. Speaker, Sir, we have also recommended the declaration of assets. We have talked about the abolition of Harambee collection in public offices!

(Applause)

We do not want Kenyans to be asked for Harambee money before they are served.

(vi) We have talked about reforms in the administration of justice by fully implementing the Kwach Report, and also establishing a Ministry of Justice; so that the Attorney-General can serve all Kenyans. This is because when the Attorney-General combines as the Minister for Justice, it is not known whether he is in the Executive or not. So, we want an Attorney-General who can give legal advice to Kenyans, and leave the Minister for Justice to deal with political issues.

(ix) We have talked about reforms in the Civil Service, which will ensure meritocracy. Without meritocracy, our Civil Service has gone to the dogs.

(x) We have said that we amend the Constitution to guarantee the independence of the Electoral Commission of Kenya, to ensure that all elections are conducted without interference, either from the Executive or other quarters.

Mr. Speaker, Sir, we have also recommended the Office of the Ombudsman. This is because some of the issues that we listened to in the provinces could have been dealt with by the ombudsman long time ago. We have talked about land reforms to ensure that squatters, grabbing and landlessness are dealt with.

Lastly, we have recommended that we avoid Executive directives that do not follow proper budgetary provisions.

(Applause)

What we are really saying in our recommendations is that the law enforcement, investigations, control measures and strong sanctions attached to each other, can help in the fight against corruption. They should then be followed by education and so on. So, those are the issues and recommendations that are in the Report.

Mr. Speaker, Sir, I now would like to come to an area where, after the Report was produced, there have been various reactions. I would like to deal with some of those reactions, but not all of them.

But let me say that whatever the people said, the Committee kept quiet. I, as the Chairman, kept quiet because we believed in the rules of this House. We believed in the Standing Orders of this House. That is why we behaved the way we did. If Parliament will ask other institutions to act properly, then Parliament as an institution, must, at all times, behave and act properly. An amusing situation was where comments were made that do not even appear in the Report. The Press also wrote what was not in the Report. The amusing one was about hon. F.P.L. Lotodo. We got all sorts of cuttings in the Press; we were accosted in the corridors and asked: "Why did you put hon. F.P.L. Lotodo's name on this issue and left out so and so?" The first time it came to me, I said: "Maybe, I missed something in this Report!" So, I went back and spent the whole night reading the Report. I found out that the issue under discussion both in the Press and the corridors was nowhere in the Report. I think that if you want to discuss the Report, please read it first! It is true that hon. F.P.L. Lotodo is in the Report, but on allocation of a house in Nakuru. It had nothing to do with Kitale that everybody was talking about. I found that quite amusing. I think let us be serious.

Mr. Speaker, Sir, as the Committee, we have been accused of witch-hunting. Nothing can be far from the truth! As I said earlier on, just look at the composition of the Committee! Do they look like people who can witch-hunt? I shudder when people raise such accusations. Let us be serious! When we reach that level, then we are trivialising the issue at hand.

Mr. Speaker: Mr. Kombo, in my long time in the law school, I saw in a criminal case that, if an accused puts his good character into question, then all of his character comes into question! Just take note of my advise. Proceed!

Mr. Kombo: Okay! I hear you! But that is not what I was doing. I was just pointing out that we had a solid team which was not witch-hunting.

Mr. Speaker, Sir, it has been asked: "Why did we not call all the persons mentioned in the Report to defend themselves?"

Firstly, I would like to say this: Rightly or wrongly, the Committee believed that we were not a jury. Our mandate was not to convict but to identify. Having identified, we have then recommended that KACA takes over and at that stage, all the alleged perpetrators that we have talked about will be given a chance to say their bit. My understanding about natural justice is that, when it is dealing with judicial finality - I am not a lawyer, but I am copying some of these words from the likes of hon. Murungi; but in our case, identifying is not a judicial finality. So, all the alleged corrupt practices were recorded and they will be passed onto KACA when the House passes the Report. Everywhere, we have asked KACA to investigate where we feel there should be investigation. Where we feel there is no investigation, we have said something else.

Secondly, Mr. Speaker, Sir, the number of the alleged perpetrators, as I have said earlier on, was so huge that if we were to call each and everyone of them, we would need five years to deal with this. But the fight against corruption cannot wait for five years, I think we have to move now.

