

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 8th July, 1998

The House met at 9.00 a.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.268*

### LEGAL BASIS FOR TAX POLICE UNIT

**Mr. Speaker:** Is Prof. Anyang'-Nyong'o not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.033*

### ELECTRICITY SUPPLY IN TONGAREN DIVISION

**Mr. Speaker:** Is Dr. Kituyi not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.024*

### COMPLETION OF MUTONGO BRIDGE

**Mr. Speaker:** Is Mr. Mutani not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.190*

### MAINTENANCE OF ROADS IN TEA ZONES

**Mr. Speaker:** Is Mr. Michuki not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.380*

### COMPLETION OF MUMIAS-BUSIA ROAD

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

(a) if he is aware that the construction of the 84 kilometre Mumias-Busia Road has stalled since last year; and,

(b) if the answer to "a" above is in the affirmative, what urgent steps he is taking to ensure that the contractor goes back to the site and complete the construction.

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

(a) I am not aware that construction of Mumias-Busia Road has stalled since last year. However, I am aware that the project work has slowed down due to financial problems. The works involve construction of a 46-kilometre road - Road C31 - and not 84 kilometres.

(b) The contractor is still on the site doing minor work such as drainage and culverting. He will under take the major works and complete the project after being paid the outstanding debt. The payment will be done as soon as the financial position improves.

**Mr. Osundwa:** Mr. Speaker, Sir, the construction of this road has taken close to ten years since it was started. Could the Assistant Minister tell this House when the contractor will go back to the site? Last month I used this road three times and I did not see him? He left the site in November last year. Is the Assistant Minister in order to mislead this House by saying that the contractor is still on the site?

**Mr. Khaniri:** Mr. Speaker, Sir, I am not misleading the House. I said that the contractor is on the site doing minor works. He will embark on the major works as soon as financial position improves. This project was co-funded by the Government of Kenya and the African Development Bank (ADB). The Government of Kenya has paid its part of the contribution and we expect that the ADB will pay its part of contribution, which amounts to approximately Kshs500 million, in order for the contractor to start major works on that road.

**Mr. Obwocha:** Mr. Speaker, Sir, since the Assistant Minister has said that the works have stalled, and that the contractor will resume construction work as soon as funds are available, could he tell this House how much money has been allocated to this road in the current Budget?

**Mr. Khaniri:** Mr. Speaker, Sir, when I was answering the Question hon. Obwocha was not listening to what I said. He was preoccupied with the question he has just asked. I said that the project was co-funded by the Government of Kenya and the ADB. The Government of Kenya has paid its portion. We are now waiting for the ADB's contribution towards the project. Therefore, we have not allocated any funds for the project in this financial year.

**The Assistant Minister for Agriculture** (Dr. Wamukoya): Thank you, Mr. Speaker, Sir.

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

**Mr. Speaker:** Order! What were you up to Dr. Wamukoya? Do you want to ask a question or to answer?

**The Assistant Minister for Agriculture** (Dr. Wamukoya): Mr. Speaker, Sir, the road passes through my constituency, and so I wanted to make a comment. But if that is out of order, I am sorry.

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

**Mr. Speaker:** Order! Order! The position is this: For the benefit of new hon. Members, once you are on the Front Bench, you cannot ask a question. You should, in fact, answer Questions. It is totally out of order for you to attempt to ask a question. You may whisper to the ears of your colleague---

**Mr. Obwocha:** He does not know!

**Mr. Speaker:** Order! Mr. Obwocha, you are not new in this House. If you interject again, you know the consequences. Proceed!

**Mr. Wanjala:** Mr. Speaker, Sir, I am hon. Raphael Wanjala, Member for Budalangi Constituency. I come from Busia District and it seems as if the Government has been biased towards this District. The road we are talking about has been spoken of for the last 15 years. Eldoret International Airport was built within three years. Work on this road started more than 15 years ago, and yet it has not been completed. The Assistant Minister comes from Western Province---

**Mr. Speaker:** What did you say your name is?

**Mr. Wanjala:** Hon. Raphael Wanjala, the Member for Budalangi.

**Mr. Speaker:** Now, hon. Wanjala, this is Question Time. It is not debating time. Can you put your question?

**Mr. Wanjala:** Mr. Speaker, Sir, could the Assistant Minister tell this House exactly when the construction of this road will be completed and when the ADB will provide the balance?

**Mr. Khaniri:** Mr. Speaker, Sir, this is the problem of not being attentive. I said that the Government of Kenya has given its contribution, which was ten per cent. The balance of the money is supposed to be provided by the ADB. I am not an official of the ADB and, therefore, I cannot say when they will avail their contribution.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. Government procedures on usage of donor funds are clear. It is for the Kenyan Government to spend its own funds and then get the donors to reimburse them. **Mr. Speaker:** Mr. Sambu, order! That is your opinion and not a point of order. Next Question!

**Mr. Sambu:** Mr. Speaker, Sir, it is not an opinion!

**Mr. Speaker:** Order! Order! Mr. Sambu, thou shall obey the orders of Mr. Speaker. I have ruled---

*(Mr. Sambu interjected)*

Mr. Sambu, you had better behave yourself! **Mr. Sambu:** On a point of order, Mr. Speaker, Sir. How am I supposed to behave?

**Mr. Speaker:** Order! Order! Mr. Sambu, you have no business challenging the ruling of the Chair; that is disorder. If you are so minded, the Chair may use Standing Order No.88. So, you had better stay put. Mr. Galgalo's Question!

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

**Mr. Speaker:** Who told you that this Question is the only one before the House? I have given it ten minutes. You better sit down, now. Mr. Mohamed G. Galgalo!

*Question No.324*

COST OF STAFF HOUSE AT HOLALE DAM SITE

**Mr. Speaker:** Mr. Galgalo is not here yet; Prof. Anyang'-Nyong'o's Question for the second time!

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Khaniri?

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Mr. Speaker, Sir, is it not in order for the hon. Prof. Anyang'-Nyong'o to apologise? This is because you called for this Question the first time but he was not in to ask it. He walked into the Chamber later and, I think he should apologise to the House.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, the Assistant Minister is speaking as if coming into the Chamber late is a very grave thing. It is not all that grave. I would like to apologise, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order! Prof. Anyang'-Nyong'o, I think you owe the House the apology. It is not to the Assistant Minister but rather to the House that you owe an apology. You do not have to put a caveat. You must apologise to the House unreservedly. Otherwise, the House may refuse to hear your Question.

**An hon. Member:** Kneel down!

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, you have seen how anxious I was to apologise when you asked me to do so. I sincerely, apologise and ask the House to listen to my Question. Thank, you.

**Mr. Speaker:** Very well!

*Question No.268*

LEGAL BASIS FOR TAX POLICE UNIT

**Prof. Nyong'o** asked the Minister for Finance: With the introduction of the Tax Police at the Kenya Revenue Authority, what steps he is taking to provide a proper legal basis for the move.

