

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 5th May, 1998

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Annual Report and Accounts of the Tea Research Foundation for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Agricultural Research Institute for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Forestry Research Institute for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Medical Research Institute for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Marine Fisheries Research Institute for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the National Council of Science and Technology for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Research and Technology
(Mr. Ombasa) on behalf of the Minister
for Research and Technology)*

ORAL ANSWERS TO QUESTIONS

Question No. 133

ASSAULT OF PEOPLE BY ASSISTANT CHIEF

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

(a) whether he is aware that the Assistant Chief of Kimatuni Sub-Location of Bumula Location and his four village elders assaulted and injured Messrs. Justus Marango Kong'ani and Kong'ani Lumbasi Wakhungu on 1st November, 1997;

(b) whether he is further aware that P3 forms were issued, filled-in by the District Medical Officer on 5th and 6th November, 1997, but no action has been taken against the Assistant Chief, though the matter was reported at Bungoma Police Station on 2nd November, 1997; and,

(c) when the Assistant Chief and his four village elders will be taken to court.

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

(a) There was a little bit of confusion on the dates, but we believe that an incident occurred on 2nd of November, 1997, where Mr. Kong'ani complained to the Assistant Chief about a land boundary. The Assistant Chief went with some elders to sort out the land problem and in the process the complainant assaulted the Assistant Chief and the people around tried to help him. That is the incident that we know of.

(b) In the process of the fracas, the Assistant Chief and Mr. Kong'ani incurred some injuries and they both got P3 forms. They were supposed to report the matter to the police but later on it was believed that they agreed to sort out the matter amicably. So, we are surprised that this matter has come up again. No action was

taken because they did not report the matter to the police.

Mr. Sifuna: Mr. Speaker, Sir, I am surprised to hear that answer from the hon. Minister. Last week, the Minister promised this House that he would bring the P3 form issued to the Assistant Chief. Now, looking at the P3 form that I laid on the [Mr. Sifuna]

Table last week, it is clear that the man is 85 years old and cannot assault the Assistant Chief. In fact, as we are talking, the old man is in bed. Could the Minister produce the Assistant Chief's P3 form to prove that he was really beaten? Can we get a proper answer from the Minister?

Mr. Speaker: Order! You are saying the same things several times, all over!

Maj. Madoka: Thank you Mr. Speaker, Sir. I do not think I promised to bring the P3 form to this House. In fact, I did not answer the Question because I did not have the relevant information. No incident occurred on 1st November, 1997, as indicated. What I said is that, an incident did occur and we did not get the P3 form. In fact, this gentleman appeared in court two weeks ago to answer charges on the same land issue, for tampering with the beckons of the land. So, Mr. Kong'ani seems to have a problem and has been charged in court.

Dr. Kituyi: Mr. Speaker, Sir, according to the Minister, this matter was resolved amicably and there was no way the police would have come in. Is he disputing the P3 form, a copy of which was laid on the Table last week, and the report having been made to the police station on the 2nd November, 1997, or is he saying that, that information has been hidden from him?

Maj. Madoka: Mr. Speaker, Sir, I have not denied that the P3 forms were genuine. I saw the P3 forms from the old man and his sons, but I have not got the P3 forms of the Assistant Chief. As I said, the matter was reported to the police and they were supposed to go back after the two of them had presented the P3 forms, but then they did not report back. Therefore, it was believed that they had sorted out the matter amicably.

Mr. Sifuna: Mr. Speaker, Sir, these matters have not been resolved at all. Could the Minister direct the police officers to take this Assistant Chief before a court of law in order to determine who was wrong; either the Assistant Chief or the old man who is 85 years old?

Maj. Madoka: Mr. Speaker, Sir, we are surprised that this matter has come here because it has not gone back to the police. The complainant has not taken this matter back to the police and, I believe, that it is the hon. Member who has raised the matter.

Mr. Raila: On a point of order, Mr. Speaker, Sir. Which is which? The Minister has just said, a few minutes ago, that Mr. Justus Marango Kong'ani has been charged and now he is again saying that the police have not taken any other action. Which is which? Has the old man been charged? Which is the guilty party? Who is the victim and who is the culprit?

Maj. Madoka: Mr. Speaker, Sir, I think, the hon. Members are getting a bit confused because what I did say is that this other case where Mr. Kong'ani has been charged, is not related to this particular incident. I was only saying that as a result of this case, he went further and raised objections, but he was not charged for this particular incident.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that when you have taken a P3 form and you have filed a case of assault with the police, prosecution only proceeds if you go back to the police? Why are you saying that prosecution has not taken place because after the man reported the incident, he has never gone back to report the matter to the police.

Maj. Madoka: Mr. Speaker, Sir, I think I did say that both of them took P3 forms and they were supposed to go back to report the matter to the police accompanied by their witnesses, but they never did that and that is why the police never pursued the matter further.

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. The hon. Minister has not answered my question. Could the Minister order the police officers concerned to take this matter to court since the old man insists that these people should be taken to court? The Minister has not answered the Question properly.

Maj. Madoka: Mr. Speaker, Sir, I think if the individual concerned is dissatisfied, he can still go back to report the matter to the police so that the later can take up the matter.

Question No.107

ACTION AGAINST MURDER SUSPECTS

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

(a) what action was taken against the three policemen who were allegedly involved in the murder of Mr. Charles Ireri of Karaba, Gachoka Constituency, Mbeere District, on 30th March,

1995;

(b) what were the results of the post-mortem done on the deceased; and,

(c) whether the mother has been compensated for the loss of her son.

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

(a) The three policemen who were involved in this incident were charged with the murder and convicted for manslaughter by the High Court in Embu and they are serving ten years imprisonment.

(b) The results of the post-mortem was that the person in question died of cardiac arrest as a result of multiple head injuries.

(c) The issue of paying compensation has not been raised by the members of the family, but I am sure if they do that, the matter will be looked into.

Mr. N. Nyagah: Mr. Speaker, Sir, I am happy with that answer and as a matter of fact, the only thing that the Judge forgot to make a ruling on is that these people should have been given hard labour and strokes of the cane. However, I am very happy.

Thank you.

Question No.010

MEASURES TO CONTROL *BLUE TONGUE* DISEASE

Mr. Sankori asked the Minister for Agriculture:-

(a) whether he is aware that an *El Nino* induced disease called *blue tongue* has nearly decimated sheep and goats in the country;

(b) what steps is he taking to control the disease; and,

(c) what plans does he have for assisting the farmers to re-stock the affected livestock.

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

(a) I am aware of the outbreak of the *blue tongue* disease following the *El Nino* induced rain. It is not true that this disease has nearly decimated sheep and goats in the country as a survey carried out by the Ministry revealed that the deaths per herd were only 20 per cent. It is also important to note that during this period, the deaths of sheep and goats were also attributed to *Rift Valley Fever* and *Foot Rot*.

(b) Following the process of diagnosing this disease in the affected districts, my Ministry took the following steps:

(i) The announcement of *blue tongue* outbreak was done in the affected districts.

(ii) The vaccination of herds was carried out, as swiftly as possible, and in certain cases we had to use aircrafts to deliver vaccines to areas which were inaccessible due to poor roads.

(iii) Farmers were advised through the news media, opinion leaders and barazas to move their herds to higher grounds.

(c) My Ministry plans to assist the affected farmers to re-stock their livestock in the long-term and these are the measures which we are trying to undertake:

(i) To avail adequate *blue tongue* vaccines to farmers for regular vaccination of the sheep especially Ndomba sheep.

(ii) To teach the farmers through extension service the importance of regular de-worming of their animals, vaccination against *blue tongue* and *Rift Valley Fever*.

(iii) To generally advise farmers on good animal husbandry.

Mr. Sankori: Mr. Speaker, Sir, while I respect the hon. Assistant Minister for Agriculture, it is sad to note that he has dared to mislead a country that only 20 per cent of the livestock have died. It is unfortunate to note that, first of all, he does not know what the *blue tongue* disease is. The *Blue tongue* disease and the process of deworming of sheep have nothing in common. This is purely a disease that is caused by a virus. Could the Assistant Minister tell this House, first of all, what is the name of the virus, the vaccine that can control *blue tongue* disease and also the incubation period of the disease?

Mr. Kirwa: Mr. Speaker, Sir, I did not come here for such particular lessons. I was just giving information obtained from the field officers.

Mr. Sankori: On a point of order, Mr. Speaker, Sir. He is not here to receive lessons; he is here as an Assistant Minister for Agriculture to answer the Question!

Mr. Speaker: Mr. ole Sankori, is that a point of order? Are you arguing with the Assistant Minister or are you on a point of order?

Mr. Sankori: I am on a point of order.

Mr. Speaker: What is your point of order.

Mr. Sankori: Mr. Speaker, Sir, is it in order for the Assistant Minister to belittle the farmers when we ask genuine Questions on their behalf, so that they are able to feed their animals?

Mr. Kirwa: Mr. Speaker, Sir, I do not know whether I should respond to that question because I do not know whether that one qualifies as a point of order.

Mr. Speaker: Mr. Kirwa, well, I think generally farmers are very anxious to know what is the *blue tongue* disease. What causes it and how do you treat it?

Mr. Kirwa: Mr. Speaker, Sir, I thought the answer I have just given was adequate. It is caused by the factors that I have just enumerated.

Mr. Raila: Mr. Speaker, Sir, did I hear the Assistant Minister correctly state that only 20 percent of the livestock has been lost as a result of this disease? Could the Assistant Minister confirm to the House, whether this *blue tongue* disease was induced by the *El Nino* floods, or it is an old disease that is known to the Government?

Mr. Kirwa: Mr. Speaker, Sir, I stand by the information that I have just given. The factors causing the disease may be different, depending on what the Members have in mind. But the information that I have from the ground is that the *El Nino* induced rain is the factor that must have exacerbated the situation. I would advise the Members that those animals be taken to higher grounds.

Mr. Kikuyu: On a point of order, Mr. Speaker Sir. The Assistant Minister is confused because he cannot understand what the *blue tongue* disease is. When this disease appears in our constituencies, we will not be able to advise the farmers on how to tackle it. Can the Assistant Minister be ordered to come back tomorrow with a sufficient answer so that Kenyans can be told what the *blue tongue* disease is?

Mr. Kirwa: Mr. Speaker, Sir, that is now a specific question. In the meantime, I would advise all the affected people to move their animals to higher ground before tomorrow!

(Laughter)

Mr. Leshore: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that this *blue tongue* disease and the rift valley fever originated in North Eastern Province where some suspected chemicals were buried and they resurfaced after the occurrence of the *El Nino* rains?

Mr. Kirwa: Mr. Speaker, Sir, this is a new dimension and it is beyond the purview of my Ministry. But I will undertake to give you detailed information on what the *blue tongue* disease entails.

Mr. Sankori: When?

Mr. Kirwa: On Thursday.

Mr. Speaker: Very well; the Question is deferred until then.

(Question deferred)

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

Mr. Speaker: I am sorry, Mr. Mutani, we will revisit the issue of the *blue tongue* disease on Thursday.

Question No. 111

TARMACKING OF RIUKI-IKINU-GITHIGA-GITIHA ROAD

Mr. Gatabaki asked the Minister for Public Works and Housing:-

(a) Whether he is aware that the Riuki-Ikinu-Githiga-Gitiha Road is classified in the category of tarmacked roads;

(b) if the answer to "a" above is in the affirmative, why then the road which traverses some of the most agriculturally productive areas of Kenya has never been tarmacked; and,

(c) what happened to the funds set aside for the tarmacking of the road and when it will be tarmacked.

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, I beg to reply.

(a) I am not aware that the Riuki-Ikinu-Githiga-Gitiha Road, that is E 431 is classified in the category of tarmacked roads. There are no immediate plans to tarmac Riuki-Ikinu-Githiga-Gitiha Road due to lack of funds.

(b) It is also not included in the current three-year Public Investment Programme.

(c) I am also not aware of any money that was set aside for the purpose of tarmacking the road. However, it can be considered for tarmacking in future depending on the priorities ranking and the availability of funds.

Mr. Gatabaki: Mr. Speaker, Sir, I would like to thank the people of Githunguri for voting for me despite the conditions of the road. If I heard the Minister correctly, there are no immediate plans to tarmac this road and the funds will not be available immediately. This is one of the most agriculturally productive areas in Kenya and it supports a considerable number of Kenyans. The taxpayers of Githunguri are asking when the Government will tarmac this road, as a matter of priority. If the Government is not willing to do this, can the people of Githunguri tarmac the road themselves?

Mr. Kones: If Mr. Gatabaki's constituents are willing to tarmac the road, they can go ahead and do it. I have said that when funds are available, we will consider tarmacking the road. However, it is misleading for the Member to say that the road is already classified as a tarmacked road because there is no such thing as a classified tarmacked road in this country. The road has constantly received a lot of maintenance. Every year we give a lot of money towards gravelling it. Not all the roads leading to the agricultural areas are tarmacked. I quite sympathise with hon. Gatabaki, because the road actually serves a highly potential area but, that does not mean that it has to receive funds for tarmacking immediately. I know that it deserves to be tarmacked, but there is no money available now.

Mr. Ndicho: Mr. Speaker, Sir, before we were transferred to Thika District, in our district development committee (DDC) meetings in Kiambu, this road was approved for tarmacking with the money received as one per cent cess from tea and coffee from that area. This money was given to the Kiambu District Commissioner. Can the Minister tell us what happened to that money which amounted to over Kshs80 million from tea and coffee cess?

Mr. Kones: Mr. Speaker, Sir, I said I am not aware that any money has been set aside for that road. If the hon. Member could be kind enough to give me that information, I will follow it up. But, mind you, we are talking of 23 Kilometres of road and Kshs80 million is not enough to tarmac that road. Anyway, I will still be willing to pursue the whereabouts of the Kshs80 million.

In addition to that, it is not my responsibility to chase cess money in the districts; that money belongs to the Ministry of Local Authorities.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that it is not his Ministry's priority to follow the money that has been allocated to the DDC, while we know that the DC is part and parcel of his Government and he receives that money on behalf of his Ministry? Since this is a classified road, is the Minister in order to tell us now that it is not his responsibility? What then is his responsibility?

Mr. Kones: I said that I would assist in the matter. I am not aware of the Kshs80 million which was allocated within that district. But if you can inform me, I will try to assist you. That money was locally disbursed at the district level, so I am not aware of it at a Ministerial level.

Mr. Wamae: Mr. Speaker, Sir, the hon. Minister has agreed that this is a very important road in a highly productive agricultural area. Would he consider giving this road a higher priority during the next allocation of money?

Mr. Kones: I have said that we will consider that as and when funds are available. I know that the road deserves this kind of treatment. But the fact remains that we do not have funds now. When money becomes available, we will consider that road. In fact, I have talked to the area Member of Parliament about this road. I do not even understand why he is bringing up the Question.

Mr. Gatabaki: What the Minister is talking about is true. He promised to go to Githunguri and see the road for himself. He promised the people of Githunguri that the road will be tarmacked. However, is the Minister aware that the road is classified in the category of tarmacked roads? If he is not aware then he should ask the former Minister for Transport and Communications, Mr. Magugu, who did that during his tenure.

A specific amount of money was allocated for the construction of that road. Can the Minister come back to this House and assure my Constituents that he is aware that, that money was allocated and that the Government will give that road a priority because the money was already allocated?

Mr. Kones: Mr. Speaker, Sir, no money was ever allocated for tarmacking the road. However, some money was allocated for gravelling. However, I am aware that during hon. "Githunguri's" tenure, he did gravel and compact that road and gave it a single seal of tarmac.