Thirdly, we felt that KACA has more investigative capability and capacity to handle those cases much more thoroughly, than any parliamentary committee. Fourthly, there are those we called to appear before the Committee, but we were prevented by the *sub judice* rule and such personalities included the Vice-President, Prof. George Saitoti, Mr. Mbindyo and others, on the issue of goldenberg. I want to lay on the Table, a letter that had asked Prof. Saitoti to appear before the Committee. It states:-

"Prof. The hon. George Saitoti, EGH, MP,
Vice-President,
Jogoo House A, Taifa Road,
P.O. Box 30520, Nairobi.
Appearance before the Anti-Corruption Select Committee"

In that letter, we gave the mandate and the resolution of the House. The Clerk wrote: "Evidence has been adduced before the Committee - I have therefore been directed to inform you that the Select Committee will sit on Thursday, 16th March, 2000 in the Committee Room on the First Floor, County Hall, Nairobi at 14.30 hours to hear evidence from you and any other witnesses that you may bring along.

The Committee is of the view that you should appear before it to give evidence regarding the following matters:- First, to clarify certain policy matters concerning Goldenberg issue, other than the matter before the court---"

Mr. Speaker: Who signed it?

Mr. Kombo: Mr. Speaker, Sir, we got the letter back with comments. The letter did not go to Prof. George Saitoti.

Hon. Members: Whose comments are those?

Mr. Kombo: The comments said: "Hon. Kombo, the PAC had summoned the Chief Justice on this issue of Goldenberg generally, and has advised, I believe that is the Chief Justice, that the Attorney-General discusses the way forward with the PAC as the matter is *sub judice*. The PAC has summoned the Attorney-General---" The letter is

signed by the Clerk of the National Assembly.

We did not say anything was wrong with it. Who said there was anything wrong? I am saying that because there were some people we called to come before the Committee, they did not come because of that. There is nothing wrong with it. But we are answering the question why people were not called.

(Applause)

Mr. Speaker, Sir, I would like to lay this letter on the Table.

(Mr. Kombo laid the document on the Table)

An hon. Member: Who signed the original letter that---?

Mr. Speaker: Order! Order! Order, Mr. Kombo! I think all hon. Members, including the chairmen of the various committees are conversant with the provisions of the Powers and Privileges Act. As a matter of fact, the person who directs the issuance of summons is the Speaker; that, any chairman who wants to summon any person, as a regular matter, of course, the Speaker's consent is given. But in the event any chairman has any problem, he should take it up with the person with authority. I think in all fairness, to put the Clerk of the House into trial, again the poor Clerk cannot reply. I think, Mr. Kombo, you should save him.

Hon. Members: No! No! Those were facts.

Mr. Kombo: Mr. Speaker, Sir, I think facts are facts and you cannot run away from them. Questions have been asked---

(Applause)

Mr. Speaker: Order! Order! Now that you bring it ultimately, to the administration of the House, maybe, several questions can also be asked. If that be the position, I believe you read the comments that you say the Clerk made on the face of that letter about what the Chief Justice said about matters that are *sub judice*; the question of him being summoned by a committee of the House to come and give evidence to a committee of the House on a matter that is *sub judice*---

Hon. Members: No! No!

Mr. Speaker: Order! Order! Those who are baying for people's blood, please, listen.

An hon. Member: For how long?

Mr. Speaker: Order! Order! Long before some of you came to this House, a ruling was made on the *sub judice* rule by the Chair---

Mr. Wanjala: Mr. Speaker, Sir, there is---

Mr. Speaker: Order! Order, Mr. Wanjala! By the way, in the end, those ones who are grumbling, please, note that Mr. Kombo is asking the whole House to adopt this Report by a vote---

Mr. Kanyauchi: That is what we are trying to do here!

Mr. Speaker: Order! Order, Mr. Kanyauchi! Proceed, Mr. Kombo. All you are saying is that the notices never went, but the Chair is asking you to be also fair to the House; that, on receipt of that letter, you never consulted the person with the ultimate authority.

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

Mr. Speaker: Order! Order, Prof. Onger!

This is what I warned Members about much earlier because I knew it would happen. I knew that some Members, at the end of the day, will use extra-legal means--- Please, from the beginning, Mr. Kombo has been speaking, I have given him a very firm and fair hearing. If another hon. Member from that side stands on a point of order, he has a right to be heard. Prof. Onger!