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Speaker, Sir, I beg to reply.

The Kenya Revenue Authority Police Unit will be formed in accordance with the provisions of the Police Act, Cap 84. The Unit will comprise of members of the regular Kenya Police Force who will be seconded to the KRA for the purposes of enforcement of the various laws relating to revenue as provided for under those laws.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, this nation knows that the Kenya Ports Authority (KPA) is an extremely important revenue earning agency for this country. So, is the KRA. The Minister for Finance, in his Budget Speech, said that he was going to bring a Bill to this House with a view to amending the Kenya Revenue Authority Act.

Mr. Speaker, Sir, the issue of policing and finding out who is avoiding payment of revenue to this country is becoming confused. We have too many police agencies acting. We have the Anti-Corruption Unit and now, this other special unit is being brought in. In his answer, the Assistant Minister said that this Unit will be established in accordance with the Police Act. I have looked very carefully at the Police Act and I have not found any provision relating to the creation of this special Unit of the police force. Could the Assistant Minister tell this House which Section of the Police Act he is referring to and the extent to which the creation of this special Unit is not going to further confuse the policing and investigation of the avoidance of revenue?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, I think it has been said clearly that this Unit will be formed according to the provisions of the Police Act. So, I cannot say anything more because this is the Ministry's stand.

**Mr. Obwocha:** On a point of order, Mr. Speaker, Sir. Is the hon. Anyang'-Nyong'o in order to say that

tax is going to be avoided when we know that avoidance is legal as opposed to evasion, which is illegal?

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, first, I asked the Assistant Minister to tell the House the Section of the Police Act he is referring to.

**Mr. Speaker:** Order, Professor! Order! If anybody wants an interpretation of the law, he should proceed to the courts. I think, here, we cannot interpret the law. The Assistant Minister was answering the Question to the best of his ability. As a matter of fact, if you want the legality aspect of it, then go to court and find out. In fact, you can proceed by way of Chamber Sermons to have a declaratory judgement; to declare whether it is legal or not. But for now, here it is questions of facts only.

**Pro. Anyang'-Nyong'o:** Mr. Speaker, Sir, I do respect your legal opinion and I am not in a position to question it. But I am raising a very genuine question. The establishment of a special police unit with regard to the Ports is a very serious matter because the KPA already, has a police unit there, which, unfortunately, is not under the direction of the KPA management. Among the problems we have is that we have a very good working police unit at the KPA, led by Leny Mwangola. But since the unit does not have authority over the Port as a whole--- The police does not come under them; the Kenya Bureau of Standards (KBS) does not come under them; and, you find that too many police units are involved at the KPA and hence the Port is not being run properly. My opinion is that the creation of this special police unit is not going to help matters at all and the Ministry's invocation of the Police Act is not an answer to the Question. Could the Assistant Minister help this House by stating very clearly how the creation of this police unit under the Police Act is going to help improve the policing of the KPA and ensuring that revenue collection is not avoided?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, I do not know why the hon. Member is afraid of this particular unit of the police force that is going to be formed. This is because, once it is formed and if it fails in its duties then, the hon. Member will have the right to question it.

**Mr. Speaker:** Order! Order! For the benefit of the House, I would like to bring to your attention the provisions of Standing Order No.37(3), whose margin note is "contents of Questions". It reads as follows:

"A Question shall not contain any argument, inference, opinion, imputation or controversial, ironical, or offensive expression or epithets".

So, hon. Members asking Questions under Standing Order No.37 must take note of the provisions of Standing Order No.37(3). Your opinion should not be the basis of any Question. So, is there anybody who is interested yet?

**Dr. Ochuodho:** The hon. Member is asking a very legitimate Question and the Assistant Minister should not evade it. The point is, we know that there are times when things are done for the sake of public relations like the Kenya Anti Corruption Unit. Can the Assistant Minister re-assure us that even without proper legal basis, this unit is going to be effective?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, like any other unit within the Police Force, this particular unit will be very effective and trustworthy. So, there is no need for the hon. Members to doubt this particular unit that is going to be formed. I can assure the House on that.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Speaker, Sir. The National Assembly is the body that makes laws and those laws are published and tabled in the House. It means that when we are asking a Question and we are referring to the law, we are entitled to look at these books and find out whether, indeed, what we are doing is legal. The Assistant Minister has said that the unit they are going to establish will be established under the Police Act. The Police Act is Cap. 84 of the Laws of Kenya which I have with me here. My Question is very simple. Is the Assistant Minister referring to the right law under which this unit is going to be established or not?

**Mr. Speaker:** My ruling on that matter is this: I am sure neither you nor the Assistant Minister is trained in interpretation of the law. This same Parliament set up courts to interpret what is enacted here. If you really want to know the meaning of enact, go to the court and they will do that. But as a matter of fact, you can ask a Question on a matter of fact. So, that was my ruling and it is still my ruling. Otherwise, we might have endless arguments as to what is the meaning and non-meaning of a particular section of the law and none of you would give a binding answer to any interpretation of the law. So, we may go into a journey that is endless.

Next Question, Dr. Kituyi!

*Question No.033*

ELECTRICITY SUPPLY IN TONGAREN DIVISION

**Mr. Speaker:** Dr. Kituyi is not here? That Question will be dropped.

*(Question dropped)*

Next Question, Mr. Mutani, for the second time!

**Mr. Mutani:** Mr. Speaker, I apologise for coming late. Secondly, I have not received a written reply.

*Question No.024*

#### COMPLETION OF MUTONGA BRIDGE

**Mr. Mutani** asked the Minister for Public Works and Housing when the Mutonga Bridge near Kaare Market in Mwimbi Division linking Nithi and Tharaka constituencies will be completed.

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

The Mutonga Bridge which is also known as Ura will be completed in this Financial Year at an additional cost of Kshs1,850,000.

**Mr. Mutani:** Mr. Speaker, Sir, for three years this bridge got budgetary allocations from the Ministry during the Seventh Parliament. I brought a Question to this House about the same bridge and the Minister said that the bridge was to cost Kshs3 million. But after I argued that the money meant for the bridge was misappropriated, he promised to look into it. When I went there, I found officers from the Ministry working on the bridge but later, it stalled completely. Could the Minister tell us how far the construction works have gone?

**Mr. Khaniri:** Mr. Speaker, Sir, up to the present time, this particular bridge has received a total allocation of Kshs5 million spread over as follows: 1995/96 Financial Year - Kshs1 million. 1996/97 Financial Year - Kshs1 million. 1997/98 Financial Year - Kshs3 million and this year we are giving an additional Kshs1,850,000 for the completion of the bridge.

**Mr. Mutani:** Mr. Speaker, Sir, the Assistant Minister is evading my Question. I did not ask how much money has been used on the bridge. I asked him to tell this House how far the construction of the bridge has gone upwards from the river. You might be using a lot of money while no work is being done.