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

Mr. Kones: I am giving the right information; you do not have it. What I know is that it happened during those days.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. It is good to put the record of this House in the right perspective. The Minister has talked of hon. "Githunguri", while hon. Gatabaki talked of hon. Magugu. The

person who tried to become "hon. Githunguri" did not make it to this House. So, it is hon. Magugu, and not "hon. Githunguri". The road is in Githunguri Constituency.

Mr. Kones: I am sorry; there seems to be some confusion. You refer to places and people by the same names and that causes a lot of confusion.

Mr. Speaker, Sir, it is confusion arising from the name "Githunguri": We have the former hon. Member for Githunguri Constituency, Mr. Magugu, and a Mr. Githunguri from Kiambaa Constituency. That is what the confusion is all about. Anyway, all that I am saying is that, at that time, hon. Magugu, out of his own initiative, gravelled the road to a very good standard, and decided to put a single seal of tarmac on it. This road was very poorly done. The road served the purpose for quite some time, but it did not qualify to be a tarmac road: It was still a gravel road. There are so many similar roads in Githunguri Constituency which were gravelled by hon. Magugu, who was then a Minister.

Mr. Speaker: Very well. Next Question, by Mr. Onyango.

Question No.015

MAINTENANCE OF ROADS IN NYATIKE

Is Mr. Onyango not here? We will come back to his Question.
Let us move on to the next Question by Mr. Anyona.

Question No.086

MEASURES TO COMBAT MALARIA MENACE

Is Mr. Anyona not here? We will leave his Question until the end.

Mr. Onyango's Question for the second time.

Dr. Ochuodho: Mr. Speaker, Sir, hon. Onyango requested that I ask this Question on his behalf.

Mr. Speaker: Where were you when I called the Question in the first round?

Mr. Ochuodho: Mr. Speaker, Sir, I apologise for not asking it in the first round.

(Laughter)

Mr. Speaker: Anyway, I understand!

Question No.015

MAINTENANCE OF ROADS IN NYATIKE

Mr. Ochuodho, on behalf of **Mr. Onyango,** asked the Minister for Public Works and Housing:-

(a) when the Ministry will gravel Masara-Karungu Road to make it passable;

(b) when Migori-Muhuru Road will be tarmacked; and,

(c) how much money the Ministry has used in Nyatike Constituency for the maintenance of roads during the last two years.

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, I am still sorting out my answers.

Mr. Speaker: While you sort out your answers, let us move on to the next Question. We will come back to it.

Mr. Anyona's Question for the second time.

Mr. Nyang'wara: Mr. Speaker, Sir, I wish to ask Mr. Anyona's Question on his behalf.

Mr. Speaker: Where were you in the first round?

Mr. Nyang'wara: Mr. Speaker, Sir, I thought he would come in time.

Mr. Speaker: Order! May I put the record right for the benefit of new hon. Members. It is not just because an hon. Member, who is friendly to you, is absent and the Question is there, that you will rise up to ask it.

You must have specific instructions from that hon. Member to ask that Question on his or her behalf. Do you truly have instructions?

Mr. Nyang'wara: Mr. Speaker, Sir, I have the instructions. We agreed that in case he does not come in time I ask the Question on his behalf.

Mr. Speaker: Very well, Mr. Nyang'wara.

Question No.086

MEASURES TO COMBAT MALARIA MENACE

Mr. Nyang'wara, on behalf of **Mr. Anyona**, asked the Minister for health:-

In view of the serious malaria upsurge in Bomett, Gucha, Kisii, Trans Mara, Wajir and Nyamira districts whether he could inform the House:

(a) the number of beds in the district hospitals and health centres in each district and the total number of out-patient malaria cases handled and treated at each hospital, health centre and dispensary in the respective districts between January and March, 1998;

(b) the total number of deaths of malaria cases at each hospital and health centre in the respective districts in the said period; and,

(c) the measures taken by the Ministry to combat the malaria menace in the said districts and the country in general.

The Assistant Minister for Health (Mr. Criticos): Mr. Speaker, Sir, I want to request hon. Nyang'wara to, on behalf of hon. Anyona, let the Question be deferred until next week because we need more time to prepare a comprehensive answer.

Mr. Speaker: In fact, you are right. Mr. Nyang'wara, you have told untruth to this House; the whole untruth and nothing, but untruth. Mr. Anyona, I now recall, came to my Office just about 1.00pm. accompanied by the Minister for Health, and both of them requested me to defer this Question to Thursday this week. So, you must now apologise to the House, Mr. Nyang'wara.

Mr. Nyang'wara: Mr. Speaker, Sir, I was with hon. Anyona---

Mr. Speaker: Order! When it comes to your word against the Chair's word, no doubt, the Chair's word shall prevail. It does now prevail and you are ordered to apologise.

Mr. Nyang'wara: Mr. Speaker, Sir, I beg to apologise to the House.

Mr. Speaker: Thank you. The Question is deferred.

(Question deferred)

Next Question by Mr. Onyango.

Dr. Ochuodho: Mr. Speaker, Sir, on behalf of Mr. Onyango---

Mr. Speaker: Are you truly instructed?

Mr. Ochuodho: Yes, Mr. Speaker, Sir. Mr. Onyango did ask me to ask this Question on his behalf, if he is late.

Mr. Speaker: Very well.

Question No.015

MAINTENANCE OF ROADS IN NYATIKE

Mr. Ochuodho, on behalf of **Mr. Onyango**, asked the Minister for Public Works and Housing:-

(a) when the Ministry will gravel Masara-Karungu Road to make it passable;

(b) when Migori-Muhuru Road will be tarmacked; and,

(c) how much money the Ministry has used in Nyatike Constituency for the maintenance of roads during the last two years.

The Minister for Public Works and Housing (Mr. Kones): Mr. speaker, Sir, I seek the indulgence of the House that we defer this Question until tomorrow morning.

Mr. Speaker: Very well, the Question is deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

THUGGERY IN GATUNDU SOUTH

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

(a) Is the Minister aware that Messrs. Kennedy Gitau and Gachoka Mariba were killed by thugs in Kiganjo Sub-Location of Kiganjo Location, Gatundu South Constituency, on the night of 17th March, 1988?

(b) Is he further aware that a suspect was arrested by police officers from Gatundu Police Station and subsequently died in police custody on 24th March, 1998, before he was taken to court, and that the Deputy Headmaster of Kiganjo Primary School was murdered at Kiganjo Town on the night of 4th/5th April, 1998?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister inform the House whether any suspects have been arrested and charged in a court of law and if not, what steps is he taking to arrest all the suspects and have them charged in a court of law?

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

(a) It is true that the late Kennedy Gitau and Gachoka Mariba were killed by thugs on 17th March, 1998.

(b) Part of the Question has two questions which are totally unrelated. If it is in order, I will answer one question and decide whether I should answer the other question later on.

(i) I am aware that a suspect was, indeed, arrested. He was met by a mob and suspected to have been among the people who had killed those two individuals. The mob beat him thoroughly and then handed him over to the police. The police took him to the hospital, where he died while undergoing treatment.

(ii) On the second question, I am also aware that a deputy headmaster was found killed and an inquest has been instituted to determine who killed him.

(c) Various suspects have been charged. There are a total of nine suspects and the case will be heard on 7th May, 1998.

Mr. Muihia: Mr. Speaker, Sir, I would like to correct the Minister on part "b" of the Question where he said that the two issues in it are not related. The suspect who died before he was taken to court was directly related to the incident where a teacher, Mr. Kaniaru, was killed by the inspectors of police, Messrs Odipo and Mwai. Mr. Odipo is in charge of the crime section in Gatundu Police Station.

Maj. Madoka: Mr. Speaker, Sir, could the hon. Member ask that question again?

Mr. Muihia: Mr. Speaker, Sir, I wish to inform the Minister that the death of the teacher was directly related to the death of the suspect who died before he was taken to court, although the deaths occurred at different times. The teacher was allegedly killed by the officer in charge of crime section, Gatundu Police Station, Mr. Odipo, who was investigating the murder of the two boys. Is the Minister aware of that fact?

Maj. Madoka: Mr. Speaker, Sir, I am not aware of that allegation.

Mr. Ndicho: Mr. Speaker, Sir, it is very sad that we have so many deaths occurring in Thika District. So many people have been killed, including the teacher, and police have been mentioned as having taken part in the killings. A month ago, a DP councillor in Juja Constituency was also murdered, but the police have done nothing about it. Could the Minister assure the people of Thika District that these murders will stop? Will he also assure us that if the police get information on suspects they will arrest them and take them to court? The police should stop what is going on in Thika District, where suspects who are taken to the police are let to go scot-free. We are living in fear. Could the Minister give that assurance now because so many people have been killed in Thika District?

Maj. Madoka: Mr. Speaker, Sir, all I can say is that we will continue to do our best and if police officers misbehave, they will be dealt with accordingly.

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

Mr. Speaker: Yes, what is it?

Mr. Gatabaki: Hon. Muihia alleged that a police inspector and police constable murdered the suspect. Those are very serious allegations about policemen murdering citizens. Could the Minister assure this House that he will investigate the alleged murder of citizens in this country by policemen?

Mr. Speaker: Order! Order! First of all, Mr. Gatabaki, if hon. Muihia alleged that some person has murdered another one, then he is doing that in total ignorance of the law. It is called *per incuriam*. Only a court of law can pronounce a person guilty. You may allege that somebody has killed, but until proven, he cannot be

accused of murder. That is the business of the law courts. But, anyway, would the Minister want to say anything on this issue?

Maj. Madoka: Mr. Speaker, Sir, I did say that I was not aware of the alleged murder by the said policemen, but we will certainly investigate it.

Mr. Speaker: The last one, Mr. Muihia.

Mr. Muihia: Mr. Speaker, Sir, I would like to thank the Minister for promising to investigate the allegation. Is he aware that the people who have been charged with robbery with violence have nothing to do with the murder and that they are just being used as a cover-up in this case? In Thika District, on 4th October, 1992, a Mr. Mureithi, a mechanic, was killed by a policeman and to-date, the results of that case have not been availed by the court. In view of the prevailing insecurity in the area, could the Minister reshuffle the current policemen in Gatundu Police Station and, in particular, Thika District, so that proper investigations may be carried out without interference by the implicated police officers?

Maj. Madoka: Mr. Speaker, Sir, I have taken note of the remarks by the hon. Member.

Mr. Speaker: Mr. Galgalo's Question by Private Notice!

SALE OF NHC HOUSES IN MARSABIT TOWN

Mr. M.M. Galgalo: Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Is the Minister aware that 10 houses built by the National Housing Corporation in Marsabit Town have been sold?

(b) What criteria was used to choose the buyers?

(c) Could the Minister cancel the said sale and advertise the sale in order to give equal chances to all residents of Marsabit Town?

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, I beg to reply.

I am aware that the NHC has sold 10 houses constructed in Marsabit Town. The NHC was authorised by its Board, on 25th February, 1998, to sell its houses in Marsabit Town, but since the proper procedure was not followed, the Ministry has directed the corporation to strictly adhere to the normal regulations so as to satisfy the great interest shown by the local community in the houses. The Ministry has already initiated the necessary action to facilitate the process of giving interested parties equal chances to apply.

Mr. M.M. Galgalo: Mr. Speaker, Sir, while appreciating the Minister's answer, I should point out that he has denied me a chance to have a look at his written answer. While the Government is trying to correct its image regarding corruption, some of its senior officers and Ministers are colluding to corruptly allocate Government property to their relatives and clansmen as exhibited in the Marsabit case. These very officers---

Mr. Speaker: You are now debating! Will you ask your supplementary question?

Mr. M.M. Galgalo: Yes, Mr. Speaker, Sir. I would like to know from the Minister, since the very corporation's Managing Director (MD) is also involved in the recent Madaraka Estate saga here in Nairobi, what action is the Minister taking---

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

Mr. Speaker: Order Mr. M.M. Galgalo! There is a point of order. What is it, Mr. Leshore?

Mr. Leshore: Mr. Speaker, Sir, Mr. M.M. Galgalo has alleged that some Government Ministers are colluding with some senior Government officers to allocate Government property to their relatives. Could he substantiate the allegation?

Mr. Speaker: It is Question Time. Could you, hon. M.M. Galgalo answer the question?

Mr. M.M. Galgalo: Yes, Mr. Speaker, Sir. The first on the list of allottees of the NHC houses sold in Marsabit is the wife of the Minister for Foreign Affairs. I believe she is being used as a proxy by the Minister.

(Applause)

Mr. Leshore: On a point of order, Speaker, Sir. **Mr. Speaker:** Order! Yes, what is it?

Mr. Leshore: Hon. M.M. Galgalo, has said that the wife of the Minister for Foreign Affairs--- The wife of the Minister is not the Minister! She has not taken oath to become a Government Minister. Would the hon. Member withdraw that?

Mr. M.M. Galgalo: I did not say that she is the Minister. I said "they are colluding to allocate Government properties to their relatives and clansmen".

(Applause)

Mr. Kones: Mr. Speaker, Sir, the Minister's wife is a citizen of this country and as such, has equal rights to own property in this country. That notwithstanding, I do not see any reason why that argument should come up again. We are saying that the procedures were not properly followed, not by the Minister, but by the corporation's Board of Directors. What we are now saying is that we are going to revisit that subject with a view to giving everybody a chance.

Mr. Speaker: Well, that Question should rest there now.

COLLAPSE OF GARISSA-WAJIR-MANDERA ROAD

Mr. Shaaban: Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Is the Minister aware that since August 1997 to-date, Mandera and Wajir Districts have been cut off from the rest of the country due to the collapse of Garissa-Wajir-Mandera Road?

(b) Is he further aware that all the socio-economic activities and movements in the affected areas have come to a standstill resulting in serious epidemics and starvation?

(c) What urgent measures has the Ministry taken to rehabilitate the Garissa-Wajir-Mandera Road and other infrastructural facilities in the affected areas?

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, I beg to reply.

I am aware that between August 1997 and January 1998, some sections along the Garissa-Wajir-Mandera Road were cut off due to the *El Nino* rains. I am further aware that during the same period the reliable means of communication was by air, by which relief food was ferried to the affected areas. Road communication was through Isiolo-Moyale-Buna-Wajir Road link. The Ministry is in the process of reinstating communication by back-filling of the washed out parts of the roads, replacing culverts and bridges around Simbi, Dujis, Koriale, Habaswani, Koyale, Borji, Boru, Kutulu and the missing drift between Ruhmu and Mandera Township.

Mr. Speaker: Mr. Ali Shaaban!

Mr. Shaaban: Mr. Speaker, Sir, this is a very serious matter because the whole of North Eastern Province has been entirely cut off from the rest of the country for the last eight months and the Minister has admitted that fact in this House. Socio-economic activities in the North Eastern Province have come to a stand-still and as a result, many people have died of starvation and epidemics, because essential drugs and food supplies could not be taken to those areas. We wonder why, after 35 years of Independence, North Eastern Province remains cut off from the rest of this country. Is it the official policy of the Government to marginalise the entire North Eastern Province?

Mr. Kones: Indeed, it is not. Between October last year and March this year, that area received extra-ordinary rains that it had never had before. This caused a lot of damage along the road that we have been talking about. Since then, the Government has been trying to get ways and means of accessing those areas. This has been very difficult because Ewaso Nyiro Swamp is very, very difficult to cross. In fact, I have had to send two teams of engineers. One of those groups was composed of foreigner engineers from Sweden and Britain. The Provincial engineers have also been sent to that place to see whether we could cross over the Ewaso Nyiro Swamp but this has proved to be very, very difficult. We only managed to cross that swamp two weeks ago, so that we could assess the damage and see how best we could start the repairs in that area. Between now and the next two months, because we have been able to cross the swamp and assess the damage and what it entails to repair, we are going to mobilise personnel and move to that area to make sure that we access Wajir through Mandera. I do not think the Government is responsible for the heavy rains. Nevertheless, we could still access wajir by air and that was the only way we could do it. We could also access Wajir through Marsabit and Moyale. That was the only way we could get to those areas. Those heavy rains were not brought about by the Government and we do not intend to marginalise anybody at all in this province.