The Minister for Public Health (Prof. Onger): Thank you, Mr. Speaker, Sir. I think fairness and justice demands that I be heard. Since hon. Kombo has graciously laid on the Table of this House one such example of a letter inviting one such alleged witness to the Committee, would I also, by the same token, be in order to demand that, he lays similar letters on the Table of this House for those who have been named?

Hon. Members: That is a frivolous argument!

Mr. Kombo: Mr. Speaker, Sir, you will agree that, that is an argument and so there is no need to respond to that.

Mr. Speaker: Order! It does! Order! You brought that whole issue yourself! Indeed, you made it as summonses and maybe that order on *sub judice* prevented you. It is fair that he does say it. What about those who were not prevented by *sub judice* rule?

Hon. Members: It not a *sub judice* rule!

Mr. Speaker: Order! Order! Who is speaking! Is it Mr. Kombo or those Members?

(Loud consultations)

Order! As far as I am concerned with the rules of the House, there is no provision in the Standing Orders of the House, to allow all of you to speak at the same time. Proceed, Mr. Kombo!

Ms. Karua: On a point of information, Mr. Speaker, Sir.

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

Mr. Kombo: Which one should I take?

Mr. Speaker: Well, it is up to you.

An hon. Member: Take both!

Mr. Kombo: Mr. Speaker, Sir, I will take both. I will take hon. Karua's point of information first, then hon. Murungi's.

An hon. Member: Correct!

Ms. Karua: Mr. Speaker, Sir, I want to inform the hon. Chairman of the Anti-Corruption Committee that, even when a matter is *sub judice*, certain aspects of it, which do not touch on the findings of the court, can actually be discussed. That is why we have comments in newspapers, and that is why in this House, the Chair allows certain Members; like the Leader of Government Business, when the matter of Goldenberg once came up--- He was allowed to make a personal statement, but not to go so deep as to touch on the *sub judice* matters.

(Applause)

Mr. Speaker: Mr. Kombo, do you want to be informed further?

Mr. Kombo: Yes, Mr. Speaker, Sir.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I would like to further inform the Chairman of the Anti-Corruption Committee that, as a matter of fact, when we were drafting this letter to invite the hon. Prof. George Saitoti to appear before the Committee, we were very careful because we read the Standing Orders and said: "We are not going to ask him anything regarding the matters pending in court on Goldenberg." We had specified in the letter that we wanted to clarify certain policy matters relating to Goldenberg. So, there was no question of touching on *sub judice* matters.

When we did receive the comments from the Clerk of the National Assembly, we demanded to see the letter which the Chief Justice had written to Public Accounts Committee (PAC). When we read the letter, we saw that the Chief Justice had printed a judicial privilege which was appropriate for him and we said that, judicial privilege of the Chief Justice cannot be extended to hon. Prof. George Saitoti.

(Applause)

I do recall that, we sent the Vice-Chairman of the Anti-Corruption Committee to take up the matter with the highest office of this House. I do not know what happened after that.

Thank you.

An hon. Member: Nothing happened!

Mr. Speaker: Who is the Vice-Chairman of the Committee by the way?

The Vice-President (Prof. Saitoti): Thank you, Mr. Speaker, Sir. As you know very well, we have wanted to allow the hon. Member to move this Motion. Clearly, my name has been brought in and it has been stated that a letter was sent for me to appear before the Committee. The Clerk of the National Assembly has, therefore, stated clearly that, because the whole Goldenberg is in court---

Hon. Members: No! For how long will it be in court!

Mr. Speaker: Order!

The Vice-President (Prof. Saitoti): Just a minute! It is not a question of how long; is the procedure to discuss the judiciary!

An hon. Member: According to which procedure! Your own procedure?

Mr. Speaker: Order! Can I get this out of the way? As far as I can see, I think we should not take any further time Mr. Kombo. As far as I can see or understand from him, there was a letter drafted but it was never sent. Consequently, it never reached the Vice-President. So, as far as the Vice-President is concerned, there was never any information about it. So, I do not think you need to worry about it. I think what the Chairman of Anti-Corruption Committee has said is that, the letter was drafted but it was never sent and, therefore, it never reached you and because

it never reached you, you never went there!

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, it is not only in Goldenberg that I have been mentioned. I have been mentioned in the case of Soya Beans. That one---

An hon. Member: That one will come later!