**Mr. Speaker:** Mr. Khaniri, the hon. Member wants to know how many feet the bridge is above the ground.

**Mr. Khaniri:** Mr. Speaker, Sir, I am very sorry. I may not know exactly how many feet the bridge is above the ground. The details I have is what I have just given. We are completing the construction of this bridge in this financial year. This bridge should have been completed three years ago but due to inadequate budgetary allocations the work has progressed very slowly. We hope that in this financial year, we will complete this bridge.

**Mr. Mutani:** Mr. Speaker, Sir, since the Assistant Minister is not prepared to answer the Question, shall I be in order to ask him to go back and find out how far the construction works have gone, before he continues to pour money into it? He can then come up with the proper answer.

**Mr. Speaker:** Mr. Khaniri, what do you think about that very legitimate request from Mr. Mutani, on your own admission?

**Mr. Khaniri:** Mr. Speaker, Sir, I will give the amount of work that has been done on the bridge in terms of percentage. Up to the present moment, we have completed 75 per cent of the works on the bridge. We are remaining with 25 per cent.

**Mr. Speaker:** Are you happy now, Mr. Mutani?

**Mr. Mutani:** No, I am not, Mr. Speaker Sir. First, he said that he was not sure of the position of construction works on the bridge and now he says it is 75 per cent complete. Why can he not go back and find out clearly how far the construction works on the bridge have gone? He can then come up with a proper answer.

**Mr. Speaker:** Mr. Khaniri, I think it is fair that you find out the actual position of this bridge. Is that not so?

**Mr. Khaniri:** Mr. Speaker, Sir, I concede to that request. I will do the investigation and I will report back to this House on Wednesday next week.

**Mr. Speaker:** Very well, next Question! Mr. Michuki, for the second time!

**Mr. Michuki:** Mr. Speaker, Sir, let me take this early opportunity to apologise for coming late. I spent half an hour to travel seven miles.

*Question No. 190*

## MAINTENANCE OF ROADS IN TEA ZONES

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

- (a) whether he is aware that all roads in the tea growing areas of Kangema are in a deplorable state of disrepair;
- (b) whether he is further aware that tea farmers are making huge financial losses due to non-delivery of their plucked tea to the factories because of unmaintained roads; and,
- (c) If the answers to "a" and "b" above are in the affirmative, what action he is taking to have these roads repaired and maintained regularly.

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

(a) I am not aware that all roads in tea growing areas of Kangema are in deplorable state of disrepair. However, I am aware that some of the roads are not in a good state of repair.

(b) I am aware that the tea farmers are making some financial losses due to non-delivery of plucked tea to factories as a result of some roads that are not in a good state of repair.

(c) The classified and tea roads that are affecting tea farmers in Kangema are included in spot improvement/grading work plan for this financial year.

**Mr. Michuki:** Mr. Speaker, Sir, in his written reply, the Assistant Minister says that he is aware that some of the roads are not in a state of disrepair. Could he give the names of these roads which he has identified as not being in a state of disrepair.

**Mr. Khaniri:** Mr. Speaker, Sir, Road E539 Kerugaboya River, which is---

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to begin using symbols and names which are not known locally? Could he name the roads? There is a road from Kangema to Kanyenyaini. There is a road from Kanyenyaini to Kiruri. Could he talk in common language?

**Mr. Speaker:** Order! Mr. Michuki, I think he has not even finished the sentence. Could you be a little bit patient? Maybe, after using the technical terms he will come back to earth.

**Mr. Khaniri:** Mr. Speaker, Sir, if I heard the supplementary question right, the Member sought to know some of the roads which are not in a bad state of repair. Thank you, I have that information too.

Road T3652 Kenyenyaini-Tutho, which is eight KM is in good shape. Road E538 Kangema-Kiawanjugu, which is six KM is also in good state. Road E539 Boyo River-Karugia 9.5 KM is also in good state.

**Mr. Michuki:** Mr. Speaker, Sir, it seems that this is an answer which was prepared by the Assistant Minister a long time ago. Last Tuesday The Minister for Public Works and Housing went with me to my constituency and he saw the state of the roads. The so called Kanyenyaini-Tutho Road has been in a state of disrepair to the extent that when it rains no vehicle can travel to that area. It is the only road from Kanyenyaini to Tutho. He talks about Boyo-Karugia. There is no road of that description. We know the roads that go to Karugia. I showed the Minister these roads.

**Mr. Speaker:** What is your question?

**Mr. Michuki:** The question is: Would the Minister, if he cannot see when he is with me, go on his own and see these roads so that he can bring the information here?

**Mr. Khaniri:** Mr. Speaker, Sir, the Member has correctly said that the Minister for Public Works and Housing was in his constituency last week. What is the point of me going there when the Minister was there only a few days ago? He inspected the roads and I have first hand information from my Minister. The roads that I just mentioned earlier on---

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order not to adhere to your advice, that he is not here to ask questions but to answer them?

**Mr. Khaniri:** Mr. Speaker, Sir, I will not comment on that because as far as I know I am answering his supplementary question. I have no business asking him a question. The roads that I have just mentioned in the previous supplementary question that he asked, were allocated some funds for grading in the last Financial Year. They are also in the work plan for this Financial Year for grading.

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. The Ministry of Public Works and Housing seems to be holding the magical key to the recovery of the economy through repairing and maintaining roads to coffee and

tea areas, which happen to be maintaining the Kenya Shilling after the collapse of tourism, courtesy of the violence by the Government. Could the Assistant Minister state what specific measures he will take to make sure that tea and coffee are able to get to the factory to earn this country the foreign currency which, kind of negatively, is maintaining the Government?

**Mr. Khaniri:** Mr. Speaker, Sir, I believe this is a different question. I was answering a question by hon. Michuki touching on Kangema area. The question that is being put by hon. Maore is general. If he has a question, I would advise him to put it through the right channels.

**Mr. Maore:** Mr. Speaker, Sir, if the Assistant Minister keeps up with the rating in the press reports, he is showing up in kind as a reincarnation of Mr. Kassim Mwamzandi. Could he answer the question that I asked?

**Mr. Speaker:** Order! Order! I do not think any Member of the Press is qualified to assess the ability of Members. It is not even right. Members must be free and able to discharge their duties without fear or favour.

**Dr. Ochuodho:** Mr. Speaker Sir, one would assume that one of the major considerations in maintaining or constructing roads is the productivity of an area. My district is one of the most productive areas around the lakes; the fish landing area. Could this Assistant Minister tell us what major considerations they have, if they cannot consider maintaining roads in these tea growing areas? What are their major considerations for maintenance and construction of roads?

**Mr. Khaniri:** Mr. Speaker, Sir, the allegations are false. When the Member says that we are not considering---

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to say my claims are false while we know very well that the fish landing areas around Lake Victoria are not covered with good roads?