Dr. Wako: On a point of order, Mr. Speaker, Sir. Is the Minister not misleading this House when he says that there is an access road from Mandera to Wajir through Moyale, Marsabit and Isiolo, when we know that there are no vehicles going from Marsabit to Moyale? This makes the whole area quite impassable!

Mr. Kones: I am not aware of that. I know that we cannot access Wajir from Garissa but Marsabit to Moyale could be accessed, unless something which I am not aware of happened yesterday. I am aware that the conditions of the roads are really very bad. We could access it and take about two weeks to get to Wajir because

of the poor condition of the road. We will address this problem when funds are available. So, I do not quite agree that we cannot access Moyale through Marsabit.

Dr. Ali: Mr. Speaker, Sir, I want to inform the House that the Minister is misleading us because there is no road from Moyale to Mandera, and from Moyale to Wajir. That is my constituency and there is nothing there.

So, the Minister should make an effort of trying to rehabilitate that road. There are a lot of gullies all over the road. In fact, we cannot travel from Moyale to Bute which is a distance of 30 miles away because of the bad condition of the road. The Minister is now telling us here that people can travel from Moyale to Mandera which is a distance of 200 miles. We should not be told of things which do not exist.

Mr. Kones: Mr. Speaker, Sir, I think there are two issues which we are trying to address here: Whether there is a road that is in a very poor state and is difficult to use, or there is no road at all. What I have said is that there is a road that is not in a very good condition. Everybody knows that we can access Wajir from Moyale. That is not a hidden fact but the road is bad. So, this issue will be addressed and we are going to do something to make that road passable.

Mr. Shaaban: Mr. Speaker, Sir, I challenge the Minister to travel with me by road to Mandera and if he does not come back emaciated and suffering from an epidemic, I will apologise to this House. From August 1997 to-date, over 5,000 people have died as a result of the starvation and epidemics related to the *El Nino* induced rains which led to the closure of the entire North Eastern Province. Since the Minister is responsible for the deaths of those 5,000 people and those who are going to die because the road is still closed, can he undertake to compensate the families of those people who died? In any case, an entire province which is cut off from the rest of this country constitutes an economic genocide. That is an abuse of power by this Government. Could the Minister, therefore, undertake to compensate the families of those people who died as a result of the negligence of this Government? It is this Government which has ensured that North Eastern Province remains closed for the last 35 years. There is no need of blaming the *El Nino* induced rains. Even before the rains, that road has always been impassable whenever there is little rain!

Mr. Kones: Mr. Speaker, Sir, I am aware that many lives have been lost due to the poor roads. At the same time, I cannot commit the Government on the compensation of the same. However, the hon. Member should be assured of my sympathies on this. I know that those roads have not been in very good condition. But the *El Nino* induced rains have made them even worse. Every effort is being made by the Government to make sure that these areas become accessible. As of now, we are working in conjunction with the Swedish Government to make that area accessible and in the next six months, the Government is likely to spend Kshs500 million. The Swedish Government, through SIDA has given us US\$2 million and we are going to top it with Kshs500 million to improve that road. So, you can see that the concern on the part of the Government is quite great. We are talking about trucks and trucks of diesel and about 1,000 miles of a road to be tarmacked. So, every effort is being made by the Government to improve the road.

Mr. Speaker: Very well, Order hon. Shaaban! I appreciate your problem but I think I have given you enough time. Do you really still want to pursue this matter?

(Mr. Shaaban and Dr. Ali stood up in their places)

Who among the two of you wants to pursue this matter further?

Mr. Shaaban: Mr. Speaker, Sir, since the Ministry of Public Works and Housing has been unable to make that road accessible for the last 35 years, can the Ministry seek the assistance of the Kenya Army, so that we can do business with the rest of the country?

Mr. Kones: Mr. Speaker, Sir, I am sorry that I did not get his first question.

Mr. Speaker: He is asking whether you can seek the assistance of the Kenya Army in order to construct the road.

Mr. Kones: Mr. Speaker, Sir, the Kenya Army is funded by the same Government. They do not have another external source of funds. So, even if we involve them, the said situation will be the same. We do not have the funds to construct that road but we are already working out plans on how to make funds available for those roads. I think the best people to tackle this problem will be strong contractors and not the military.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House? Here is a situation where a part of Kenya has been cut off from the rest of the country. This is an emergency and yet, he is saying plans are being made. Is he in order not to tell us what they can do as a matter of emergency to make the roads passable while he is looking for money to tarmac the whole road? If this Parliament cannot solve some of these problems, then what are we doing here?

Mr. Kones: I think what we are not realising is that probably, the hon. Anyona is imagining of his own constituency; where when one is talking of a bad road, one is referring to a pothole. We are talking of hundreds of miles of bad roads, such that to address that, we need to have half a billion shillings, which we have now identified and we are going to move into action. It is not a question of taking a bucket of murrum for patch-up, to make the road passable. This is a big problem!

Mr. Wehliye: The point I would like to raise is that, a lot of irrelevancies are being discussed here, because we have never had roads, by the way. What we have are only camel paths, for the last 35 years. So, when hon. Members talk of roads, these are imaginary things. I am challenging the Government to realise that North Eastern Province is part and parcel of Kenya--- The only fruit of Independence we have actually reaped is what we have today. The area is an agricultural zone; it has been declared by His Excellency the President, as a disaster zone since October last year and nothing has happened. But I really do not understand the meaning of a disaster zone, if we cannot get emergency assistance. So, I would like the Minister to tell us what emergency measures--- We know it is the only one he has got to repair and he cannot just say, tarmacking the road from Garissa to Manderu is unimaginable. What we are asking him is: What emergency measures does he have for the province during this disaster period?

Mr. Kones: Mr. Speaker, Sir, maybe I am not coming out clearly. The half a billion shillings I am talking about is emergency fund. It is not the total amount required to totally improve the whole length of the road. What I am talking about is one hundred kilometres of patches of ten kilometres, another ten kilometres, a bridge here and there, *etcetera*, up to half a billion shillings and that is the emergency fund we have identified. So, we are already addressing it on emergency basis.

Dr. Wako: On a point of order, Mr. Speaker, Sir. The road from Modogashe to Habaswain which was done by Skanskar and on which they spent over Kshs280 million, is the one which is making the whole place impassable. So, can we use the army to ensure that this road can be passable, because we are talking of contractors?

Mr. Kones: Mr. Speaker, Sir, let me say it again. The army do not have the capacity to deal with that road.

Hon. Members: Why?

Mr. Kones: Let me tell you. The thing is: Skanskar, who is a very highly qualified international contractor worked on that road and spent Kshs250 million under the Drought Recovery Programme---

An hon. Member: You keep on standing!

Mr. Speaker: Order! Order!

Mr. Kones: Mr. Speaker, Sir, they spent Ksh250 million under the Drought Recovery Programme, between 1995 and 1996. What happened was that the kind of improvement they did, did not take care of the *El Nino* effects. So, when the *El Nino* weather phenomenon occurred, it was so heavy for that kind of improvement to hold and the whole road went down the drain. So, we still think that anybody, probably better than Skanskar, can address that issue. So, it is not just the Kenya Army. No, the Kenya Army also has got to have much more qualified engineers to deal with it. This is a complicated problem. Probably when people saw Kenya Army building the Thange Bridge, they think the army can handle any other emergency in this country. It is not true.

Mr. Haji: Mr. Speaker, Sir, we are quite aware of the financial constraints facing the Government, but what we are asking is that, this road be made passable. His Excellency has twice declared the whole of North Eastern and parts of Eastern Province as disaster zones. Currently, it is raining very heavily, complicating things further. So, could the Minister assure the House that if he cannot repair the whole road, he will at least make it passable by patching up areas which are very bad?

Mr. Kones: I think this is just a question of Members wanting to be heard. I have addressed the issue.

CONSIDERED RULING

RESIGNATION BY GATANGA MEMBER:
STATUS QUO TO REMAIN

Mr. Speaker: Order! Order now! I think the hon. Members from North Eastern Province have had their share.

Hon. Members, on April 7th, 1998, I made comments from the Chair, to the fact that I had received a letter purportedly written by the Member for Gatanga, hon. David W. Murathe, resigning from Parliament. At the same time, I explained that I had received another letter from the same Member claiming that he was not the

author of the letter which claimed he had resigned his seat. He claimed that the purported letter of resignation was a forgery. Hon. Members are aware that I accepted hon. Murathe's word and instructed the Clerk of the House to forward the original letter of purported resignation, together with that of denial to the relevant arms of the Government for verification and advice. I had intimated that in the case the original letter is proven to be genuine, I would have no alternative but do declare the seat in question vacant. The investigation of the Criminal Investigation Department on the letter was done, as instructed and concluded as follows, and I quote:

"This is to advise you that conclusive investigations have been carried out on both the hand-writing and signature appearing on the questioned letter of resignation tendered in Parliament in respect of the Member for Gatanga Constituency, and our findings are that, the said letter was written and signed by the said hon. David W. Murathe."

Hon. Members, the import of that conclusion is that, the hon. Member deliberately misled both the Chair and the House; a very serious breach of Parliamentary Privilege.

However, it is important to bear in mind that the Member had also written another letter whose intention was to unashamedly withdraw the intended resignation. These circumstances put the Chair in a very serious predicament, especially when you take into account the paramount interest of the voters of Gatanga Constituency who cast their votes barely three months ago. Consequently, I have decided to maintain the *status quo*, but leave the Member to be pricked by his conscience and the judgement of history.

Thank you.

(Applause)

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. I would like to record my appreciation of your judgement. It is a good judgement and for the forgers of history, their time is finished.

Mr. Speaker: Order! Order! I am sure the hon. Gatabaki is not welcome to assist the Chair on that particular issue. He has written all there is to be written on it and I have already said that, the Member lives with a pricked conscience.

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

Mr. Speaker: Not on that, sorry.

Mr. Anyona: Mr. Speaker, Sir, starting off from where you left, the question of the integrity of Parliament must be protected. I rise on a point of order in relation to Question No. 086, which was called by the Chair twice, and on the second occasion, a Member from my community kindly offered to ask the Question on my behalf. Mr. Speaker, Sir, I was listening to the proceedings from upstairs and the Chair did, in fact, say that the Minister and I had resolved that the question be deferred until Thursday. Whereas I would like to commend the Member for having the interest of the people affected by this particular Question at heart, it is more important that the records of this Parliament reflect the integrity of this House.

Mr. Speaker, Sir, since you did say that I was the one who instructed the Member to raise the question on my behalf, I want to put the record straight. The Member was prompted by another Member from his community to raise the question, but I did not instruct him to ask the question on my behalf. I am not remorseful on that issue, but I think it is important the issue is understood that way.

Mr. Speaker: Order, Members! I think I have already dealt with hon. Nyang'wara's issue. He has apologised to the House and there is nothing further I can do. The House has accepted his apologies. But the lesson to be learnt from the cases of hon. Nyang'wara and hon. Murathe is that, this House is a place of integrity and honour, and thou shall never utter deliberately, any untruth in the House and all shall regard it as a sacred place. Members should also stop joking in the House.

MOTION

ADOPTION OF PAC REPORTS

THAT, this House adopts the Public Accounts Committee Reports on the Government of Kenya Accounts for the years 1993/94/95 laid on the Table of the House on 15th April, 1998.

(Mr. Wamalwa on 23.4.98)

(Resumption of Debate interrupted on 30.4.98)

(Loud consultations)

Mr. Achola: Mr. Speaker, Sir, there is loud consultation going on among Members. I would like to make reference to paragraphs 555 to 558 of the PAC Reports, which deals with irregular allocations of the Government land and houses. The paragraphs give details of how the Government had allocated 575 houses to favoured individuals, either because their services were needed illegally or they were conduits for corruption.

Mr. Speaker, Sir, it is very sad to find situations where Civil Servants are removed from their houses and replaced by either outsiders or the houses are allocated to private firms. I have an example which I would like to show Members. There is a Government house that was allocated to Stellascope Savings Company and we know who the owner is. The company paid Kshs924,000 to purchase the house and disposed it off at a price of Kshs17 million. There is nothing beneficial for this country in such transactions. Any Government Minister who facilitates such shady deals, is either sick or suffering from an unknown disease.

Mr. Speaker, Sir, I have a list of Members from the KANU side who had been allocated various Government houses and disposed them off immediately, to make millions of money. In many of those transactions, sellers receive money worth 16 times of what they paid for. Such transactions are a manifestation of corruption, and I do not understand why we should look for other cases of corruption as that one is enough proof.

An hon. Member: Why not name those individuals?

Mr. Achola: Do not worry, I have got with me, a list of the individuals involved. But Mr. Speaker, Sir, you are not among the people in my list. The list is like the "Who is Who" book, as it comprises of many prominent names of KANU members in Kenya. I would like to give an experience the PAC Members had during their deliberations.

Mr. Mutahi: On a point of order, Mr. Speaker, Sir. The Member on the Floor said he had a list of Members from KANU side who were either allocated plots by the Government or had allocated themselves the said plots. Can he table the list or name the individuals involved in those allocations?

Mr. Speaker: Order! Please, be mindful of the relevant Standing Order. It seems hon. Achola is right, and you are the one who is flouting that Standing Order.

Mr. Achola: Mr. Speaker, Sir, I am following the Standing Orders of this House. There is a former Minister who was allocated a house belonging to the Chief Justice. This person is not here with us now, but he is a KANU member. The list I have contains names of many individuals. For example, there was that Minister who was talking loudly a few minutes ago, and I know he was allocated two houses in Kileleshwa area which he sold off for millions of shillings. Those same people go round the country preaching that they are development conscious by contributing generously for Harambees.

Mr. Mutahi: Mr. Speaker, Sir, we have had cases in this House when the Chair challenged vigorously, Members who had made sensitive allegations and demanded for immediate evidence. Now, I want to challenge Mr. Achola to put the relevant documents on the Table or name the individuals involved?

Mr. Speaker: Order, hon. Mutahi. Are those names not from the PAC Reports?

Mr. Mutahi: Mr. Speaker, Sir, how will we know that, those names were deliberated in PAC?

Mr. Speaker: Order, it is your business to read the PAC Reports which are before the House. These documents are for public consumption and we cannot table them more than once. The whole PAC Report has already been tabled.

Mr. Achola: Mr. Speaker, Sir, the Public Accounts Committee is as good as nothing, because its recommendations are not implemented by the Government. During our deliberations in PAC, we had a problem at Kasarani, Nairobi, because ordinary Kenyans encroached on the games stadium. We tried to investigate how it came about and finally decided that all those people should be evicted. The Ministry of Home Affairs, National Heritage, Culture and Social Services was issued with a title of the stadium and the surrounding area.

Mr. Speaker, Sir, during our deliberations, the name of Mr. Ketan Somaia cropped up. Mr. Somaia and some Government conspirators were paid Kshs240 million in 1989, to supply goods to the Government but he never supplied them. But as a result of the PAC and the Controller and Auditor-General's and Attorney-General's insistence, we managed to force Mr. Somaia to remit back some money in March, 1996. That is seven years after the payment was made to him. There is an outstanding credit of Kshs131 million the Government is owed by Mr. Somaia, to clear the total amount. But it is very important to note that Mr. Somaia was given that money without any contract being signed between him and the Government officials. That is the kind of blunder the KANU Government routinely makes.