The Vice-President (Prof. Saitoti): No, no! It cannot be coming later! I am mentioned in this Report here on Soya Beans Project. The case of the Soya Beans Project at the time of the writing, was not in court. Could the Chairman of Anti-Corruption Committee say whether he delivered the letter to me or not?

Mr. Obwocha: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Overruled, all of you!

Mr. Obwocha: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order!

Mr. Obwocha: I should be heard, Mr. Speaker, Sir! I am asking the Chair how the Clerk of the National Assembly could write a letter, sign at the bottom of it and then write comments on top? Is that a possible thing? He must have delivered it to somewhere else!

Mr. Speaker: Order! Order, Mr. Obwocha! Proceed!

(Laughter)

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. It is not enough to answer Mr. Obwocha because these are matters---

Mr. Speaker: By the way, Mr. Oloo-Aringo---

Mr. Oloo-Aringo: No, no, Mr. Speaker, Sir. Please---

Mr. Speaker: Order, Mr. Oloo-Aringo! Order! Apparently Mr. Oloo-Aringo, you seem to think that you have a supervisory power over the Speaker! So, every time I make a ruling---

Mr. Oloo-Aringo: Mr. Speaker, you are intimidating me!

Mr. Speaker: Order! Whether I am intimidating you or not, it does not matter. What matters is---

Mr. Oloo-Aringo: I am entitled to be heard Mr. Speaker!

Mr. Speaker: Order, Mr. Aringo! Order!

Mr. Oloo-Aringo: I am entitled to be heard and you cannot intimidate me! I cannot allow you to do that!

(Applause)

Mr. Speaker: Order! Whether it is intimidation or not, I want to state here clearly that, certainly, you have no supervisory powers over me and that is what I said!

Mr. Oloo-Aringo: Mr. Speaker, Sir, you are intimidating me!

Mr. Speaker: I am not! Proceed!

Mr. Oloo-Aringo: Mr. Speaker, Sir, I am saying that, Mr. Obwocha demands an answer and this House wants to hear that answer. We asked you to do so!

Mr. Speaker: What answer is it?

Mr. Obwocha: Mr. Speaker, Sir, is it possible in normal letter writing, for the Clerk of the National Assembly to write a letter and after a few minutes write comments on top? He must have consulted somebody or he must have delivered it to somebody in order to come came up with these new comments. That is what was done!

(Applause)

Mr. Sungu: He is already giving documents to the Clerk!

Mr. Speaker: Order! Order!

(Prof. Saitoti passed over a sheet of paper to the Clerk of National Assembly)

Dr. Ochuodho: Mr. Speaker, Sir, he is already giving documents to the Clerk of the National Assembly.

Mr. Kaparo: Order! First of all, can I see what is being referred to as "the letter"?

(The Clerk of National Assembly passed over the sheet of paper to the Speaker amid loud consultations)

Mr. Speaker: Order! Order, Mr. Kibaki! Order, everybody! As I request you always, hon. Members, please, if you are in this House, and you are stating an alleged fact, ensure that it is true fact, so that this House can understand what you are talking about and make a decision based on that fact. First of all, the paper that was laid on the table by Mr. Kombo was supposed to be a letter written by the Clerk of the National Assembly, ending with the words "Yours faithfully, S.W. Ndindiri", but was not signed. I am informed by the Clerk of the National Assembly that this letter was drafted by the Committee for his signature. He says that when this draft was delivered to him, in his opinion, he thought that this was not something that he would sign and summon someone to appear before the Committee. He, therefore, made these comments at the top of this draft, and hence he did not make it his letter. So, the question being asked by Mr. Obwocha - who was a Member of the Committee that drafted this letter - does not arise. He is wondering how the Clerk of the National Assembly can draft a letter and fail to sign it. Clearly, this letter was not drafted by him; it was drafted by the Committee and taken to him for his signature. So, that is the truth. Hon. Members must be truthful if we are ever going to believe you.

(Applause from the Government side of the House)

Ms. Karua: On a point of order, Mr. Speaker, Sir. Is it in order for a Committee of this House to request for a witness's summons only to be overruled by the Clerk of the National Assembly, who is supposed to be a facilitator, and not the supervisor, of the Committee?