**Mr. Khaniri:** Mr. Speaker, Sir, I can assure the Member that these areas are covered.

**Mr. Speaker:** What area are you talking about, Mr. Khaniri?

**Mr. Khaniri:** Mr. Speaker, Sir, he talked of fish production areas. He did not specify the exact area and I told him. He asked the question generally, and I answered generally.

**Mr. Speaker:** Order! Order! May I say this to hon. Members. I have just read to you the contents of Standing Order No. 37(3) relating to the contents of a Question which *ipso facto* also must relate to an answer. We are not here for shadow boxing as a House. When a specific Question is asked, a specific answer is required. It is not right to give an answer just to satisfy a particular position. If you are not prepared to answer today anything about the roads around the lake, do not just do it for the sake of it. Just say you are concentrating on Kangema. Please, answer factually as I have already indicated to Prof. Anyan'g-Nyong'o. You must be factual on questions and answers. That is my advice to the House.

**Mr. Khaniri:** Thank you very much, Mr. Speaker, Sir, for protecting me. I was specifically asked a question about Kangema as a tea growing area, and then the Member came in with the fish business.

**Mr. Michuki:** Mr. Speaker, Sir, the Question I have brought here is about tea growing areas. I think, the Assistant Minister is being misled by his officers in Murang'a, who have misused the money. Could the Assistant Minister tell this House which tea buying centres in the tea growing areas the Rimuyu-Karugia Road serves? This is because the area is so far away from tea growing areas that the people there do not even know what tea looks like; whether it is green or not.

**Mr. Khaniri:** Mr. Speaker, Sir, I would be grateful if the hon. Member asks me a question about roads. I have no knowledge at all about the tea buying centres in the hon. Member's constituency.

**Mr. Michuki:** Mr. Speaker, Sir, could the Assistant Minister actually go back and study the area to be able to answer this Question properly because as I said, Rimbuyu-Karugia has nothing to do with tea? However, which of these roads he refers to in his written answer are going to be included in the improvement programme. Which are these roads?

**Mr. Khaniri:** Mr. Speaker, Sir, the hon. Member suggests that I go back and get some more information but I would like to assure him that I have sufficient information to answer this Question.

**Mr. Keriri:** On a point of order, Mr. Speaker, Sir. It is not shameful for a Minister to admit that he has not got enough information. The Assistant Minister has just said that he does not know that road the hon. Michuki says does not pass through tea areas and then he stands up and says that he has enough information. Is it in order for Ministers to try and defend themselves for lack of information when they should admit that they have no information. There is no shame. He should just say; "I have no information, I will go back and get that information."

**Mr. Speaker:** Well, I supposed I have already said this. What is in the House is not a contest between Front and Back Benches. It is a question to find out the truth for the benefit of the Kenyan people and I think I

have already given general guidelines to Ministers. You are the ones responsible to Parliament, not the Government. It is up to you to answer Questions here on behalf of the Government for the benefit of the Kenyan people who pay all of us our salaries. I think it is about time everybody took that job seriously.

I will defer this Question.

*(Question deferred)*

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Could the Assistant Minister undertake to investigate this matter, come and give us the facts and say when he is going to do that?

**Mr. Speaker:** Order! When I have deferred the Question, it is for my office to fix another date on the Order Paper and when it appears there, the Minister is obligated to come and answer the Question. So, I think it is superfluous of you, Mr. Michuki---

**Mr. Michuki:** I did not hear that!

**Mr. Speaker:** Well, you should be attentive all the time. Mr. Galgalo's Question for the second time.

*Question No.324*

#### COST OF STAFF HOUSES AT HOLALE DAM SITE

Mr. Galgalo's Question is dropped. Next Order.

*(Question dropped)*

### MOTIONS

#### FORMATION OF SELECT COMMITTEE TO STUDY IMPACT OF CORRUPTION

THAT, while appreciating efforts to stamp out corruption both in public and private sectors and noting with concern that rampant corruption has become so pervasive that it threatens any further socio-economic development and the future of the country; aware that corruption has become entrenched that the existing legal framework under the prevention of corruption Act (Cap.65) and the Anti-Corruption Authority are not adequate to significantly reduce it or eradicate it; and noting further that corruption has kept away potential investors, and eroded the good image of Kenya; this House resolves to set up a Select Committee to study and investigate the causes, nature, extent and impact of corruption in Kenya; identify the key perpetrators and beneficiaries of corruption; recommend effective immediate measures to be taken against such individuals involved in corruption and recover public property corruptly appropriated by them; recommend enactment of a bill to provide for stiff penalties on all corrupt related offenses and further that the following be members of the said committee:

ACHOLA, G.H.O.

AYOKI, W.O.

GALGALO, M.A.

KAMOLLEH, S.M.

KARIUKI, I.N.

MS KARUA, M.W.

KIHORO, W.

KOMBO, M.N.

LESHORE, S.P.

MURUNGI, K.

NYONG'O, PROF. P.A.

OBWOCHA, H.O.

OSUNDWA, W.W.

SAMOEI, W.R.

SANKORI, D.L.



*(Mr. Kombo on 1.7.98)*

*(Resumption of Debate interrupted on 1.7.98)*

**Mr. Speaker:** Order! I think last time the Motion was moved, seconded but the Question was not proposed. I will, therefore, proceed to propose the question.

*(Question proposed)*

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, I stand to support this Motion. This country knows that a lot has been said about corruption. I note the important sentence in this Motion which says: "the Prevention of Corruption Act (Cap. 65) and Anti-Corruption Authority are not adequate to significantly reduce it or eradicate it."

Mr. Speaker, Sir, at a centre of the problem of corruption in this country is the issue of the breakdown of institutions. I do believe that if such Select Committee is set up to assess and investigate the causes, nature and the extent of the impact of corruption in Kenya, it will address itself to the issue of how the breakdown of public institutions in this country has led to the increase of corruption.

Mr. Speaker, Sir, why is it that our police force tends to involve itself in corruption? Although laws exist such as the Prevention of Corruption Act, the Police Act and so on, they are not obeyed precisely because the institutions that should implement them have broken down. In the Police Act, Clause 9, it is stated that no police officer should involve himself or herself in any other employment or business, except under circumstances where such an officer gets exemption from the Commissioner of Police. Of course, that gives a lot of responsibility to the Commissioner of Police, but we know for certain that precisely because the police are paid such little money in terms of salary, it would be impossible for the Commissioner of Police to prevent police officers from involving themselves in any other business. And so they have Kiosks, rental houses, private employment and so on. But that does not stop the police force from collecting money from matatus. There is no institutional mechanism as of now to eradicate this form of corruption, but much more important is the fact that people form their behaviour from the examples they see in political leadership. That is why in sociology and psychology we talk of role models. If children do not have good role models in their parents, they can drink, smoke and involve themselves in all kinds of anti-social and immoral activities. Likewise, if a society does not see good role models in their leaders, they are not likely to be good people.