Mr. Speaker, Sir, I would also like to refer to a situation regarding non-payment of duty. We had a

company by the name Sheraton International which had imported six Mercedes Benz cars into this country without paying duty, estimated at Kshs30 million. The Kenya Revenue Authority was not able to identify the directors of that Company. But, because of our insistence, and even though the files were missing at the Registrar of Societies, we eventually located a gentleman who stood in for this Company, and managed to get Kshs1.5 million paid, two Mercedes Benz cars seized and the chassis numbers of the remaining four identified. I think, these details are also indicated in last year's Controller and Auditor-General's Report. So, at least we managed to get somewhere.

An hon. Member: Who was the Director?

Mr. Achola: Unless someone asks me privately, I cannot name him. But he is a son of a leading politician in this country.

Mr. Speaker, Sir, the other bit that the Committee made some achievement on, was the restoration of the internal audit functions in the Ministries. The Government had actually abolished internal audit in the various Ministries. The only reason that we can think of is that, they wanted to steal money without anybody stopping them, since the Controller and Auditor-General's report sometimes comes out after two or three years and therefore, not very efficient in trying to stop thefts. But if the internal audit functions properly, it would help in stopping some of these thefts. So, we raised this query in the 1993/94 Committee Report, and in the preceding year, that department was restored in the Government Ministries. I hope we are going to see some changes thereon.

Mr. Speaker, Sir, finally, I would like to appeal to the House, that in order to make the Public Accounts reports sensible, Members of Parliament should insist on enacting a law that will---

Mr. Speaker: Your time is up! Yes, Mr. Munyao!

Mr. Munyao: Thank you very much, Mr. Speaker, Sir, for giving me this chance to contribute to the 1993/94, 1994/95 Public Accounts Committee Reports.

Since a lot has been said, I will be very brief and straight to the points that I feel need to be mentioned here. We have to compliment staff of the Treasury, because, whether their Vote has been overspent, they at least worked hard. The office of the Controller and Auditor-General should also be complimented because of the serious work they did.

Mr. Speaker, Sir, there is the Treasury Memorandum which is a summary of all the evils done and the way they have been done. Thirty six years after Independence, this House is still dwelling on the same evils, like over-expenditure in Ministries and their departments; yet, all these misdeeds have been referred to the Attorney-General for implementation and recoveries. It would appear that the Attorney-General's Office has not been able to handle recoveries. It has become a toothless dog. If that is the case, I recommend that at the end of our deliberations, the House recommends that we have an enforcement committee. Problems of over-expenditure in the Ministries have been tabulated for 36 years. It is deplorable that after all these years, we still get the same reports. Instead of any tangible action being taken, that is, culprits being reprimanded or sacked, most of them have been promoted. Junior officers who authorise misappropriation in some Ministries, end up even becoming the Accounting Officers. What would you expect in such a Ministry if a culprit who could commit such offences at a junior level becomes an Accounting Officer? It is a shame that 36 years after Independence, this House is still discussing the same issues.

Mr. Speaker, Sir, when I was here from 1975 to 1979, we were discussing Public Accounts Committee reports for the previous four to five years. I am surprised to find those Members that I left here, still discussing the same issues. The issue of misappropriation in Ministries has been mechanised in their minds. The Minister for Finance must come out clear this year and tell us what is going to be done to these officers who mismanage our finances and put us into this financial mess. I therefore, recommend that we must have an enforcement committee, because issues referred to the Attorney-General are not tackled.

Mr. Speaker, Sir, we trust the Attorney-General's Chambers and also know that he has staff with the ability to manage whatever work that is given to them. But, it looks like there is no follow-up. For example, we are now tackling the 1993/94 and 1994/95 PAC Reports. If we had an enforcement committee, maybe, this matter would have been done away with, this week or next week. It is therefore, very important that we have an implementation and enforcement committee of the House. This should be one of the standing committees of the House, to ensure that all the recommendations made in one year are followed up and rectified before we get to the following year. This would also boost the morale of taxpayers. It is disheartening to pay taxes or revenue which is embezzled by some individuals in Government and nothing is done to them. We would like taxpayers to be confident that services for their taxes would be rendered.

Mr. Speaker, Sir, although Kenyans are one of the most highly taxed in the world, I am happy to note that they do not mind paying them as long as services are rendered. At the moment, we are paying taxes without

services.

Mr. Speaker, Sir, recommendations have been made on how recoveries can be made. However a serious issue is the fact that once you give recommendations on how recoveries can be made in a certain year, the following year, there are complete changes in the Ministry. Therefore, you have got nobody to follow up in that Ministry. For example, we had the Ministry of Commerce and Industry to which recommendations were made in this House and at the Treasury. That Ministry was then split into the Ministries of Commerce and Industry. These [Mr. Munyao]

Ministries had different Ministers and personnel. This causes a lot of problems. Before the latest changes were made, we had the Ministry of Commerce and Industry, which incorporated trade. This year, we have got the Ministries of Industrial Development and Trade.

In fact, it is difficult to follow up matters when several Ministries are created from a single one. For example, the Ministry of Environmental Conservation and that of Natural Resources have been created from the former Ministry of Environment and Natural Resources. This kind of re-arrangement of various Ministries every year causes a lot of confusion. The changes make it completely impossible for anybody to plan how to follow up matters in the Ministries.

Perhaps one could say that there are some expenses which are unnecessary for the Government. From the time we attained our Independence from the British, we started behaving differently. We adopted different attitudes and expenditures and, therefore, we started living beyond our means. If you go to a Government office like that of a Permanent Secretary, you will discover that, that office is more furnished than the offices in Parliament. When you get into such an office, you cannot know where you are. You wonder whether the furnishing of an office makes the officer in it think. An officer can think, regardless of the size and beauty of his office.

This is something which worries me whenever I visit any Government officer in his office. In fact, it does not matter whether an officer sits on a hard chair or not: He will still be the same man. He will think and execute his duties normally. We must try and change. If today we have 28 Ministries and all their offices are furnished with high quality furniture, this is something you just cannot imagine. We must go back and find out where we went wrong, after attaining Independence from the British.

Mr. Speaker, Sir, that kind of expenditure is no longer a secret. If you walk into any Government office, you will see that it is furnished with costly items. It may also have several wall layers. In fact, when one wants to open the door, he has to move to the corner and press a button. You will wonder whether all the partitioning of the office is necessary. We must go back to where we were before. What puzzles me most is that all these senior Government officers who occupy these offices are people who have toured all parts of the country. In fact, they have seen how people live and behave in their offices in different parts of the country. Why do they carry out all this extra furnishing, which is so expensive?

Mr. Speaker, Sir, I also want to cite our way of going out on foreign trips, a matter which has been brought to this House by many other previous speakers. When a certain individual is travelling out of the country, you will find that most officers from his Ministry will move to the airport, and each officer will use his own car. Between the office and the airport, which is 20 kilometres away, each car will use two litres of petrol per kilometre. The officers use Mercedes Benz, Pajero intercoolers and other sleek cars. We must use the pool system of transport which has been recommended by many previous speakers. For example, if we are going to see off the President at the airport in the morning and welcome him back in the evening, why can we not use buses as a means of transport to the airport? The other day when we went to Mombasa to attend an economic forum - I commend the organisers of the trip - it was logical that we used buses and Nissan vans to go to the airport. We were very happy to share seats with some Ministers for a common purpose. If we are going to the airport, let us use buses.

The Democratic Party (DP), which is going to form the next Government, will make sure--- The DP is going to form the next Government very soon. Dalili ya mvua ni mawingu. We have even indicated in our party manifesto that we must cut down on such expenses. But, I am not saying that we should not go to the airport to welcome the President back, when he comes from foreign trips. When, for example, the Head of State is going to Tanzania and is leaving at 10 o'clock in the morning all the officers of various Ministries go to the airport in Government cars to see him off. At 3 o'clock, when the President returns, they are again at the airport to welcome him back. Why should all the officers go to the airport to welcome him back? In the morning, the officers had gone there with all available dancers in Kenya. Some of the dancers come from Embu Town and others come from Ukambani. The dancers sing and dance for the President. Why do we waste finances and manpower by going to the airport?

What worries me is the amount of time we spend in the process. For example, if 1,000 people go to the

airport in the morning to see the President off and spend four or five hours at the airport, then 1,000 people multiplied by five hours gives you 5,000 man hours. If you convert these hours into years, you will find that in one day we spend about two years at the airport. If we are worried about our finances then we must first of all tackle issues of this kind. When the DP forms the next Government, we will make sure that the President will be travelling to the airport alone in his car.

The Assistant Minister for Information and Broadcasting (Mr. Ekirapa): On a point of order, Mr. Speaker, Sir. Is the respectable hon. Member from the DP in order to mislead this House by day-dreaming that, soon his party will be on this side of the House?

Mr. Munyao: Mr. Speaker, Sir, I need not answer that point of order. But for the information of my friend, hon. Ekirapa, a person without ambition is not entitled to walk into this House through that door. I am ambitious and I believe that soon, we are going to lead this country. Why would I leave my farm and children to come to this House, if I have no ambition? My ambition is to support the DP to take over the Government from the ruling party, KANU.

The Minister for Local Authorities (Prof. Onger): On a point of order, Mr. Speaker, Sir. Could hon. Munyao confirm that this is a hidden agenda?

Mr. Munyao: Mr. Speaker, Sir, the DP has prepared a Constitution and a Manifesto which is read, even in Prof. Onger's Constituency. It shows Kenyans what we are going to do when we take over the Government; it is currently in the drawers. There are so many misappropriations of finances but we know that this country has never been ruled by any other party except KANU. We were in KANU then and we saw all the mistakes it made. That is why we want to kick it out as soon as possible, for DP to clean up the mess in this country. One of the measures we are going to take will affect the Kisii people because they are many and unemployed. We are going to make sure that they are employed.

The Minister for Local Authorities (Prof. Onger): On a point of order, Mr. Speaker, Sir. Could hon. Munyao address himself to national issues? Is he in order to refer to the Kisiis as one of those tribes which will be sorted out, when he knows that his party candidate was floored in my own Constituency?

Mr. Speaker: Order all of you! It is good to have lively interjections, but I thought Kisiis were part of the Kenya nation. Proceed hon. Munyao.

Mr. Munyao: Mr. Speaker, Sir, it is for the reason of being national-minded that I am talking about the Kisii. They will be in this country when we take over.

Mr. Speaker, Sir, we must use our resources properly. I get so mad when we talk about over-expenditure and mismanagement of finances. I imagine some areas in North-Eastern Province which are suffering. Even Mr. Speaker this afternoon allowed a Question concerning that Province to be debated beyond the usual 30 minutes. The Chair is sympathetic to the area which has no roads. He should do the same to areas in Ukambani, where there is no water. This House must come together to condemn the over-expenditure and mismanagement of finances of this country. We use a lot of money to furnish our offices instead of using local materials.

Mr. Speaker, Sir, a few days ago, I felt like crying when I saw Mr. Ngei, one of the freedom fighters of this country, and who contributed a great deal to the Independence of this country, being wheeled around in a wheelchair. Mr. Bildad Kaggia's wife is in one of the hospitals in Nairobi and he is made to pay some money and yet, he sacrificed his own life for this country. We have great people like Mr. Achieng'-Oneko, President Moi and Henry Cheboiwo. They used to go to Kapenguria to visit the late Mzee Kenyatta. How do we reconcile our own conscience when we see freedom fighters suffering? Then, imagine the billions of shillings which have been misused? It is high time we voted for some money to be given to those people. Even if Kenya pays these individuals Kshs500,000 per month, it is worth it. They are very few. It is a shame to see Mr. Ngei using a wheelchair. He has shouted: "KANU yajenga nchi" mpaka mguu ukakatwa. He should be honoured. We should have statues in various places like Kapenguria, Eldoret, Nairobi and Meru. We have travelled in other countries and we have seen statues of martyrs of the struggle for independence. Even in New York, we have them. Even if we have differences with freedom fighters, the fact remains that they put their lives on the line for what we are enjoying today. We are enjoying their sweat. We should vote some money, let's say Kshs5 million for their up-keep. Some cannot even afford school fees, decent homes and cars, while our people who embezzle our money travel in big mercedes benzes and Mitsubishi Pajero Intercoolers. We would like these people to be taken care of.

Mr. Speaker, Sir, I was appointed the Minister for Environment, Natural Resources and Water, which shows that one Opposition Minister is equal to three Ministers in KANU. It shows that we are efficient and effective. Hon. Munyao alone, is the Minister for Environment, which is held by somebody called hon. Nyenze, Natural Resources which is held by another person called Mr. Lotodo, and Water, which is held by hon. Ng'eny.

I am three in one! That is why we are asking the KANU Government to be realistic and agree to reduce the Ministries.

The Minister for Water Resources (Mr. Ng'eny): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say, "Mr. So-and-so", without mentioning the names?

Mr. Speaker: Hon. Munyao, what did you say?

Mr. Munyao: Mr. Speaker, Sir, I cannot even remember because it was not important to me! But I can call them honourable Ministers to put the matter to rest.

Mr. Speaker: As a matter of fact, hon. Munyao, I think it was not important to anybody in this House. You are so irrelevant! Can you now dwell on the Public Accounts Committee (PAC) Report?

Mr. Munyao: Mr. Speaker, Sir, I would like to appeal to other corresponding Ministries in the Government to allow the shadow Ministers access to their offices. We insist that this year's Budget must include our facilities. I need to have a security detail and a gun.

Mr. Speaker, Sir, we pay Government officers salaries. In the area of forestry, we do not have any tree plantations. I remember that five years back, the President took the lead and went around the country promoting tree planting. The officers who are charged with this responsibility do not do anything. They wake up early in the morning and wear better suits than hon. Joseph Nyagah. Can they be expected to go to the forest? We must revert back to uniforms, where somebody had to wear badges. The extension officers who should be assisting the farmers are not there. At the end of the month, these people are paid their salaries and yet, they do nothing.

Mr. Speaker, Sir, I would like to congratulate the Permanent Secretary in the Ministry of Health for exposing the ghost workers in his Ministry who are siphoning over Kshs160 million every year. But I do not know whether he will survive the system because such courage cost the former Director of Medical Services, Dr. Mwanzia, his job. Today, he is the assistant of his former deputy because of telling us the truth. He even proposed ways of recovering the money. We want this done before June, 1998, if the Government is serious in addressing the problem of mismanagement of public resources. There are many ghost workers in the Government who are paid without delivering any services to the public. We have an example of the extension officers from the Ministry of Agriculture who are supposed to offer extension services to farmers but they are not doing so. These people are paid salaries for doing no work. I am sure this is not the kind of thing our Government would like to see. They should ensure that the mess is sorted out. If the Government is not ready to sort out this mess, it should resign and give us room to run the affairs of this country because we know where the problem lies. Now, it is so unfortunate that if anyone points out where the problem is, he is victimised. This is evident from what happened during the Mombasa Forum. The other day, a cartoonist with the *Kenya Times* came up with a cartoon where the Minister for Finance was carrying an emaciated man. This was meant to portray the poor state of our economy. I do not read *Kenya Times* but this cartoon was brought to my attention by my child and I was actually moved by the message that was communicated to us.

Mr. Speaker, Sir, with those remarks, I support the Motion.