(Applause from the Opposition side of the House)

Mr. Speaker: Order! Hon. Members, the actual person who is empowered to issue witness summonses is the Speaker of National Assembly. From the Committee's Chairman's speech here, I understand that the Committee had sent its Vice-Chairman to see what Mr. Murungi called "the highest authority in the House". I do not know what that means. If "the highest authority in this House" means "the Speaker of National Assembly", may I confirm to this House that - and Mr. Kamoleh is here - Vice-Chairman never saw in the highest authority in the House.

Proceed, Mr. Kombo!

Mr. Kamoleh: On a point of order, Mr. Speaker, Sir. At the time we deliberated this matter at this Committee meetings, I was also a Member of the Public Accounts Committee (PAC). I remember that when we came to you, I did not touch on this matter with respect to this Committee's deliberations on it. However, we talked about the matter raised by the Chief Justice, and you told us us, as Members of PAC then, that you were of the opinion that, according to the Chief Justice's letter to you, because we had summoned him to appear before PAC, it would actually not be possible for us to deliberate on any matter that was *sub judice*. That is what I took to this Committee.

Mr. Speaker: Very well. Could we then proceed on the understanding that the highest authority of this House was never actually seen?

Proceed, Mr. Kombo.

Mr. Kombo: Thank you, Mr. Speaker, Sir. Really, the letter has raised a lot of heat, but that was just explaining why we did not call on these people. Hon. Members are asking questions as if they have not heard what I said here just a few minutes ago. I was explaining why we did not call those people whom we have named adversely in our Report.

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

Mr. Kombo: Mr. Speaker, Sir the other question that has been raised---

Mr. Speaker: Order, Mr. Kombo. Prof. Onger, I hope it is a serious point of order.

The Minister for Medical Services (Prof. Onger): Mr. Speaker, Sir, I would hate to interrupt the Mover of this Motion. My point of order is this: He has laid on the table, a letter that laid the basis upon which he summoned those who have been mentioned in this Report, who, therefore, did not turn up. Was he in order to conclude that everybody had, actually, been summoned to appear before the Committee?

Mr. Speaker: Order! Order! Actually, the burden is on Mr. Kombo to satisfy this House and the whole Kenyan society that he did that. But the way I see it is that he has produced this letter as one of example where he attempted to call Prof. Saitoti to appear before the Committee, but he was unable to do so. Now, I think Mr. Kombo was right in doing that. He is saying: "I tried to call this witness, but there were legal impediments, which did not allow me to do so". However, that was only true for one of the many people who have been mentioned in this Report. He still has the time to explain the other circumstances.

(Mummers)

Order! Order! Could I tell this House that this is a very simple matter. At the end of this debate, it will not be the kind of foot thumping that we have done or the way we grumble here that will determine the outcome of this debate; this will be decided by the number of the actual votes cast by live hon. Members of this House.

So, could we, please, give Mr. Kombo an opportunity to convince the Members of this House why they should vote with him?

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir. From the foregoing, it would appear as if the problem was actually you, and that you actually sabotaged the operations of this Committee; and you did not give this Committee full support.

(Applause)

Mr. Speaker: Order! Order! Mrs. Ngilu, I think the problem is you for not understanding what is happening.

(Laughter)

Mrs. Ngilu, I think you have a little problem in understanding and following what has happened here.

Mrs. Ngilu: But, Mr. Speaker---

Mr. Speaker: Order! You cannot attack me like that. In fact, I should have sent you out, but I do not want to deny any party a vote. If you understood what Mr. Kombo and Mr. Kamoleh said, you should never, in all honesty, have uttered those words.

Proceed, Mr. Kombo.

Mr. Kombo: Mr. Speaker, Sir, I just want to say that, that was the fourth reason I was giving to explain why we could not summon those who have been named in this Report; I had already given three reasons. I have explained all this. So, I do not understand why we have all this confusion.

Mr. Speaker, Sir, I would like to clarify that, that letter is not blaming the Clerk of the National Assembly at all. I am glad that you understood it correctly. The Clerk of National Assembly only passed the message that there was that impediment for us to move on; that is all he said. We have not blamed anybody. So, let me continue by answering the question why the list is not all-inclusive, because this question has been raised.