Mr. Speaker, Sir, one of the major causes of corruption in this country is that institutions of political leadership are no longer role models for the society. The institution of political leadership in this country has systematically broken down. It has assumed the role of anti-social activities and hence, the society cannot do otherwise but follow what political leadership is doing. If year after year this Parliament, through PAC and PIC, comes out with volumes and volumes of evidence that there is corruption in the public sector, the Government and in the political leadership and nothing is done, the people of Kenya then assume that corruption is a way of life and if you are not corrupt, then, you cannot make it. We now have what I call the politics of the two publics. One public is that to which you belong, which is the family, clan and the tribe. So long as any member of that immediate public steals from the public sector, it is taken as fine because it is "eating" within the family. It comes to help the tribe and the family. So, we do not condemn it. It is only when another member of another public outside there steals from the public coffers, that you raise your finger or your voice. And this makes sure that our society becomes thoroughly corrupt from the ordinary person in the streets to the man at the top of the society.

Mr. Speaker, Sir, unless something is done to completely change this so that political leaders become role models for the society, so that society eventually sees that corruption is wrong, I do not think that any laws that we write will put the whole situation right. In the PIC, we did recommend to the Attorney-General that he should introduce into this House an Economic Crimes Bill. A Bill that will go beyond the Prevention of Corruption Act. We need this Bill so that it can empower the Attorney-General, once the recommendations of the PIC and the PAC are passed by this Parliament, to bring to book those who have been indicated as having put their hands into the public coffers. The Attorney-General promised us that the Economic Crimes Bill would be brought to this House during the last Parliament, but it was never brought. I would like to urge the Government to look seriously at those PIC Reports and take seriously the recommendations. We would like it to introduce to this House an Economic Crimes Bill that would help do the kind of things that this Motion is asking for.

Further than that I would like to recommend another Bill that should come into this House. This is what I call the Rationalisation of Properties Bill. We know that property acquisition in this country has been very unfair. So many times in this House it has been reported that Government houses have been condemned and distributed to

individuals on a very unfair basis. Yesterday, in this same House, my friend hon. Sumbeiywo did urge the Government not to sell or condemn houses under the local authorities because this is where local police officers, the DCs, PCs and so on are housed. These people's salaries are not enough to afford paying rent in the private sector. It is important that the Government maintains some Government housing for its officials especially in local authorities and in the provinces. We know for certain that in areas like Kisumu, a month ago, several houses were condemned and distributed for political advantage. The extent to which public land and houses have been grabbed by people in the political power and in the Civil Service requires that a Rationalisation of Properties Bill comes to this House. This country has very good records in terms of transfer of property and land. This Rationalisation of Properties Bill will require that records are put right and where individuals have acquired land or property unfairly, it is returned to the public domain. And they should either be sold on a commercial basis so that the Exchequer realises good money for public property or advertised in the *Kenya Gazette* so that all Kenyans have a chance to buy these houses.

Mr. Speaker, Sir, it is indeed required that when public property is being sold, it should be advertised in the *Kenya Gazette*. This law has not been obeyed at all. We find that a lot of public property is sold or given under-hand without being advertised in the *Kenya Gazette*. That means that many Kenyans who have paid their taxes which have been used to buy these properties do not get the chance to buy these properties when the Government is disposing them. Further, with regard to the breakdown of public institutions in this country, a law has the intention of punishing those who break it. If people are frequently apprehended and proved to be guilty, and they do not meet the penalty that the law requires, then the law itself stands to be abused. In this House we have frequently asked that those people who have been arrested or apprehended for importing sugar into this country, failed to declare its value and then sold it without paying taxes, should be apprehended and pay the penalty for dumping goods in this country. The evidence has been in this House, in the newspapers and in the public domain and we know for certain that these people have not paid the penalty for the economic crimes that they have committed in this country. Just now the Anti-Corruption Authority is in Mombasa investigating some people who have been importing goods to this country through the Long Room at the Customs Department in Mombasa. Newspapers have reported that some of the directors of the companies that have been doing this do not even have offices. The people who register these companies - they are required to declare where these companies are based - get away with the offenses because they do not obey the law and finally, they are not even apprehended for what they have done.

Mr. Speaker, Sir, this is a very important Motion and I beg to support it.

**Mr. Kathangu:** Bw. Spika, kwanza, ni nia ya Hoja hii kupambana na ufisadi. Hili ni jambo ambalo limesumbua Wanakenya na Serikali. Jambo hili limezungumziwa kwa nyanja mbali mbali ili kuangalia ni vipi tunaweza kupunguza ufisadi, ndiyo uchumi wetu uweze kuendelea. Ninakumbuka mwaka jana, ripoti ilitolewa kwamba kulikuwa na magari 2,000 katika Mombasa Port, na kwamba wenye magari hayo walitarajiwa kutoa kodi fulani kabla ya kupatiwa magari hayo, la sivyo, magari hayo yangeuzwa na Serikali. Usiku huo, ilipofika saa tisa usiku, hayo magari yote yalikuwa yametolewa kwa Bandari bila kujulikana mahali yalipopolekwa wala ni nani aliyeyapeleka. Swali ambalo nimekuwa nikijiuliza ni hili: Inawezekanaje, kwamba maafisa wa Serikali hawakujua ni nani aliyechukua magari 2,000? Nilipowaza juu ya jambo hili, niliona kwamba kutoa magari 2,000 kutoka kwa yard, inahitaji kila gari lichukue muda wa dakika 20. Kwa hivyo, magari 2,000 yalihatiji dakika kama 40,000. Watu fulani katika Serikali yetu waliidanganya nchi hii kwa sababu hawakutaka kulipa ushuru wa magari hayo. Pia hawakutaka magari hayo yagunduliwe ni ya nani.

Bw. Spika, kwa sababu ya ufisadi ni fikira za wananchi kwamba ikiwa wewe umepewa kazi unataka uwe tajiri. Ikiwa wewe unataka uwe tajiri ni lazima uwatafute watu wengine ambao watakusaidia kupata huo utajiri. Tukiwachunguza maafisa wote wa Serikali kila mahali waliko tutagundua kwamba mishahara yao ni midogo kiasi kwamba haiwezi kuwawezesha kuyatimiza mahitaji mbali mbali ya familia zao. Hii ndio sababu maafisa wa Serikali wanahusika sana katika kutafuta fedha kwa njia za magendo. Hii hasa hufanyika katika afisi zao. Kabla hawajafanya chochote ni lazima wahongwe. Sisi Wabunge inafaa tuangalie jinsi tutakavyoweza kuisaidia nchi hii yetu, kwa kuona jinsi tume ambayo ilituliwa hivi majusi na Rais Daniel arap Moi, kuangalia vile ufisadi unavyoweza kumalizwa katika nchi hii, inavyoweza kusaidiwa. Pamoja na hayo, ninafikiri kwamba ni juu yetu sisi hapa kuona jinsi tunavyoweza kusaidiana na watu wengine katika nchi hii yetu ili kuimaliza ufisadi.