The Minister for Co-operative Development (Dr. Anangwe): Thank you, Mr. Speaker, Sir. I would like to suggest that this Motion be amended and I hope the House will deem it fit to consider that particular amendment when it is brought to the House in the course of time. I would also like to draw the attention of the House to the concerns raised by hon. Munyao and hon. Achola regarding the efficacy of the Public Accounts Committee (PAC). Hon. Achola complained that the PAC recommendations are not being fully implemented. The same sentiments were raised by hon. Munyao.

Mr. Speaker, Sir, there is no cause for worry because the PAC is doing a very good job. To some extent, it reminds civil servants that when they are discharging their duties there is an authority that is overseeing their activities on behalf of Parliament. They are also aware that at some stage, if they perpetrate certain malpractices, they will be called upon to explain. In a sense, one cannot dismiss wholly that the PAC Reports are not seriously addressed. I think the Committee is doing a good job and it is part of the tradition of this House.

Notwithstanding what I have said, may I also draw the attention of the House to the important pitfalls that undermine the effectiveness of that Committee. One relates to the delays in submitting Reports to this House. Very often, the Reports are submitted two or three years late. For example, we are debating the 1993/94 and 1994/95 Reports. The essence of any audit report is to help the management to feed back the decisions and correct any deviations. When a report is submitted late, we do not know who to hold responsible for the malpractices because some of the affected officers may have retired. Are we going to recall all the officers even if they have retired simply because we have recommended that they should be disciplined? Of what effect would that kind of recommendation be?

Mr. Speaker, Sir, many of the problems which confront the effectiveness of the PAC are of its own

making and it is quite possible to improve on the performance of this particular Committee. This Committee can limit its scope and focus on the report of the Controller and Auditor-General. Going through the issues raised in these particular Reports, I think there is a tendency for the Committee members to deviate from auditing issues to extraneous matters. However interesting that matter may be, it does consume a lot of time. It is quite possible to come up with a report that is well focused and which addresses the issues raised by the Controller and Auditor-General. It is quite possible to come up with a report even within two months. If we look at the 1993/94 Report, it took nine months, 71 sittings while the 1994/95 Report took 11 months, 71 sittings. It is possible for this Committee to transact its business within a shorter period. I would like to suggest that in future when the House assigns this Committee the responsibility of producing a report based on the accounts that have been tabled here, we should specify the time limit. If we do not submit the reports within the agreed time-frame, there is always a tendency to be carried away by transacting business which may be motivated by other considerations.

[Mr. Speaker left the Chair]

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

The second pitfall of this particular Report, Mr. Temporary Deputy Speaker, Sir, is that it reiterates recommendations that have been made before and have not been implemented. Once a recommendation has been made twice or thrice in a row and it is not implemented and it does not help to improve the situation, the Committee should come up with recommendations that could, at least, help to redress the situation. Going through these particular Reports, one cannot fail to comment on the issue of the excess vote. In 1993/94 Report, there was an excess vote of about K£70 million; and K£45 million in 1994/95. The recommendations that were made in 1993/94 Report are the same recommendations that were made in the 1994/95 Report, one being, "The Accounting Officers concerned should adhere to Treasury ceilings in managing the excess expenditure". Secondly, the Committee recommended that the affected Accounting Officers should be disciplined. I think the way these recommendations are repeated year-in-year-out does not help this particular Committee, given that it is a watchdog of Parliament that instils discipline in the management of public expenditure.

Mr. Temporary Deputy Speaker, Sir, the problem of excess vote is a recurrent one. It is being discussed in the 1993/94 and 1994/95 Reports, and I can anticipate that the next Report will be talking about the same problem until the year 2000 and beyond. That means that we should reflect and come up with solutions and recommendations that can be more effective. One area that I would like to draw the attention of this House to, is the fact that the excess vote may be as a result of under-budgeting because we have constraints with the resources. We have to manage our resources within our revenue. Services will still be needed, but we have to under-budget as a realistic and a pragmatic approach to the resource constraints. What I am really suggesting, with respect to the excess vote, is that we should recognise that they will always recur and we need a lasting solution so as to avoid going over the same issue. Considerations may also be given to the possibility of adjusting the budgetary ceiling. We know that ceilings have to be introduced. Of course, they came in under the Budget Rationalisation Programme, but there may be need to rationalise the Budget Rationalisation Programme.

The second aspect that keeps on recurring has to do with the pending bills. I note in the 1993/94 Report that there were pending bills to the tune of nearly K£189 million. The same item came up in the 1994/95 Report and the amount was K£248 million. I also note that the recommendation that was made in the 1993/94 Report is similar to the one that was made in the 1994/95 Report.

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not misleading the House by saying that the Public Accounts Committee should not have reiterated the previous years recommendations, while he knows very well that the Public Accounts Committee did that because the Government took no action on the recommendations that had been made in the previous years?

The Minister for Co-operative Development (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, what I am simply saying is that they should be able to reflect on the situation. If last year they made a recommendation on a situation and it never worked, they should come up with an alternative solution so that we can address the problem. So, the question of pending bills seems to be recurrent and we can anticipate that in the future, similar pending bills may arise. When they arise, it is really superfluous for one to say; "Okay, Accounting Officers must ensure that all legitimate bills are paid". Of course, they know that these bills must be paid, but because of financial and economic circumstances, they are not paid. What I am proposing, with respect to the pending bills, is that we have to consider a different approach to the problem. If the problem of pending bills is recurrent, there may be need for reform in the budgetary process so that there is an item that is called "Pending Bills" and any

nominal figure could be put there in order to anticipate such kind of a problem. If a problem keeps on occurring, we should be able to come up with a standard mechanism on how to respond to it. In relation to issues of accounts of the local authorities, it has been brought out in both documents that these particular bodies are not able to present their accounts to the Controller and Auditor-General for auditing. I know that a recommendation has been made in both the 1993/94 and 1994/95 Reports emphasising to the Minister for Local Authorities the need for these particular bodies to submit their annual accounts. There is an added provision that if they fail to do so, then the Government should withdraw her assistance to the local authorities. With the question of withdrawal, I have some reservations because when the assistance is withdrawn, it is not the local authorities that suffer, but the people who survive on the services dispensed by the local authorities.

Mr. Speaker, Sir, it may be necessary for this particular House to come up with a solution in relation to the auditing of the accounts of State Corporations. Probably, in the long term it may be necessary to come up with a body that specifically addresses the auditing needs of local authorities. We can even have a Controller and Auditor-General specifically for the Local Authorities. It is a possibility. I am just trying to think broadly with a view to coming up with a solution. The local authorities, of course need, to be audited since a lot of money passes through them. While we say that the local authorities do not have resources, at the same time a lot of resources are passing through their hands. A lot can be done with the resources that the local authorities are able to lay their hands on. We need another mechanism that could effectively address this particular aspect in order to augment the efforts of the Controller and Auditor-General, in addition to improving on the qualities and performance of the treasurers in the local authorities.

With regard to stalled and abandoned development projects, I agree with the recommendations and the issues that have been raised. Once a project is started, it is an investment. Taxpayers' money has been put in it. If it is abandoned before it has really come to completion, those resources will be wasted. In any case, when a project is initiated, there are certain needs and goals that it should satisfy. When it is not completed, those needs are not realised. So, I agree with this aspect of the report which says that additional resources should be provided in future by the accounting officers in their budgeting so that the projects are completed. The projects that I have in mind are: The extension of the Government Press project, Government City Buses Central Workshop, Nairobi-west pool housing and others. These particular projects need to be completed.

In one of the reports, there is a suggestion that in addition to addressing matters of accounts and audit queries, the Controller and Auditor-General should broaden his forecast and come up with value-for-money studies relating to the economy, efficiency and effectiveness of how money has been spent. While I agree in principle that this particular thrust should be promoted, I have reservations as to the capability of the Controller and Auditor-General to carry out that kind of mandate if it were bestowed on him. It is a demanding mandate which is related to various sectors. This covers the entire Government Public Service sector including; health services, agriculture, roads, water, transport and telecommunications, co-operatives and others. It is very difficult to have all these capacities under one agency. I do not think that a conventional accountant may be qualified to undertake all the assignments and tasks in this area. I agree with that particular suggestion but, I would rather it was broadened to bring in other research and university institutions that have the capability and the capacity, so that we could link them very closely to the policy making process.

Mr. Speaker, Sir, may I end with those remarks.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support the Motion by examining the law of demand and supply. This is the question of producing enough goods and services for ourselves or producing little of these, amid a growing population. We need to enhance our productivity, and this calls for completion of targeted projects. It makes a lot of sense that, when you put a lot of money in a project, you have to seek ways of completing it. In my constituency, the Government decided to tarmac the Katito-Kendu-Bay Road, which is classified as C 19, but nothing has been done. The records of the Government showed that the road was supposed to have a level of tarmac that was 6 inches thick, but engineers told us it was a 3 inch road. Obviously, that showed an aspect of corruption in the construction work.

Mr. Temporary Deputy Speaker, Sir, if we want to have enough for everybody, those well-connected individuals with money in foreign countries should return it back. I think the Ministry of Finance needs to take measures to ensure that such money is returned to Kenya. In some cases, it has been alleged those who owe loans to the Government are told to repay through individuals' accounts, although I do not have evidence. The Ministry concerned should investigate that matter and make sure it does not happen again.

Mr. Temporary Deputy Speaker, Sir, the option to paying our debts, is to negotiate with the donors, so as to get some concession relief on our loans. I know at one point in this country, a prominent scientist did propose a formula to pay our debt, but it was disregarded. I would like to appeal that the issue of repayments of debt be revisited once again. On scarcity of goods and services, the Government should provide an enabling environment

for the production of enough goods and services.

Mr. Temporary Deputy Speaker, Sir, the Government had wrongly charged the Ministry of Natural Resources with the responsibility of eradicating the water hyacinth in Lake Victoria. The hyacinth weed is not a resource but a natural disaster for the nation. Nonetheless, little efforts have been made by the Government to remove it from the Lake. The Scientists have told me that it is currently encroaching my constituency, from Kisumu, and little is being done to stop it. There seems to be a tendency of hyacinth weeds to follow a certain Provincial Commissioner wherever he goes. Now, they have followed him to Nairobi, as currently there are hyacinth weeds in Nairobi Dam. Why should the presence of hyacinth weeds in Lake Victoria reduce the fish production? In the past, fish never used to be a major foreign exchange earner in Uganda, but now it is one of them. Therefore, if we improve our fishing methods, by removing the hyacinth from the lake, there is no reason why fish cannot be a major foreign exchange earner in this country.

Mr. Temporary Deputy Speaker, Sir, while I am happy with the move by the Ministry of Education and Human Resource Development to review the curriculum, I am saddened that Kshs1 billion is to be spent on reviewing only the secondary and primary curriculum but not the entire education system. This country needs a total overhaul of the entire education system and not just a few changes. The changes should go further to the higher sections of education, like the university. Our Kenyan education system lacks the aspect of retraining former graduates, so that they can be taught new professional skills. We complain of economic hardships and go on to spend a billion shillings on an inconsequential project like that of reviewing only a section of the curriculum.

Mr. Temporary Deputy Speaker, Sir, I appreciate the fact that a lot has been talked about computerisation and how some well connected firms have been given special preferences to supply computers which they do not deliver. The Civil Service is inefficient, unproductive and ineffective because it lacks computers. I am saddened that the august House which should be championing computerisation in this country is the one which is lagging behind most in the field. It was not until five years ago that this Parliament got its first computer. While I do appreciate that today, there are about 30 to 40 computers within Parliament buildings, there is no single modern computer. Those computers in Parliament are not networked and hence, there is lack of maximisation of them. Even in the Civil Service, computerisation will help to enhance productivity and efficiency.

Mr. Temporary Deputy Speaker, Sir, while going through the PAC Reports, I notice that there is poor record keeping and maintenance which calls for proper computerisation. There is also a case where K£6 billion was paid to some firms to supply computers but they did not deliver at the time of the Second Generation ID project. Obviously, if we go on paying for undelivered goods, then we are on the wrong track. This tendency has continued because the Government failed to consult professionals. The Computer Society of Kenya, which I chair, has in the past offered itself free of charge, to assist the Government acquire computers but the Government neglected the offer. The Second Generation ID project is another case of a white elephant project where we have lost a significant sum of money because of poor tendering.

Mr. Temporary Deputy Speaker, Sir, we pretend to care about the economy but we are not addressing some pertinent issues like the Year 2000 Bug which is just round the corner. As much as we worry of calamities like the *El Nino* phenomenon, draught and famine, we should also worry about what will happen during the Year 2000. It is equally a disaster in waiting, and if we are not preparing ourselves for that, then it is a big problem. I wish to caution anybody who wants to travel on the midnight of December, 1999 to think twice before doing so. If we do not prepare ourselves right now, it is going to cost the Government billions of money. It is time we took corrective measures by forming a National Informatics Commission to look into the matter.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption is another one that I want to talk about. Perhaps, if we were to pay our civil servants adequately, they would not be tempted to steal. We do know that our civil servants are very poorly paid, but I also want to sympathise with a person who may have been involved in corrupt deals simply because he had tasted prison while still a student due to other students' agitation. Maybe, a custodial sentence in such a case may not have been fair. However, I would want to propose that those who have been adversely involved in corrupt deals should not be allowed to hold public office. However, that needs to go with a lot of public education. This is because some of them may come to this House not because they have been nominated, but because they have been elected. However, this has got to do with failure to educate the public that they should not elect people who steal from them.

Mr. Temporary Deputy Speaker, Sir, with your permission, I will just cite an incident that I encountered in 1988 after having been arrested as a student leader. At the same time, a former Nairobi Mayor was facing a court case for having stolen from the City Council. Interesting enough, the public was not taking notice of the presence of students that were being held at the time, because they were cheering the person who had been charged with theft. At that time, we considered ourselves as very clean students who were fighting for the interests of the masses, but the same masses were applauding the same people that we were fighting. I would want to

propose that in future, if somebody has been adversely mentioned or involved in corrupt deals, he should not be allowed to hold public office.

Mr. Temporary Deputy Speaker, Sir, my other area of concern is the issue of poor planning or unrealistic planning. At one point, I was talking to an officer within the Ministry of Finance who reckoned that when they do their planning, sometimes there are things that they need to adjust; however, they just decide not to do so. They prefer to go with the previous figures. I think we have to be very realistic in planning. In engineering, we believe that accidents do not just happen. Accidents are caused and there should be no question of accidents occurring if you can scientifically plan and predict how to avoid them.

So, I want to encourage these officers in the Ministry of Planning and National Development plan properly in future. I would also want to address the issue of employment. There has been mention of reduction of the Civil Service. I think if we are really genuine in our commitment in reducing Government spending, perhaps, one area to start is by freezing further employment and this should be done, in my opinion, immediately.

Mr. Temporary Deputy Speaker, Sir, finally I want to come to the issue of what I may call, the "Kenyan craziness". There has been a lot of talk about co-operation and so forth. However, I would want to say that what the politicians call co-operation, we in the world of technology call it networking. If this country needs anything most at this stage, it is dialogue. I think every well-meaning Kenyan should encourage rather than vilify those who are co-operating. I would want to inform the House that what is needed more is dialoguing, networking and co-operation.

Mr. Temporary Deputy Speaker, Sir, I do share sentiments that were expressed by other Members that, perhaps, it is time that the Public Investments Committee and Public Accounts Committee were given teeth with which to bite. This is because they keep on making recommendations which are often ignored. Also there is the issue of lateness in the submission of these reports. This is because we do know that having just gone through general elections, the KANU Government is totally different from the previous one. More than half of the Members that we have on the other side of the House are new. So, although we are vilifying the Government, we are really talking in actual terms about a different Government. I would want to say that in future, perhaps ways and means should be found so that the Reports are submitted on time.