Mr. Speaker, Sir, the Committee included all the cases brought before it. Indeed, we have said that all cases brought to us, whether at the provincial and district levels, or through memoranda---

(Loud consultations)

Mr. Speaker: Order! Hon. Members, would you like to hear what he is saying, so that you vote having heard?

Mr. Kombo: Mr. Speaker, all those cases were included. Therefore, for those who had cases which they thought they should have been included and they did not bring to us, please, do not ask the Committee. I have also heard complaints as to why Mr. Odongo, Mr. Wanyoike, Mr. Chumo or Wanyonyi were not mentioned as perpetrators of corruption. All I can say is that if you had information about them, you should have brought it to the Committee. But you did not.

(Applause)

Mr. Speaker, Sir, this is actually the problem of Kenyans when you discuss matters of seriousness like this one. They will talk about it in the streets and buses. They will discuss somebody who has done something terrible in this nation. But when you give them an opportunity to come and say it before a Committee, they retire into their cocoons. This was exemplified to me by one very senior Kenyan. I had asked him why they always talk about those people who have done terrible things in this country and they do not come forward. All he said was that he was afraid of being killed.

An hon. Member: By who?

Mr. Kombo: I do not know. That is why I am saying Kenyans are afraid to come forward and speak out. I want to appeal to them that Parliament is going to be brave to discuss these things and Kenyans also must speak out because the problem is not just for Parliament. The problem is for all Kenyans. Indeed, we will fight the evils of corruption more effectively if we all join hands. So, because of this fear and realising that not everything was perhaps brought before us, that is why we decided to include everything that was brought to us in the report. And that is exactly what we did. We hoped rightly or wrongly, that this would be a shock therapy for Kenyans in order for them

to wake up and start fighting the evils of corruption. I want to say this humbly that since then, I think the Committee has been proven right because we are receiving more documents which would have made very interesting reading from wananchi because they think that we are still sitting. So, Kenyans have woken up in the fight against corruption. Since we succeed in putting fire under the bellies of Kenyans to be able to wake up and fight corruption, then I think we have done a good job.

Mr. Speaker, Sir, I started by saying that I do not want to trivialise and even discuss specific issues. This is because the issue at hand is corruption. But certain cases are of such magnitude that I need to mention them. I want to mention the case of Karura Forest and the Soya Beans Project because the issues were raised in the House as soon as we laid the papers on the Table. If that had not been happening, I would not have bothered to go into those individual cases. I have also raised the question of Goldenberg because that is what happened.

Mr. Speaker, Sir, with your permission, I just want to say that on Karura Forest, again, the Committee tried to summon the Commissioner of Lands but he did not turn up for whatever reasons. In fact, that was the first person we summoned. So, we could not get to the bottom of Karura Forest issue. We also summoned Mr. Kariuki of Green Corner, for example, whom we believed had some information, but he actually hid in his office. He locked himself away and refused to be served with the letter. I think that demonstrates that Kenyans are afraid to come forward and say things. Therefore, the Committee still felt that Karura Forest was a major issue and, therefore, made a recommendation that it reverts to its original status.

(Applause)

On the question of soya beans project, again, I will be very brief. I would like to inform this House that the Public Investments Committee (PIC) had dealt with this matter, but we also had certain documents. When you read through these documents, you ask yourself: "Why did this and that happen?" On the question of soya beans, I just want to refer to the letters that we had, and which I will lay on the Table. We understood that soya beans project was an activity between the Ministry of Finance and Agriculture, but the letters that came into our possession were copied to the then Minister for Energy.

An hon. Member: Soya beans can produce energy!

Mr. Kombo: Mr. Speaker, Sir, the Committee was asking why the Minister for Energy who had nothing to do with agriculture and finance should be copied these letters. That is why the names are in the Report as they are. I do not want to go through all the letters. In fact, one of the letters says:

"If you have a problem, our friend so and so, Minister for Energy, will sort it out."

Hon. Members: Name him!

Mr. Kombo: Mr. Speaker, Sir, this is why in our Report-- I will read one paragraph which is obviously interesting.

An hon. Member: Name them!

Mr. Kombo: Mr. Speaker, Sir, this man is writing a letter to the Managing Director of the Agricultural Development Corporation (ADC) and says:

"If it is expected that there will be any problems with regard to departments one, two and three, I shall ask our friend, the Minister, hon. Biwott, if he is able to hasten the approval."

(Applause)

An hon. Member: Haya!