Watu wengi sana wamepata kazi katika jeshi letu la Kenya na polisi. Kwa miaka kama 10 iliyopita, kila kijana ambaye alitaka kujiunga na kikosi cha polisi au jeshi la nchi kavu, anga au majini, alitakiwa atoe hongo ya Kshs5,000 - sasa hongo hii ni Kshs20,000. Hii ni kusema kwamba wale ambao wameajiriwa katika jeshi letu hawana vipawa vya kuifanya kazi hiyo. Hii ina maana kwamba ikiwa vita vitatokea katika nchi hii, wale vijana hawataweza kupigana. Hii ni kwa sababu wao walienda kufanya kazi na sio kuwa wanajeshi.

Unajeshi ni kazi muhimu katika nchi hii yetu kwa sababu wakati wowote kunaweza kutokea shida. Nchi

zinaweza kuwa hazikubaliani na jeshi letu linaweza kutakiwa liende mipakani kupigana. Tumesikia mambo mengi kuhusu jeshi letu. Wakati wizi wa mifugo unapotokea jeshi letu hutakiwa liende kuwatafuta hao mifugo ambao huwa wameibwa. Juzi, jeshi letu lilitakiwa kwenda kuona kilichokuwa kikifanyika katika Wilaya ya West Pokot na ililichukua jeshi letu karibu mwezi mmoja kuitatua shinda hiyo ndogo. Hii inaonyesha kwamba vijana hao wanaohudumu katika jeshi letu hawafai kwa sababu waliingia katika jeshi kwa njia ya hongo. Kwa hivyo, ni muhimu sana kwa Bunge hili kuipitisha Hoja hii ili tuweze kuamaliza ufisadi katika nchi hii yetu mara moja. Hii itatuwezesha kuujenga uchumi wetu.

Bw. spika, wakati huu tunaongea juu ya Wizara ya Ujenzi na Nyumba ambayo ni Wizara inayotakiwa kuzirekebisha nyumba za Serikali, magari ya Serikali na barabara zetu. Lakini ukienda katika Wizara hiyo, utakuta kwamba vijana zaidi ya 400 wanakaa huko bila kufanya kazi. Magari ya Serikali yanapelekwa katika gereji za watu binafsi. Hii inamaanisha kwamba pesa ambazo tungetumia kulipia mishahara na kununua vipuri tunazitumia kwa kuwalipa wenye gereji hizo. Watu hao wanaendelea kunufaika na pesa ya Serikali. Hizi Pesa zinagawanywa baina ya maafisa wanaoyapeleka magari ya Serikali katika gereji hizo na wenye gereji hizo. Kuna haja ya Bunge hili kuiunda kamati ambayo itaweza kuchunguza mambo hayo. Kamati hii itachunguza vile pesa zinazotolewa kwa Kenya na nchi za kigeni zinavyotumika. Hii itatuwezesha kuuinua uchumi wetu. Ingawa watu wafisadi wanaogopa hatua tunayotaka kuchukua ni bora kwa Serikali yetu kuwa na nia njema.

Pia kuna faida kubwa ikiwa Bunge hili litawafanya wale ambao wamehusika katika visa vya ufisadi kupelekwa mahakamani ambako watajitetea kivyao. Sisi Waembu tunasema kwamba mwizi ambaye hajashikwa hula mali yake pole pole. Lakini wale ambao wanahusika katika wizi wanaogopa kwamba sisi tulio katika Upinzani tunataka wapelekwe jela. Labda walidanganywa na wakaiba. Ni juu yao kutuambia waliowadanganya ili hao waliowadanganya watiwe mbaroni. Njia za kumaliza ufisadi ni kwamba, kwanza wale wanaofanya kazi katika Serikali inafaa waongezwe mishahara ili wasifikirie juu ya ufisadi. Pili, wale ambao wameajiriwa na Serikali wasikae bila kufanya kazi, kama ule mfano ambao nilitoa kuhusu Wizara ya Ujenzi na Nyumba. Vijana wengi ambao wamefundishwa kutengeneza magari katika Wizara hiyo hawafanyi kazi. Kwa hivyo ni lazima tuhakikishe kwamba wafanyi kazi wa Serikali wanafanya kazi ili wasije wakafikiria mambo mabaya.

Bw. Spika, kabla sijakaa chini, ninataka kusema kwamba mashamba katika nchi hii yetu yana shida sana. Mashamba mbali mbali ya county councils yanapeanwa na maafisa wa Serikali kwa watu ambao hawatakiwi kupewa. Shamba linaweza kuleta kifo na chuki katika nchi hii yetu. Ni juu yetu kuona kwamba mambo yanayohusiana na mashamba yanatiliwa maanani. Haifai mashamba kupewa watu kama mishahara, au kitu cha kuwarudishia shukurani kwa kazi mbali mbali ambazo wanafanya.

Bw. Spika, ninaiunga mkono Hoja hii.

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. I think, there is some anxiety in the Motion. Is the Government side waiting for a signal from some corner, or what is going on?

**Mr. Speaker:** Waiting for a signal to do what?

**Mr. Maore:** Mr. Speaker, Sir, given the gravity of the Motion, I am surprised that nobody is interested in giving a contribution from the Government side.

**Mr. Speaker:** Under what rule is any side of the House obligated to contribute or even to vote?

**Dr. Kituyi:** Thank you Mr. Speaker, Sir. So far, I am happy and encouraged with the attitude of Government. As the ancient Latin maxim goes: *Quit a cete concentre*. I hope in their silence, they are betokening their consent to the substance of this Motion. I hope so, because I believe these hon. Members of Parliament are not condoning corruption. I am hoping that Government wants all assistance to fight corruption. Not only because it has given it a bad name, but because it is aware that its efforts to genuinely and systematically fight corruption will be part of the basis for improved rating by the Bretton Woods of New York and its increased access to multi-lateral and bi-lateral funds.

Mr. Speaker, Sir, I rise to support this Motion for a number of significant reasons. Our country looks bad to the international community today. Those who have had a privilege to attend any international conferences get embarrassed when delegates from Tiera del Fuego to the Haulichian Islands, for example, quote Kenya as a model of corruption. I think it is our responsibility as leaders to salute all those initiatives by Government which are aimed at fighting corruption and assist it in strengthening the efforts. This Motion does not, in any way negate the efforts of the Anti-Corruption Authority. Also, this Motion does not, in any way, negate the provisions of The Prevention of Corruption Act, Cap 65. This Motion only seeks to look for other methods of joining in the fight against corruption. More important, this Motion is telling Parliament, that aware of our responsibility in the governance of this country as the national legislature, we have a duty to contribute in our own way, in the fight against corruption. So, any Member of Parliament who opposes efforts meant at making Members of Parliament fight corruption, and wants to cede that opportunity to other arms of Government, is an enemy of the people's

assembly.