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

The Assistant Minister for Water Resources (Mr. Mokku): Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words on this Motion.

Mr. Temporary Deputy Speaker, Sir, I would first of all take this opportunity to congratulate the Speaker for having been elected to guide this august House. I would also want to take this opportunity to congratulate all hon. Members who had the chance of being elected to come to this august House. I wish to take this opportunity to thank my people of Isiolo North for having elected me for the third time to this august House. I also wish to thank His Excellency the President for having appointed me an Assistant Minister in the Ministry of Water Resources where I have been for the last two terms.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to make a few comments on the Public Accounts Committee Report. To begin with, I wish to take this opportunity to say that in future, instead of this Report being tabled after two to three years, it is advisable and useful to have it discussed, debated or Tabled in this House in good time so that Kenyans, hon. Members and any interested party can have ample time to look at it. It is meaningless to table the report after two or three years. This is because some of the culprits mentioned in those reports might have died. Some of them may have even retired. Indeed, some of them might even be Members of this august House. In such a case, you cannot discuss them unless you move a substantive Motion. So, it is quite in order that in future, modalities should be worked out so that this Report can be discussed in good time. I wish to assure the hon. Members on the other side that it is the wish and intention of this House and Kenyans at large to ensure that people who are actually implicated in the misappropriation of public funds should not be spared because they are the actual enemies of Kenyans, regardless of their status.

Mr. Temporary Deputy Speaker, Sir, I wish to talk about the Constitution of Kenya Review Act. I would like to assure all Kenyans regardless of whether they come from a minority or majority tribe that they will be given equal rights to express their views. Even the smallest community in this Republic like the El Molo should be given a chance to air their views. There must be an issue that affects the El Molo which is not known to others. So, if a free hand is given to all the needy communities, it will clear some of the ill-feelings and speculations among Kenyans. I urge all Kenyans to come forward freely to air their views regarding the review of the Constitution. The commissioners should visit every corner of this Republic so that no one will say that his or her community was not given a chance to air their views.

Mr. Temporary Deputy Speaker, Sir, we are now debating the Public Accounts Committee Report and later on we shall discuss the Public Investments Committee Report.

In most of the areas where hon. Members come from, the question of road communication has affected everybody. But I am sure there are areas where Members can reach all parts of their constituencies either by air or by road.

Mr. Temporary Deputy Speaker, Sir, I come from a district which is in the Northern part of Kenya, Isiolo North, in particular. As I am speaking, there are areas where vehicles have not reached since December last year. As a result of that, schools in those areas have not opened up to now, while medicine and essential food commodities have not reached there. You can imagine how bad the situation is in those areas, without these basic requirements. I am referring to people who live in Merti and Oldonyiro Divisions, in particular. Some of them are about 200 or 300 kilometres from the District Headquarters in Isiolo Town, from where they get their essential commodities. I am appealing to the Ministry of Public Works and Housing to make these areas accessible. During debates here, some Members have been requesting to be provided with tarmacked or classified roads. But I am not looking to all that. All I am asking for, is a road which can make it possible, not even for a saloon car, but a four-wheel-drive vehicle, to reach those places. I would like to urge the hon. Minister for Public Works and Housing to take immediate action. I would also like to see him in his office, just to emphasize what I am saying here. As a result of the inaccessibility of these areas, the prices of essential commodities have gone up. As I am speaking here, a kilogramme of sugar, which is going for about Kshs60 in Nairobi is being sold for Kshs120 to Kshs150 in Merti Division. That is two or three times the normal price. The same case applies to all other essential commodities, like tea leaves, maize flour, paraffin, *etcetera*. Just imagine the economic hardships Kenyans are facing. But this one is exaggerated by the poor state of the roads. I am not blaming the Minister for Public Works for the rain because he has no power to prevent it, but I am appealing to him to ensure that that road is repaired so that at least, a four-wheel-drive vehicle can be able to reach those areas.

Mr. Temporary Deputy Speaker, Sir, Kenya is a multi-party democracy, and I think that in many cases, we have been immature in handling certain issues. There are areas where we feel that when two giants are fighting, or when the majority communities are fighting, the minority communities should become spectators. It is high time these majorities asked themselves: "What about the interests of the minority?"

Mr. Temporary Deputy Speaker, Sir, for the safety of everybody, including the majority and the minority, it is high time Kenyans embraced *Majimboism*. Some of us feel that the only option for the people who come from marginalised areas like Turkana, Moyale, Marsabit, Isiolo, Mandera, Lamu, Tana River and the rest, is to adopt *Majimboism* this is the only way we shall survive. For example, the people of Marsabit and Moyale, are in Eastern Province and they live with their brothers from the giant communities like the Kamba and Meru. There is no cake that can reach Marsabit and Moyale from Nairobi because it cannot pass those "giant" communities on the way. It is high time those people from those areas thought of such things. We have land, although it is dry. I think that is the only thing which we need to look after, because it is the only asset we have. The roads are washed down and as a result, teachers have not gone back to schools and there is no learning. Last year's examination results in those areas were horrible. I am urging the Ministry of Education and Human Resource Development to set up a committee to look into that mass failure of examinations, although I can conclude that it is because of the poor infrastructure. Teachers, especially those who do not come from the district take a week to reach their respective schools on foot. It is high time the attention of the key Ministries like the Ministry of Public Works and Housing, Ministry of Education and Human Resource Development and the Office of the President paid attention to those areas, so that we receive services like any other part of the country.

Finally, as a result of the *El Nino* rains, and as the hon. Sankori did ask this afternoon, livestock, which is the lifeline of the people of these areas, especially goats and sheep, are dying. If that is the case, the people who are dependent on these animals must be suffering. I appreciate what the Government and some NGOs have done, but whatever we are getting is not enough. Kenyans are thinking of classified roads, tarmacked roads and factories, but in this part of the country, we are talking of famine relief. If parents are being fed by the Government or NGOs, from where will they get school fees?

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

The Member for Maragwa (Mr. P.K. Mwangi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion.

I would like to support the Motion as it reads, but first I would like to congratulate Mr. Speaker, and all Members for having been elected.

We have been talking about the collapse of the economy. But, the most pertinent question is: What brought about this collapse? There are so many factors which have led to the collapse of the economy. Some of us who were not parliamentarians used to hear of many deliberations taking place in this House, but now that we are here, we should all work together. I believe that nobody is in this House for their own sake, though some of us are trying to protect an individual's interest. I would like to tell hon. Members, that, we are here to protect the interests

of all Kenyans and not for an individual's sake. We should remember that, although we are sitting on different sides of the House, we are still under one roof. If it collapses, we shall all perish.

Mr. Temporary Deputy Speaker, Sir, as regards the Ministry of Public Works and Housing, what we are seeing in the Public Accounts Report, is that, tenders were not awarded as per the laid down procedures. A lot of money has been used, whereas, what that Ministry has done, is totally useless. We have been blaming the *El Nino* for washing away all our roads. But the truth is that, our roads have not been maintained for quite a number of years. Last year, the Gumbo Bridge collapsed. We had informed the Government of its imminent collapse, but no measures were taken to prevent the situation. We even have a bridge which collapsed a long time ago before the *El Nino*, and yet, we are still blaming it on the *El Nino*. There were some funds voted very long time ago to rehabilitate that bridge, but nothing has been done.

Mr. Temporary Deputy Speaker, Sir, when we visit hospitals in this country, we wonder whether our forefathers fought for Independence so that Kenyans' lives are protected. Recently, I visited Thika General Hospital, and I witnessed a miserable state of affairs. Patients are leading miserable lives. There are no blankets. They are asked to carry along blankets to the hospital. It is high time the Ministry of Health realised that sick people cannot promote the economy of this country. We should equip our hospitals with the necessary equipment, to ensure that Kenyans are healthy and able to go about their day to day chores and promote the economy of this country. In the PAC Report, we have read that money allocated for the promotion of health facilities has been re-allocated to harambee. We wonder whether the millions of shillings being donated for harambee by some individuals each and every weekend is taxpayers' money. It is high time we started using our personal resources instead of taxpayers' money to gain public praise.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate security officers who were able to rescue the tycoon who was kidnapped last time. But I wonder why they failed to protect the lives of Laikipia people or those who are dying in Pokot and Marakwet districts. Why do they only mind the life of a single tycoon? The Government should protect the lives of all Kenyans. This would promote the dignity of this country. We should not only promote our personal dignity, whereas other Kenyans are suffering.

Mr. Temporary Deputy Speaker, Sir, if what has been happening is anything to go by, there is more money yet to be used, because of the creation of more districts. We have witnessed new districts like Maragwa being created just because of the wishes of an individual, without consulting Murang'a people. Maragwa people were not given a chance to decide where the boundaries of that district should be. Maragwa District is using a lot of taxpayers' money because, there is no work taking place there. What was decided to be the district headquarters was previously a farming institute which was promoting interests of not only the people of Maragwa, but all Kenyans. That district headquarters cannot be able to collect Government revenue. It is not serving the interests of the people of Maragwa. Despite the fact that civil servants posted to Maragwa District are hard working, they are unable to serve the people. They even end up having no lunch, because there is not even a single kiosk at the headquarters. When we tried to guide the Government, nobody ever listened to us just because somebody who was a KANU "referee" had to be rewarded with it. He was rewarded with that district so as to amass KANU votes. But, thanks to the people of Maragwa who did not elect even one KANU candidate.

Mr. Temporary Deputy Speaker, Sir, prisons are using a lot of funds from the public coffers. If prisoners were made to engage in productive chores, we would save a lot of money which is used to buy food for them. In our prisons, there is a lot of farming land. For example, Maranjao has more than 500 acres of land which are not being utilised. This fallow land should be turned into farming land, so that those prisoners can be productive and be able to feed themselves. In doing so, they will promote the economy of this country. The fact that people are in jail does not mean that they are useless. These prisoners can be an asset to the country and by the end of their jail terms, they could be given some reasonable money for bus fare.

Mr. Temporary Deputy Speaker, Sir, we have also noted that the Electoral Commission used more money than what was allocated to them. This was even repeated during the elections of 1997. The Electoral Commission spent money which is not accounted for. It is high time money being used by the Electoral Commission of Kenya is accounted for, because it is taxpayers' money.

Mr. Temporary Deputy Speaker, Sir, the Nyayo Motor Corporation has not contributed much to the growth of the Kenyan economy. Instead, it used a lot of tax payers' money. This has contributed to the collapse of our economy. The National Youth Service (NYS) personnel can be used to rehabilitate our roads. They use tax payers' money, although, they do not contribute much to the economy. We can also use our military personnel to rehabilitate our roads. By so doing, this country can save a lot of tax payers' money. To achieve all this, it is high time that the supremacy of this House was maintained. Today, for instance, nobody knows the calendar of the Kenyan Parliament. It is only known by one individual and this is quite embarrassing to our nation.

The powers of hiring and firing civil servants in this Government are vested in one person. When we

complain of the poor performance of a civil servant, you will find that there is somebody else who protects him. This protection should cease. Let action be taken against any civil servant who misappropriates public funds. We should not protect officers who misappropriate taxpayers' money.

The other thing that I would like to talk about is security in this country. We have to ensure the security of all Kenyans by providing our Police Force with enough equipment. It is embarrassing to see that there are no vehicles at police stations. The police officers share small rooms with their colleagues. In such circumstances, police officers are demoralised and they are not able to work properly or safeguard the security of Kenyans. Let us give them enough equipment in order for them to perform their duties. I call upon the Government to provide them with vehicles and decent houses so that they can enjoy their work. Right now, they are not enjoying their work because they do not have enough facilities to enable them serve this country diligently.

The Ministry of Local Authorities has allowed land grabbing in this country. The Ministry of Public Works and Housing cannot construct dual-carriage roads because road reserves have been allocated to politically-correct individuals in this country. It is high time that the Ministry of Public Works and Housing safeguarded the interests of Kenyans by protecting road reserves. If you visit some towns in this country, you may wonder where a dual-carriage road will be constructed because all road reserves have been grabbed. It is time title deeds of land that has been allocated illegally were revoked in order to safeguard the interests of Kenyans.

When we start reducing the number of civil servants, we should taken into consideration the fact that the civil servants being retrenched have families to feed. We might bring a lot of chaos in the country if we reduced the number of civil servants without considering some of these factors. But all the same, we have to look for the way forward so as to be able to salvage our economy. Although the Mombasa economic forum was termed as inconsequential by the Government, I feel that it is high time the Government implemented the resolutions of the Mombasa meeting because that is the only way forward towards revamping the economy.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, my name is Mr. Charles Arap-Kirui, Member of Parliament for Belgut. I should thank you for giving me this opportunity because I was beginning to feel that, maybe, I had a singular inability to catch your eye.

However, this being my maiden speech in this House, I would like to take this opportunity to thank my constituents, all the people of Belgut, for electing me unopposed to this House. I will endeavour to serve them to the best of my ability during my time in this House. May I also take this opportunity to congratulate Mr. Speaker and the Deputy Speaker for their election to guide deliberations in this House.

I have listened with a great deal of interest to the contributions by hon. Members on this particular Motion. Being new in the House, I have found most of their contributions interesting. I also did find that the contributions constitute quite a learning process. While I appreciate the concern of various hon. Members who have spoken regarding the failure of the Government in the management of finances, loss of funds, excess votes and so on, I think that it is also important, in a situation like this, that we be forward looking in our affairs. In this case, I would like to express my appreciation that the Public Accounts Committee (PAC) was able to commend three Accounting Officers. In future, the Committee should be less stingy in its commendations. Where a job has been well done I think the Committee should commend the Accounting Officers positively. I would like to thank the hon. Members of the Committee for the commendations. There has been a tendency for the Committee to find fault, express dissatisfaction and seek punishment rather than encourage the Accounting Officers who have done well and also provide incentives for other Accounting Officers to do better in future.

While looking at these Reports of 1993/94 and 1994/95, we need to take into account the circumstances, or the background, under which these Reports were produced. I do not wish to cast any aspersions on the integrity of the hon. Members of the Committee, but when reading these Reports, it is important for us to realise that the Committee held

its deliberations on the Reports during the period leading to the 1997 general election. The deliberations of the Committee were held in the second part of 1996 and in early 1997. So, for its full appreciation, it is important that we take that background into account.

I am a professional accountant. As an accountant, accounting reports are of great interest to me. The most serious weakness in the Government is that at the moment it does not employ enough accountants.

We hear of financial controllers and chief accountants in the Government who are not qualified. Government departments should give accountancy jobs to people who are professionally qualified. In the accounting profession, there are strong recommendations regarding the use of the words "accountant," "financial controller" or "finance manager." These titles are extremely misused. Every Tom, Dick and Harry who has a smattering of book keeping calls himself an accountant. We have also fallen into that trap ourselves. In future, there should be recommendations; that anyone who calls himself an accountant should be qualified as one in

accordance with the laws of this country.

Mr. Temporary Deputy Speaker, Sir, as I said, some of the problems that the Government finds itself in come about because the Government does not employ professionals to do the right jobs. The delay in preparation and presentation of accounts by the Controller and Auditor-General is occasioned by the delay by Ministries in preparing their accounts. There is delay in the audit by the Controller and Auditor-General. There is also a delay in submitting the Controller and Auditor-General's Report before the Committees of Parliament. This is why we are talking of the 1993/94 Reports and we are in 1998. While considering these Reports, I think some Members forget that we are looking at very old Reports that do not reflect the current situation in the Government.

We are deliberating on accounts of a period of four to five years ago. Members should appreciate the fact that we are talking about very old reports and not the existing weaknesses. I am not suggesting that they are null and void, but unfortunately, we are concerning ourselves with old Reports.