Mr. Kombo: Mr. Speaker, Sir, we had these documents. All we are saying is that this is abuse of office and we are not saying that these people took the money. I just want to lay all the letters on the Table, because they are all here, where the Minister for Finance also gave an okay to the project, whose money we know was lost. Now, if the Ministers involved wrote such letters and the country lost over Kshs800 million, are you saying that the Committee should have shut up and said nothing?

An hon. Member: No way!

Mr. Kombo: Mr. Speaker, Sir, I beg to lay the documents.

(Mr. Kombo laid the documents on the Table)

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir. Could the hon. Member moving this Motion also table the two other letters which he is withholding? He should not be selective. I will be speaking on them later. To be fair to the House and also the entire nation I would like those letters to

be published so that when I explain--- Can he also table the two letters?

Mr. Kombo: Mr. Speaker, Sir, I have tabled all the documents that I have. The dossier is here. I have not read each and every letter. The House can peruse them. I do not know what letters he is talking about, but I have tabled what I have.

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House by only mentioning one letter and refusing to mention the two which will give the total picture?

Hon. Members: What letters! Keep Quiet!

Mr. Speaker: Order! Apparently the membership of this House believes that it is fair to give one person an opportunity and it is unfair to give another. Mr. Biwott or any other hon. Member is entitled to rise and must be heard. He was asking Mr. Kombo a legitimate question. I do not know what Messrs. Biwott and Kombo are talking about. I am really in the dark. Instead of you hon. Members asking in fairness to know what the two are talking about, you are telling them to keep quiet! Mr. Kombo, do you know what the two of you are talking about?

Mr. Kombo: Mr. Speaker, Sir, I know what I am talking about and I have laid whatever I have on the Table. If there is anything else, the Minister will talk about it in his presentation.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Can I also table or read these letters which he is refusing to read because I would like all the information to come out correctly and I will speak more about it tomorrow. I would like the House to see the two letters and not just want only one. I would like the whole picture to come out.

*(Several Members on the Opposition
side Pointed at the Kanu Side)*

Mr. Speaker: Order! I really do not know what is going on.
Order! Stop pointing at one side. I think this House must rise above partisan politics.

Mr. Kanyauchi: There are no partisan politics here!

Mr. Speaker: Order, Mr. Kanyauchi! I think you are very partisan by your conduct.

Mr. Kanyauchi: No!

Mr. Speaker: Will you please first of all obey the Chair? Otherwise I will make sure that you will not disturb other interested hon. Members. I think in all fairness, if this House needs to be taken seriously by the Kenyan nation, then take yourselves seriously and approach this matter with the gravity which it deserves. Otherwise, we will spend tax payers money and this House's time to do absolutely nothing. Can we please approach this matter with seriousness and stop being frivolous.

Mr. Kathangu: On a point of order, Mr. Speaker, Sir.

Mr. Kathangu: Asante, Bw. Spika. Mimi ninaona kama kuna shida, kwani Mhe. Biwott anakubaliwa kupoteza wakati wetu zote kwa kuongea juu ya mambo ya barua ambazo hataji ni barua gani ili Mhe Kombo ajue kama ni zile barua ziko kwa kifurushi chake.

Hon. Members: No!

Mr. Speaker: Order, hon. Kathangu! First of all, no hon. Member wastes the time of this House. They are all entitled to speak, and in fact, if we go by that same logic, then probably, you are guilty, because it does not even affect you at all. In any case, I will say this: Let us be a little serious. We are now trivialising matters and going into side-shows. Everybody wants to be in the Press tomorrow, and that is what I understand.

Hon. Members: Aye!

Mr. Speaker: Order!

Proceed, Mr. Kombo.

(Loud consultations)

Order! Please, in all honesty, can we be orderly?

Hon. Members: We do not want to be in the Press!

Mr. Speaker: Fine, nobody wants to be in the Press, and so---

Hon. Members: Apologise!

Mr. Speaker: Order! I will not apologise! By the way, it is a truism that every hon. Member would like to appear in the Press.

Hon. Members: No! No!

Mr. Speaker: Mr. Kombo, would you please proceed?

(Loud consultations)

Mr. Speaker: Order! Can we listen? Can we give Mr. Kombo a chance to continue?