Mr. Speaker, Sir, this Motion is not saying that others should not fight corruption. It is saying that, we as Members of Parliament have an opportunity we can use, to carry out our responsibility in the struggle against corruption in this country by setting up a Parliamentary Committee, responsive to Parliament, reflective of the commitment and morality of parliamentarians in the fight against corruption. No other mechanism existing or conceivable can substitute for that committee as our vehicle and as parliamentarians to show our outrage at corruption.

Mr. Speaker, Sir, the cancer called corruption is spreading in many directions. As Members of Parliament, we are in a very unfortunate fix. Because of certain years of political poverty, we legitimise political leadership as the exercise of demonstrating wealth through harambee. You are a good leader who likes development because every weekend you are giving away Kshs200,000 to Kshs800,000 from yourself and your friends. Yet, your declared income for taxation purposes is less than what you spend in one month in harambee. That does two things. The first thing it does, is that you are having undeclared income which will be taxed. Secondly, it demonstrates that you are a purveyor of monies that you have not earned. The worst thing it does, is that it legitimises a perversion in Kenya politics, that you are a leader, because you show that you are rich. It adds pressure to Members of Parliament to be corrupt in order to prove that they are leaders.

Mr. Speaker, Sir, we have turned Members of Parliament into a very sorry state. When Members go to their constituency at the weekend, three quarters of the people that come to them, treat them like local welfare officers. You are supposed to pay hospital bills, release corpses from mortuaries, pay school fees, build bridges, repair primary schools and install electricity. I had a rare embarrassment in 1994, when an old man came to ask me, as his Member of Parliament, to give him cattle to go and slaughter for a feast, because his son was going to be circumcised. We have brought this unto ourselves. We have legitimised a machine that is overburdening us. We have established a mechanism that is snatching bread from the mouths of our children, in order to legitimise ourselves as rich; as the only basis of being leaders. We are allowing corruption to grow in our society. As parliamentarians, one of the routes we might want to follow, hopefully after all Members of this House have accepted and we have set up this committee, is to inquire into the possibility of facilitating the development and sustenance of social infrastructure without treating Members of Parliament like welfare officers, to ease the pressure that makes us get tempted with corruption.

Mr. Speaker, Sir, apart from that, we have been legitimising corruption in another way. Those who are not even within our ranks and are known to be corrupt; they have stolen and extorted from public resources and institutions, we parade them as our best friends at our harambee because they bring the largest amount of money. Our people think we are good MPs because we have rich friends. But what are we doing to the youth of this country? What role models are we creating for the youth of this country? We are telling them to aspire to be like these rich people, in spite of what they have stolen. We condone corruption when we say at our public functions, that it is our right to steal so long as you do not steal from your own homestead. So that, if you come from western Kenya and you are stealing from the Port of Mombasa, you are a hero. You are only bad, if you come from western Kenya and you steal from Mumias.

**Mr. Speaker:** Dr. Kituyi, desist from the word "stealing". The House does not want to hear it.

**Dr. Kituyi:** Mr. Speaker, Sir, I am aware that the House only wants to hear about misappropriation, looting, plunder and extortion. Whatever name we give to it, the fight against corruption is a moral struggle.

A more virtuous society will not celebrate avarice and lust. A more virtuous society, will not create heroes and worship them because of the money they have, even as we reel over long lists of public corporations they have looted. If we lived in a virtuous society, no person who has been adversely mentioned in a committee of Parliament as having looted from a public corporation or through Government office, could be elevated to the position of a hon. Member of Parliament, let alone an appointment to a cabinet position. But we do it here. We reward them.

Mr. Speaker, Sir, during the campaigns, I went to hon. Murungi's constituency, and there was an opponent who was running against him who said: "I am a thief, but unlike other thieves I have brought what I stole to share with you. Who else got money from Goldenberg and is sharing with you? I have brought it home. So, elect me, because I have brought what I stole out there to you". This was a candidate of a serious political party.

Mr. Speaker, Sir, the fight must start with leaders. We must expunge the mentality that you can accept that you have stolen, as long as you can reward a few people around you, and that makes you a leader. That challenge for leadership cannot go elsewhere. That challenge for leadership must only go to Members of Parliament.

Mr. Speaker, Sir, we have been doing very funny rituals; the rituals of fighting corruption. If you look at the Press in this country and utterances of Ministers of this Government, the main period when we say we are fighting corruption, comes around July and late November. These are the times in which we are involved in

negotiations with the multi-laterals and the Paris Club. We do not try to show Kenyans that we are fighting corruption, instead, we try to show potential donors that we are fighting corruption. Our half-hearted measures against persons who have plundered public resources--- The resuscitation of cases - whether it is Goldenberg or any other - are most heightened in the run-up to bi-lateral and multi-lateral negotiations for donor assistance. That means, we do not mind corruption at all, so long as we show our potential donors that we are serious, like they want, in fighting corruption. That responsibility does not lie elsewhere, it lies in this House. Members should demonstrate collectively, through a mechanism of Parliament, not reporting to any other arms of Government, that they are also capable of rising up to condemn, fight and expose corruption; then seek measures that will curb this evil that has given this country a bad name and given the leadership of this country an ugly face in international circles.

With those few remarks, I beg to support.

**The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services** (Ms. Mwachai): Nakupa shukrani sana, Bw. Spika, kwa kunipa muda huu nizungumze machache kuhusu ufisadi. Ufisadi ni uporaji wa mali bila kuleta ufanisi kwa umma. Kuna ufisadi wa aina nyingi. Kuna ule wa dhahiri na ule wa siri. Ufisadi wa dhahiri unafanywa na watu kama sisi tulioko hapa. Sisi tunaitwa waheshimiwa. Na mara nyingi, waheshimiwa hutaka kuheshimiwa kwa mawazo yao. Lakini kinyume chake ni kwamba, watu wanasema Serikali ndiyo inafanya ufisadi. Lakini ufisadi unafanywa na kila mheshimiwa, na tusilaumu mtu yeyote hapa. Ukiwa mheshimiwa unasema, "mimi nataka mtu wangu apate kazi mahali hapa", akiwa yuaweza kazi au la. Hapo basi, ikiwa unaleta mtu kwa Serikali hilihali wewe ni mheshimiwa, utapewa nafasi ile. Lakini kumbe mtu wako ile kazi haiwezi vilivyo. Sasa basi, akipewa mshahara, ujue huo ni ufisadi maanake, hatatekeleza wajibu wa kazi wa kuleta manufaa kwa umma. Kwa mfano, ukileta mtu na useme amefanya hiki au kile na kwa vile wewe ni mheshimiwa, pengine anapewa udaktari na Wizara ya Afya. Kumbe, kazi hiyo hakuisomea vilivyo. Kwa hivyo, ataleta ufisadi bila wewe kujua analeta ufisaidi. Serikali itamgharamia kumpa mshahara na hali hatatekeleza manufaa yoyote kwa umma.