Mr. Temporary Deputy Speaker, Sir, we need to look forward. We should put in place mechanisms that will ensure that we have timely reports before us. We want the PAC Reports to be deliberated in this House to show the current position. We have had various comments regarding pending bills. In the most recent Report, that is the one of 1994/95, we have pending bills amounting to K£248 million. While this is of great concern to all of us, I think part of the problem arise from the way the Government does its accounts. I do not think there are many governments which retain the system that we use, and which is called cash-accounting, where we deal in cash, receipt in cash and expenditure in cash. This does not happen in the real world any more. In the real world, we have creditors and debtors. The Government should move in that direction and the issue of pending bills will not arise. We will also have more realistic reports, such that excess vote would reflect a more realistic situation. We will then be able to pin down the Accounting Officers responsible. We will be talking about the current excess votes rather than an amorphous issue of pending bills of K£248 million. This comes about because our country does not employ people who are qualified enough to do what we would like to be done.

Mr. Deputy Speaker, Sir, while I have dwelt extensively on the Reports, I think it is important for us to be forward-looking. I have heard many hon. Members talk about the failures, weaknesses and mistakes of this Government. I was thankful to an hon. Member from the Opposition who came out clearly and said that this is a new Government. In fact, we have a KANU Government, but it is a new Government. We have just concluded the General Elections. To talk about this Government doing this and that is erroneous. Hon. Members know that about 60 per cent of the Members of this House are new. Some faces on the Front Bench may be familiar, but quite a large percentage of Members on the Front Bench are new. I think it is erroneous to say that the Government did this and that. This is a new Government, and I would like us to proceed on that basis.

Mr. Temporary Deputy Speaker, Sir, this being a new Government, I think it should be given every opportunity and support in its endeavours to lead this country, and provide for the welfare of the people of this country. It is not only the faces that are new, we also have a new philosophy, which some of the older Members of the Opposition may find difficult to cope with. Most of the Members who have blamed the Government are older Members, who seem to suffer from a great deal of hangover from the old Seventh Parliament.

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

The Assistant Minister for Finance (Mr. Arap-Kirui): I am making my maiden speech!

Mr. Mutahi: Wacha mambo ya maiden speech!

The Temporary Deputy Speaker (Mr. Imanyara): I understand he is making his maiden speech! Proceed, hon. Arap-Kirui.

The Assistant Minister for Finance (Mr. Arap-Kirui): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

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

The Temporary Deputy Speaker (Mr. Imanyara): I have ruled that he is making his maiden speech. Can you please allow him to finish?

The Assistant Minister for Finance (Mr. Arap-Kirui): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for your protection. This is a new Government; whether hon. Members from the other side of the House like it or not. This is a fact and we have to accept it. We are not dealing with only the faces, but we have a new philosophy. This country should have co-operation and vision for the future. These are things which I hope Members on the other side of the House will appreciate. If we want to be true to ourselves, we should realise that we are here for one basic purpose. That is to take care of the welfare of our people and provide leadership and inspiration to carry our people forward. In that case, I think we should open a new chapter.

The tendency to look backward should not be encouraged. We need to look forward and realise that the problems that we are encountering relate to the size of the national cake.

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

[Mr. Speaker resumed the Chair]

If we could expand the national cake, some of these problems that we talk about in this House would not arise. One of the areas that we need to take into consideration relates to the provision of services to the rural communities. Many of us in this House represent rural constituencies.

Mr. Speaker, Sir, the economy has deteriorated because since time immemorial we have marginalised the rural people. Most of the services that we provide to the Kenyan masses have mainly benefited the urban minority. We all know and appreciate that nearly 80 percent of the Kenyan population live in the rural areas. We say that we would like to lower food prices prevailing in our towns, but what we actually mean is that we would like to see low prices for our agricultural products. This marginalises and demoralises the majority of our people, who live in the rural areas. The services the Government provides have, in most cases, benefited the minority who live in urban areas. Such services include power, telephone and television. It is time we focused our attention on the rural majority too. In that way, we can start an economic take off for this country. The more we continue to direct our attention at this minority group the more we will continue to marginalise those people who provide a big market and enabling environment for our economy to take-off.

We even take money from our rural people and bring it to the major towns. Those of us who have had the privilege of working with banks know this well. Banks and their branch networks syphon savings made by the rural people and transfer them to towns. They take the savings to the same urban minority that has continued to marginalise our rural majority. In most cases, the balance sheets of rural banks indicate that the money they receive from the rural poor goes to towns. The banks claim that there are no projects in the rural areas which they can finance with the money. Therefore, they transfer the money to the towns and continue to denigrate rural areas. I am dwelling on this particular point because at the end of the day it restricts the development of our economy. As a result, it denies the Government revenue. This is because we have a minority group living in the towns, which is unable to pay meaningful taxes to the Government.

I would like to commend our Government and, indeed, the President for his foresight in creating new districts. The newly created districts will provide services to the same rural majority that has been marginalised for a long time. When I say this, I should be taken seriously because I represent a rural constituency. When one represents a rural constituency, he will welcome any effort made by the Government to bring services close to the those people. Those newly created districts should be viewed from that angle. There is nothing like "political districts," as some people have termed them. This is something which we should appreciate in this august House. The creation of new districts is one way of empowering the rural poor. I think we should support this work done by the Government.

On the other hand, we need to think once more about our projects in various areas. As I said earlier, we need to provide services to the rural majority. We should also think about sacrificing some old "sacred cows" for the sake of our country. We have talked about failures in the Ministries of Education and Human Resource Development and Health. On my part, the greatest failure has been our belief that our small tax base will continue to bear the cost of some of our services. The earlier we begin to realise that we are not able to do this, the better.

Currently, there is what we call "Pay-As-You-Eat" scheme in our public universities. Maybe we should introduce a scheme to be called "Pay As You Consume" for many of our services. I wish to emphasise that there should always be a provision for those in our society who are unable to afford services. As I have said earlier, some of these services are aimed at a small urban minority which, in most cases, is unable to meet their cost. So, the scheme "Pay-As-You-Consume" should begin to exercise our minds.

We should also think about both local and international trade. Trade is one of the most important sources of Government revenue. It further provides a big income that enables the Government to provide some of the services to our people. In the 1970s and early 1980s, we had a scheme to promote local trade. I have no quarrel with anyone who lives and works in this country, so long as he earns an honest living and pays taxes to our Government. I would like to see a situation where we assist our local people to venture into local trade. While I say that the rural people are marginalised, I would also like to say that the majority of our people who have ventured into trade are also marginalised. We should go out of our way to support our people. We should provide an enabling environment for our people to venture effectively into domestic trade.

I am sorry to say that we have made half-hearted attempts to engage in foreign trade. The most effective way to get into international trade is to enable Kenyans to establish businesses abroad, so that they can provide a

market and distribution network for our products abroad. We know that the British, who colonised this country, established themselves here. While we were under their rule the only products we knew of were those made in Great Britain. This was because the British brought products from their mother country and distributed them in this country. Equally, we should encourage our people to go to other countries and take Kenyan products there. We should not expect a foreigner, either in London or in Paris, to buy our products in preference to their own products. On the other hand, if we had Kenyans who have established businesses abroad, they would establish a network of distribution for Kenyan products.

Mr. Speaker, Sir, I think it is important that we adopt this approach, if we are going to effectively enlarge the cake that we shall distribute. It will then enable us to support various programmes in the Government and to service rural areas which are of great concern to me. These areas are suffering at the moment because of bad roads and so on.

With those few remarks, I beg to support.

Mrs. Mugo: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. This is the first time I am addressing this House while you are in the Chair---

*(Mrs. Mugo started addressing the House
from the Dispatch Box)*

Mr. Speaker: Order, Mrs. Mugo! I have said in the past, and this must be enforced that the persons entitled to speak from the Opposition side of the House, from the Dispatch Box, must be those persons entitled to sit on the Front Bench under Standing Order No.72. Everybody else sits on the Back Bench and must contribute from there. So, you will speak from where you were.

(Mrs. Mugo moved to the Back Bench)

Mrs. Mugo: Mr. Speaker, Sir, I was practising to be a shadow Cabinet Member because I am looking forward to being one. We have very few women serving in that capacity.

All the same, I would like to congratulate you for being elected the Speaker of the National Assembly. I admire your firmness, humour as well as your impartiality. I hope next time I will speak from the Dispatch Box. I also bring you greetings from your colleagues who attended the IPU meeting. Through you, I pass those greetings to the House. They were full of admiration for your position and how you conduct the business of this House.

Mr. Speaker, Sir, I now wish to comment on the Motion before the House. Looking at the PAC Report---

Mr. Speaker: I would like to warn the hon. Member on the Floor that at 6.00 p.m. there will be a Motion - which has been approved by the Chair - to be moved by Mr. Ngala.

An hon. Member: A Motion without notice?

Mr. Speaker: Yes, without notice. You will be entitled, of course, to your usual Half an Hour. So, when it comes to 6.00 p.m., the balance of your speech will be carried forward until after the results of whatever Motion will be moved.

Mrs. Mugo: Mr. Speaker, Sir, when we look at how taxpayers' money has been spent in this country, it is amazing. According to the Report before the House, I am left wondering who this Government is serving. Is it a few people up there or the common man in this country?

Mr. Speaker, Sir, I am incensed by the unconstitutional expenditure of Kshs2.6 billion from the Consolidated Fund on the Eldoret Airport. We hear that all the records are not available. A further Kshs1.2 billion was paid to a consultant to look for a financier who was never found. We do not know who this consultant was and why he did not deliver. We have not even seen any efforts being made towards recovering the money. The Office of the President also gave a further Kshs1.16 million in cash as compensation to the person who owned the land where the Eldoret International Airport was constructed. All this was done without Parliamentary approval. This act put Kenyans' property into jeopardy because when this construction started, the land had not even been secured. This shows that extensive arbitrary powers have been bestowed on the Executive or whoever gave the permission for such abuse. It is a reflection of how our Government is run today. The Accounting Officers do not really bother to answer questions. The highest office in this land, which should give directions, respect the Constitution and lead the way, seems to be the one which ignores the law and the very Constitution that it will defend. I say that because this money was used at a time when our people were living under untold

suffering. Many people could not afford even a single meal in a day. That was the time when we were going through the difficult crunch of Structural Adjustment Programmes. It was a time when people paid a lot of money for food and for the sugar they put in their tea and yet, the Office of the President found it prudent to put so much money in an unviable project instead of using that money to help Kenyans. They should have used that money also to subsidise education in our schools.

Mr. Speaker, Sir, it is saddening to note that this Government seems to be putting more effort in paying many Ministers and creating more Ministries instead of thinking of the ordinary person who can neither afford to buy food nor take his children to school. Those common people cannot afford to buy medicine and yet the Government found it fit to put all that money in an airport which, I believe, has no economic benefit for the people of this country; at least not now. It is a future development but for now, we need to improve the sanitation of our people and supply clean water.

MOTION FOR ADJOURNMENT UNDER S.O. NO.22

ADJOURNMENT OF THE HOUSE:
MEMBERS TO ATTEND MBAGATHI
CONSULTATIVE MEETING

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, under the provisions of Standing Order No.22, I beg to move:-

THAT, this House do now adjourn until Thursday, 7th May, 1998, at 2.30 p.m.

Mr. Speaker, Sir, I am moving this Motion to allow hon. Members an opportunity to attend an economic consultative meeting on economic challenges facing Kenya and the way forward. All the hon. Members have received the invitation cards requesting them to attend the meeting. There is logic for hon. Members to attend the meeting. The economic situation in Kenya needs to be given very serious attention by all of us. There is need to have dialogue and stimulate discussions on the issue. It is a national crisis which goes beyond political parties. I believe that the Kenyan economy must be addressed by all Kenyans. The Mombasa meeting never put a stop to any other meeting that would address the economic issues. Therefore, I would like to urge the hon. Members to take yet another opportunity, which has been availed to us, to join with other resource persons, to listen to their views on what they think needs to be done so that we can come out of this bad situation that we are all experiencing.

Mr. Speaker, Sir, it is important that we remove any biases as far as this meeting is concerned. I think we stand to benefit and to be led properly by other Kenyans who would also want to share views with us in exploring ways and means of improving the economic situation of this country. So, it is fair that we should not appear to be dividing ourselves on an issue which we ourselves have spent sometime discussing. We need more time to put our ideas together so that we come out the better side. It is very good that an opportunity has been accorded to the hon. Members to participate in the consultative meeting so that we can see how much more we can gain by putting all our heads together. We need to listen to the resource persons who will attend the meeting tomorrow. We need to hear how we can improve our economy. So, let us not be selfish because the Mombasa Forum has no monopoly at all. It came out with some recommendations, but we need to give it more flesh by inviting other people who are also Kenyans and are concerned about our economy.

So, Mr. Speaker, Sir, I do not want to take too much time explaining this point. It is fair for us to participate in this meeting.

With those few remarks, I beg to move.

Mr. Raila: Mr. Speaker, Sir, I rise to second this Motion. I have three reasons to advance in seconding this Motion. I believe that at times of crisis like this, it is necessary and important for Kenyans to sit and reason together with a view to finding a solution to the problem.

(Applause)

Mr. Speaker, Sir, it is in that spirit that we welcome and support the Mombasa initiative. We have looked at the documents that were presented and the recommendations that were made; and we have no reservations against that initiative. I think it was a very positive initiative. Nobody can claim to have a monopoly of knowledge or solutions to the problems that we are facing today. That is the reason why we should welcome as many initiatives

as possible with a view to reaching a consensus.

Secondly, there is what the lawyers call the right to be heard; that everybody has a right to be heard. In fact, this is one of the laws of natural justice; that one should be given an opportunity to be heard. The saying: "I may not agree with what you have to say, but I shall defend and protect your right to say it", goes very true on this particular case. That is why I think that it is necessary and important for us to meet tomorrow and air our views collectively, taking into consideration the views that were expressed in the Mombasa seminar.

Mr. Speaker, Sir, thirdly, political parties are very important institutions in a multiparty democracy. That is why we fought so hard to be allowed to form political parties. Now that we have political parties, we must create an enabling environment for them to function. We must recognise political parties as important and indispensable institutions in multiparty democracy. Political parties fight elections on the basis of their manifestos and profess to implement those manifestos if they are elected. If a party is elected to power, it implements its programmes and is then, at the end of that term, judged by its performance.

Mr. Speaker, Sir, hon. Members represent constituencies and if we invite Members of Parliament to the meeting, they will come and express their individual views. If political parties are invited, then they can tell us about their party policies. I think it is very important that when we are reviewing the economy of this country and the factors that have caused the mess, we should also hear the views of political parties and not views of hon. Members in various political parties. That is why I think it is important that we should give political parties this opportunity to offer their views. It is important that we should meet tomorrow.

Mr. Speaker, Sir, with those few remarks, I beg to second.

(Applause)

Mr. Speaker: Hon. Members, before I propose the Question, I would like to bring to your attention the question of timing. As you have noticed, the Mover and the Seconder have five minutes each. I think we will proceed on those lines.

(Question proposed)

Mr. Murungi: Thank you, Mr. Speaker, Sir. Under normal circumstances, I would support a Motion like this one. But, in view of the circumstances which have led to this Motion, requesting for the adjournment of the House for two full days, I think that this is a very unfortunate situation.

Mr. Speaker, Sir, the reason for calling for the adjournment of the House is not valid. Those of us who attended the Mombasa Forum know that what happened there was the best thing that has ever happened for this country.

(Applause)

I would like to thank the hon. Ministers, hon. Members of Parliament, the resource persons and members of the donor community who attended the forum and made it a great success.