Mr. Oloo-Aringo: Mr. Speaker, Sir, the Chair is the highest office in this House, and its words are not taken lightly. When you prefer to impute improper motive by alleging that we want to be in headlines in the media tomorrow, and when we are dealing with a serious business of the people of Kenya, what are we supposed to do?

(Applause)

Mr. Speaker: Order! To answer you with all honesty, and that is what I have been imploring hon. Members from 3.30 p.m. this afternoon, we are supposed to address this issue seriously. Can we now allow him to address the issue seriously?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Ndicho!

Mr. Kombo: Mr. Speaker, Sir, let me now finish.

Mr. Speaker: Order, hon. Members! Can you give Mr. Kombo time to finish?

Mr. Kombo, you can now proceed.

Mr. Kombo: Mr. Speaker, Sir, I will now try to wind up.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. With all due respect to the Chair and this House, I am seeking the indulgence of the Chair and the whole House that in view of the seriousness of this matter, that we extend the sitting of this House from now to 8.30 p.m.

Hon. Members: No! No!

Mr. Speaker: Order! You do not shout at Mr. Ndicho like that. He is a Member of the House, and he is entitled to his opinions. But can I advise you, Mr. Ndicho: That is not how we do it. If you wanted this House to sit longer than 6.30 p.m., you should have handed a Motion to the Clerk for my approval, and we would put it to the House for approval. It is not by a point of order that we extend the time of the business of the House.

Proceed, Mr. Kombo.

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it? Are you still referring to that issue?

The Minister for Tourism, Trade and Industry (Mr. Biwott): Yes, Mr. Speaker, Sir.

Mr. Speaker: Order! Why? I thought that debate means listening to the other person, get your chance and rebut.

Hon. Members: Yes!

Mr. Speaker: I thought that, that is what debate is all about!

Hon. Members: Yes!

Mr. Speaker: Some of you are saying "yes!" now and later saying "no!"

(Laughter)

So, can we be consistent in our thoughts? Mr. Biwott, hold your horse and I will give you time to respond to that.

(Mr. Biwott remained on his feet)

Mr. Biwott, what is it?

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir. In accordance with the letters that the hon. Member had tabled, I had complained that he did not produce the other two letters. Fortunately, he has produced them. I would like, the Press, and the entire Kenyan society to know---

Mr. Speaker: Order! Mr. Biwott, you must now sit down. Mr. Kombo, proceed! Please, let us all be serious. Hon. Members, I think I have impressed upon you the gravity of this matter. I hope you understand it and you will not be selective in deciding when it is grave and when it is no longer grave for you to play around.

Mr. Kombo: Mr. Speaker, Sir, in view of the fact that a lot of my time has been wasted, I want now to deal with the issue of Goldenberg. **The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that I am wasting time? An. hon. Member of Parliament does not waste time.

Mr. Speaker: Order! Nobody wastes time. Mr. Kombo, proceed!

Mr. Kombo: Mr. Speaker, Sir, as I said, I wanted to briefly deal with the Goldenberg issue. I just wanted to say that what Kenyans--

Mr. Munyasia: On a point of information, Mr. Speaker, Sir. I want to inform hon. Kombo that he does not have to worry at all and hurry because his speech is untimed. So, there is no time of his that has been taken away. He has all the time.

Mr. Kombo: Mr. Speaker, Sir, you assured me of my security, so I will continue.

I was saying that as far as Goldenberg is concerned, Kenyans have got to know that Goldenberg was not a single transaction. These are not issues that are in court. We are talking about the principle behind Goldenberg. It was never a single transaction. I say this because people have talked of different amounts of money and even the Press has also taken that line. I think that from a principle point of view, Goldenberg was a regime of transactions.

(Applause)

It was a regime of financial transactions and activities by a number of related parties that were used to defraud and impoverish the economy of this country. It is one issue that if Kenyans do not come to terms with and accept to tackle in one way or the other, it will live with us for ever and ever.

Hon. Members: Amen!

Mr. Kombo: Mr. Speaker, Sir, those transactions and activities included pre-shipment activities and export compensation which is commonly known about, and that is what everybody talks about as "the Goldenberg". This was only a small aspect of it. It included Central Bank overdrafts to certain banks which are politically correct.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for us to interrupt our business. The House is, therefore, adjourned until tomorrow, Thursday, 6th July, 2000, at 2.30 p.m.

The House rose at 6.30 p.m.