Mr. Speaker, Sir, we are being taken through this circus just because of one person called hon. Nicholas Biwott.

(Applause)

I spent three days trying to convince hon. Biwott to come to Mombasa with us but on the last day, he told me that he had to accompany the President to Nyanza. It is the mere fact of hon. Biwott accompanying President Moi to Nyanza which is causing this House to adjourn. As the Mombasa Forum was going on, after being given some misleading information by my friend here, the President condemned us thinking that the meeting had been organised by the NCEC. The hon. Biwott had earlier asked me whether the forum was being organised by the NCEC. I told him it was not and also explained to him that the CGD was different from the NCEC. When I heard the President say that the forum was organised by the NCEC, I knew right away that it was hon. Biwott who told the President that it was an NCEC meeting.

(Applause)

Mr. Speaker, Sir, another question that hon. Biwott had asked me was why an NGO was organising the forum and why the forum could not be organised---

Mr. Speaker: Order! Are we really debating Mr. Biwott?

Mr. Murungi: We are discussing the merits.

Mr. Speaker: But can you now discuss the Motion?

Mr. Murungi: Mr. Speaker, Sir, I did not know that hon. Biwott was a sacred cow but---

Mr. Speaker: Order! Well, I share the same view but, honestly, I do not know whether Mr. Biwott is a sacred cow. However, I certainly know that our Standing Orders are a sacred cow.

(Laughter)

Mr. Murungi: The point I wanted to make is that if the President called us and, in fact, we had requested at another forum, that the President does come and presides over an open forum on constitutional reforms in the country--- I do not know whether I am switched off, Mr. Speaker, Sir.

Mr. Speaker: No, you are not.

Mr. Murungi: Mr. Speaker, Sir, I was one of those who requested that the President be asked to come and open a forum on constitutional reforms in this country; to give it the force that we needed to move the Constitutional reforms process forward. But because of the history of this country, unless---

(Mrs. Kittony stood up in her place)

An hon. Member: Wewe mama, kaa chini!

Mr. Murungi: Mr. Speaker, Sir, I have only five minutes to contribute to the Motion.

Mr. Speaker: Order! It is most undesirable to interrupt a Member on the Floor, when he has only five minutes unless, it is something really earthshaking and the Chair is all ears. I do not think that so far, there is anything earthshaking that he has said.

Mr. Murungi: Thank you Mr. Speaker, Sir. It became quite clear at Mombasa that, the economy of this country was in the ICU, as many speakers said. We tried, on non-partisan basis, to take the economy of this country out of the ICU bed. It is unfortunate that, as we were trying to get the economy out of the ICU, the hon. Biwott was trying to mislead the President. Tomorrow's meeting would not have taken place, if it were not for the lies which the hon. Biwott told the President.

Thank you.

Mr. Speaker: Order! Order! Mr. Murungi, you are an old Member and you cannot accuse a Member of telling lies in this House. You had better withdraw that word.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I think that rule, as I understand it, says that a Member of this House cannot tell lies in the House. But a Member can tell a lie outside the House.

Mr. Speaker: Order! Order! The rule is as follows. That lies cannot find their way into this House. So, you cannot utter them here. If you do, I will be obligated, as I am now, to force you to vomit it. Will you go back and do that?

(Laughter)

Mr. Murungi: Mr. Speaker, Sir, I vomit quickly and I wish to apologise and withdraw the word 'lies', but replace it with the words that, he grossly and maliciously misled the President.

The Minister for East African and Regional Co-operation (Mr. Biwott): Thank, Mr. Speaker, Sir, for giving me this opportunity, so that I can correct the hon. Member opposite. First of all, may I respond to what the hon. Member has said about me, going to Nyanza and telling the President something. All his allegations exist in his own mind. It is the more reason why the House should come to tomorrow's meeting so that they can repeat what they had to say in Mombasa, if there must be---

(Loud consultations)

But my going to Nyanza had nothing to do with the Mombasa meeting. It was a tour that had been arranged prior to the knowledge that, there was to be a meeting in Mombasa. It is true that we had a chat with the hon. Member on this bench and I wanted to know about the meeting and he was very polite; he was just telling me

about it and I was also interested in---

Hon. Members: As who?

The Minister for East African and Regional Co-operation (Mr. Biwott): As the hon. Member for Kerio South and hearing it from the hon. Member for Imenti South. All he actually did was to tell me that, that was an organisation run by Mrs. Rose Waruhiu and himself. But I never talked about the NCEC. I think that is his invention.

Mr. Speaker, Sir, I will then proceed to talk about tomorrow's meeting which is about the economy. Therefore, it should be the concern of everybody. We know that the economy has problems which cannot be solved, but certainly it is not in ICU. If it were in ICU, it would not be breathing. It would be dead. But if you look at the buoyancy of the economy at the moment, which is attributed to the informal sector and the number of vehicles that are moving on the road, certainly the economy of this country is not in Intensive Care Unit. It is the public sector and the public debts which have to be managed. These are the areas which hon. Members will give their contributions on tomorrow.

Mr. Speaker, Sir, it is unemployment that we must--

Mr. Orengo: On a point of order, Mr. Speaker, Sir. Just as a matter of record, because I heard the Leader of Government Business very well, say that it is important that we attend the meeting tomorrow, because the economy is in a crisis. Now, the Member for Kerio South who has something to do with the late Ouko which he has not answered---

Mr. Speaker: What is your point of order? You are taking all his time!

Mr. Orengo: He should have told us a little bit more about the late Ouko, when he went to Nyanza!

Mr. Speaker, Sir, he is saying that the economy is not in the ICU. Can we know why it is important to go there tomorrow and yet the economy is alright?

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, first of all, the economy is not in the ICU, but it has problems that have to be addressed. That is why we should be there. As regards the late Ouko, hon. Orengo knows more about that case, because he was a lawyer in the case all through. He should answer those questions.

Mr. Speaker, Sir, I think, we should all support the Motion, because we have brought it here so that we can do it the way we did during the IPPG. We came here as Members of Parliament, to agree on the adjournment of the House so that together as Members of Parliament, we can discuss outside this House, a matter that is common to all of us.

With these few remarks, I beg to support.

Dr. Kituyi: Thank you, Mr. Speaker, Sir. In Mombasa, a former congressman told us that Americans believe that governance is like a stool with three legs; the Executive, the Judiciary and the Legislature. In Kenya, governance is a stool with three legs; the Executive, the Executive and the Executive. Of all these institutions that have not got their chance under the sun, the Legislature is the only one which has the capacity to appropriate its space. We have the responsibility to ourselves and posterity to define how to protect the space of the Legislature in addition to participating in other areas of governance.

We have a political responsibility and we agree that we have to deal with the problems of the economy. But we also have a sworn responsibility to protect the integrity and functioning of this Legislature. The Mombasa meeting was held on Friday and Saturday because we knew the sanctity of Tuesday, Wednesday and Thursday.

Mr. Speaker, Sir, this House is set to adjourn in two to three days according to the House Business Committee. What was so urgent, that a Presidential conclave could not wait until the rise of the House on Thursday, for Members to discuss the economic matters? We have one full month. We are not questioning the substance that might come because that is also another matter, but it is important for Members of Parliament to balance between our responsibility as the Legislature, and our responsibility as Kenyans discussing the economic plight of our country. I appreciate the position which was taken by the Mover of the Motion, that the Mombasa meeting was important. The Mbagathi meeting could also be important. But I have a card inviting me to go to Mbagathi. It looks like the cards which invite us to go to State celebrations on Madaraka Day, with a car sticker and it is a beautiful card. If the Mombasa meeting was weak, and there was insufficient consultations, our process of learning dialogue is to build upon the strength of the Mombasa meeting and avoid the weaknesses of the Mombasa meeting. The Mombasa meeting allowed dialogue about the content. You might remember that the topic that I was to present in Mombasa was found unacceptable to some persons, not from this side of the House, and it was altered to accommodate the concerns of the other people, and I gave a presentation on a different topic. Similarly, what should be the starting point is that both sides of the House are aware of the agenda of what they are going to discuss. A card telling me that "you are invited" with a sticker to put in my car does not tell me who

is going to talk and on what, and if I have a crowded day, which sessions I can miss and which ones I can attend. We have to build the institution of dialogue with respect to hon. Members of this House. The present error to call the Mombasa meeting "inconsequential" and announcing publicly that one detests the Mombasa meeting is not important. We can live with that. We all err and we are human. The President can make mistakes and he is an older man. He should be forgiven for certain mistakes. But after doing that, if the spirit is reconciliation and working together, I think the 162 Members of Parliament who went to Mombasa are owed some retraction of the dismissiveness with which our initiative was taken. Let them admit that they erred also and they want to work together. The issue at hand is not like the Leader of Government Business said, that we go to the Mbagathi meeting to legitimise what we did in Mombasa. In the Mombasa meeting, Parliamentarians agreed informally that we want to take an initiative to appropriate the responsibility in economic governance through this House. That cannot be presided over by the Executive. It is about Parliament. It is a matter that we can discuss here; to see whether we can do those things as Parliamentarians. We cannot go to a meeting where the President wants to show that there are Kenyan economists who know about the Kenyan economic problem as the basis of appropriating our responsibilities to this country. Let the Mbagathi meeting go on, but on a different day and on a transparent preparation of the agenda. Let both sides of the House agree on the content presentation. Give and take at preliminary work. We cannot repeat the weaknesses of the past if we are trying to build finer dialogue and consensus in this House.

Mr. Speaker, Sir, it is important for the House to understand our responsibilities. The Government should appreciate the importance of Private Members' business tomorrow. There is important business that we want to execute tomorrow in this House, and it is within the means of the Government to defer the Mbagathi meeting to any day after Thursday this week. We can then come together and look at what the Government-appointed economists will tell us, on matters of governance which are a consequence of mismanagement and corruption.

Thank you.

The Minister for Local Authorities (Prof. Ogeri): Mr. Speaker, Sir, there is no substitute for dialogue. There could not have been a better and more serious business to discuss than the business of the economy. We are all Members of Parliament, and most of us are preoccupied with the discussions on ways to move the economy forward. We must have a conscience to recognise when we are in a recession. Kenya is no exception in being in the economic recession. We must realise the need for us to come together and take responsibility as Members of this House, to discuss the effects of getting the economy out of recession. The agenda is getting the country propelled out of recession. There are modalities of approaching this issue. One such modality is the meeting at Mombasa, and there is absolutely nothing wrong in getting down to the business of tomorrow, to crystallise the economic agenda for this nation. We all know that in parliamentary democracy, a government has an opportunity to have its agenda on the Table. We also have an equal opportunity to speak clearly the contra-view of that agenda. The invitation is very simple. The Government will put its position clearly, and we will suggest the way forward. If we have no hidden agenda, then it is necessary for us to participate together to map out the way forward.

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

(Question put and Agreed to)

Members: Division! Division!

Mr. Speaker: Order! Order, hon. Members! Very well! The Clerk will find out if they have the numbers. It is within the right of Members to call for a Division if they think they have the requisite numbers. I am satisfied that those Members who sought a Division have the requisite number and therefore, I do order the Division Bell to be rung.

(The Division Bell was rung)

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, before we proceed to the Division, I would like to appraise the House of the procedures to be used. I will shortly announce the names of the tellers. I will then put the Question and those who will be in support of the Motion, that is the "Ayes", will proceed to the voting lobby to my right hand side, and hon. Members who will vote against the Motion will proceed to the voting lobby on my left hand side. I might also explain that no hon. Member is obligated to vote. If you do not want to vote either

way, you can register with the Clerk-at-the Table to indicate that you wish to abstain from voting. I hope that is clear.

Another issue on procedure which I want to explain is that after I have put the Question and the doors are locked, hon. Members will have no more than 25 minutes to vote. Ten minutes after I have put the Question the doors to the lobbies will be locked. Then 15 minutes after the locking of the doors, I will call the House to order and any hon. Member who will not have voted by that time, will forfeit his or her right to vote. The relevant Standing Order 55(1) - Direction of Ayes" and "Noes" - says this:-

"When the doors have been locked and the Bar drawn and the names of the tellers have been announced, Mr. Speaker shall put the Question again and then direct the Ayes into the lobby on his right and the Noes similarly to his left and the doors to each lobby shall be locked ten minutes thereafter.

(2) Mr. Speaker or the Chairman of the Committee shall, fifteen minutes after the locking of the lobby doors, call the House to Order and any member who shall not have voted then shall forfeit his right to vote".

I will now announce the tellers. The names of the tellers for the "Ayes will proceed to the lobby to my right and these are hon. P.N. Ndwiga and hon. M.A. Galgalo. The tellers for the Noes, and they will proceed to the lobby to my left, are hon. Dr. Kituyi and hon. Kalulu.

DIVISION

(Question put and the House divided)

(Question carried by 93 votes to 54)

AYES: Messrs. Achola, Achuka, Affey, Dr. Anangwe, Mr. Angwenyi, Dr. Awiti, Messrs. Awori, Ayoki, Badawy, Biwott, Criticos, Ethuro, Dr. Galgalo, Messrs. Haji, Gumo, Imanyara, Jirongo, Kajembe, Kajwang', Kalulu, Kamolle, Kamotho, Kanyauchi, Karauri, Keah, Col Kiluta, Mr. Kimkung', Eng. Kiptoon, Messrs. Kirui, Kirwa, Mrs. Kittony, Messrs. Kofa, Kombe, Kombo, Lagat, Lengees, Leshore, Leting, Lotodo J.D., Maj. Madoka, Messrs. Mahamud, Maizs, Manga, Marrimoi, Mkalla, Mokku, Morogo E.T., Muchilwa, Mudavadi, Mugalla, Musila, Musyoka, Ms. Mwachai, Mwakalu, Mrs. Mwewa, Messrs. Nassir, Ndambuki, Ndilinge, Ngala, Ng'eny, Ngure, Nyagah J., Nyenze, Obure, Dr. Ochuodho, Messrs. Odinga, Odongo H.A., Odoyo, Okemo, Omamba, Dr. Omamo, Mr. Ombasa, Prof. Ongeru, Messrs. Opore, Otita, Dr. Otula, Messrs. Rotich, Ruto, Sambu, Samoei, Sang', Sankori, Shaaban, Shakombo, Sirma, Sudi, Sumbeiywo, Sungu, Sunkuli, Too, Dr. Wako, Mr. Wanjala.

Tellers of the Ayes: Messrs. M.A. Galgalo and P.N. Ndwiga

NOES: Prof. Anyang'-Nyong'o, Messrs. Gatabaki, Ita, Kaindi, Kamau T., Kapten, Kariuki, Ms. Karua, Messrs. Katuku, Keriri, Kibaki, Kibicho, Kihara, Kihoro, Kitonga, Kikuyu, Kiminza, Dr. Kituyi, Messrs. Kiunjuri, Magara, Maina, Maitha, Maore, Mbitiru, Mboko, Muchiri, Mrs. Mugo, Messrs. Muihia, Muite, Murathe, Murungi, Muriuki, Mutahi, Mutani, Mwakiringo, Mwangi P.G, Mwangi P.K., Mwenje, Mwiraria, Munyao, Ndicho, Nderitu, Ndubai, Ndwiga, Njuki, Njagah N., Nyang'wara, Nyanja, Orenge, Parpai, Mrs. Seii, Messrs. Toro, Waitthaka.

ABSTENTION: Mr. Osundwa.

Tellers of the Noes: Dr. Kituyi and Mr. Kalulu

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for interruption of the business. The House, therefore, stands adjourned until Thursday, 7th May, 1998, at 2.30 p.m.

The House rose at 7.15 p.m.