Pia, hali ya vile wananchi wanavyojichukulia inachangia ufisadi. Mwananchi yeyote hutaka kazi yake ifanywe kwa haraka. Hususa tukienda hospitali, mtu akipeleka mgonjwa wake, anataka ahudumiwe haraka. Mwananchi huyo atajaribu kumpa daktari hongo. Sasa mwananchi kama huyo, amelazimishwa na nani kupeana hongo? Siyo Serikali inayomfanya apeane hongo. Ni lazima hali za wananchi zibandilishwe kwanza, ikiwa tunataka kuondoa ufisadi. Ikiwa wananchi wote wataacha kuwa na hali ya kutaka kazi zao zifanywe kwa haraka, ufisaidi utakoma. Lakini tusikae tukasema, "Serikali inafanya hivi". Serikali haimtumi mwananchi kwenda kutoa hongo kwa daktari. Ila ni mwananchi mwenyewe anasema, "mgonjwa wangu ni mahututi, nataka afanyiwe hivi". Kwa hivyo, nasema kumaliza ufisadi, litakuwa jukumu la kila mtu, na siyo kusema kwamba Serikali inafanya hivi na vile. Ni jukumu la Serikali na kila mwananchi wa kawaida kuondoa hali ya kutaka mambo yetu yafanywe kwa haraka sana.

Bw. Spika, tukiangalia katika ujenzi wa barabara, wajenzi wa barabara wanajitokeza kwa Wizara ya Ujenzi na Makao. Wakifika huko wanasema, "mimi nitatekeleza kazi hii vilivyo". Serikali inachukua jukumu na kumpa kazi ya ujenzi wa barabara. Akishapewa ujenzi wa barabara, anaenda kwa siri yake na anatengeneza barabara kwa njia isiyo ya kawaida. Mara, magari yakipita, barabara inabomoka. Lakini Serikali itakuwa imemwanini mtu huyo na kumpa kazi ya ujenzi wa barabara. Lakini wakati anapojenga ile barabara, haaijengi kulingana na manufaa ya wananchi. Anaijenga akitaka zile pesa. Mjenzi kama huyo akipewa pesa na Serikali, basi huo ni ufisadi. Hii ni kwa sababu mjenzi huyo hakutumia jukumu hilo kutengeneza barabara kwa manufaa ya umma. Kwa hivyo ndugu zangu mimi nasema, sisi zote tuondoe hali zetu za kutaka mambo yetu yatekelezwe kwa ulazima na kwa wakati mfupi. Lakini tusiseme kwamba ni Serikali inayofanya ufisadi. Nimesema kuna ufisadi wa siri na ule wa dhahiri. Ufisadi wa siri ni kama ule nilioutaja wa ujenzi. Mtu anaweza kufanya kazi na akipewa jukumu lile, anatengeneza barabara kwa uchi mdogo na inaleta mambo mengine.

Kuna ufisadi pia katika elimu. Mtu anataka mtoto wake achukuliwe shule ambayo hakuitimu. Lakini kwa vile unataka achukuliwe katika shule hiyo, unachukua hongo kumpa mwalimu mkuu. Kwa hivyo, ufisadi unategemea vile hali za wananchi zilivyo, na vile wanavyochukuliwa na wale waliopewa madaraka mahali pamoja. Tukitaka kuondoa ufisadi katika nchi hii, lazima tubadilishe hali za wananchi. Wenye madaraka na sisi tunaotwa waheshimiwa. Waheshimiwa wanataka watu wao wachukuliwe katika kazi mbali mbali. Tusilaumu mtu yeyote au Serikali kwa sababu Serikali ni mimi na wewe. Serikali si kitu kinachofikirika tu, bali Serikali haiwezi kuwepo bila wananchi. Kwa hivyo, watu wote lazima waondoe hali ya ufisadi katika mawazo yao.

Kwa hayo machache, ahsante sana, Bw. Spika.

**The Minister of State, Office of the President** (Mr. Ndambuki): Mr. Speaker, Sir, I do appreciate the spirit of this Motion, which is to curb corruption in this country. However, before I give the Government's

response, I would like, with permission from the Chair, to propose the following amendment:- "Delete all the words after the word "country" in line four, up to the end of the Motion, and insert the following: "This House urges the Government to enhance the powers of the Kenya Anti-Corruption Authority to seek stiffer and diversified penalties against those who may be involved in corrupt practices, with a view of stamping out corruption in this country".

Mr. Speaker, Sir, the Motion will then read as follows:-

"THAT, while appreciating the Government's efforts to stamp out corruption both in public and private sectors, and noting with concern that rampant corruption has become so pervasive that it threatens any further socio-economic development and the future of this country; this House urges the Government to enhance the powers of the Kenya Anti-Corruption Authority, and to seek stiffer and diversified penalties against those who may be involved in corrupt practices, with a view of stamping out corruption in this country".

Mr. Speaker, Sir, I once again thank the hon. Members for the concern that they have shown in respect of this matter. But if the House can recall, in 1981, the Prevention of Corruption Act was amended to bring in the Anti-Corruption Squad. Only late last year, the IPPG recommended the establishment of the Kenya Anti-Corruption Authority, which has been in existence for the last six months. We have read in the newspapers of what they are doing. They have not even settled and they are looking for offices and manpower. They have not really sat down and put their authority into practice. But they have come up with corruption cases which the House is aware of.

So, instead of asking this same House which passed an Act of Parliament establishing the Anti-Corruption Authority to go back and set up a select committee, we should give the Anti-Corruption Authority more time to justify its existence. If we form a select committee, then we will be duplicating the work of the Anti-corruption Authority. So, I would like to request the House to give the Anti-corruption Authority some time to carry out its functions as spelt out in the Act. There has been much talk about corruption in this country, particularly in recent years and the menace is entrenching itself in the fabric of the society. It, therefore, threatens, as the Mover of this Motion said, the socio-economic development of our country. Kenyans must, therefore, take action to curb this menace before it overwhelms all of us.

Mr. Speaker, Sir, now that the Anti-Corruption Authority is in place, we should give it more powers and time to prove to us that it can do some meaningful work. But if we form a select committee, we will be duplicating the whole exercise. So, I would request the House to support the amendment so that we can strengthen the powers of the Anti-Corruption Authority and give it more time to carry out its duties. There is a possibility that if we form a select committee, there might be a bit of witch-hunting here and there. That will not be good to this House. As hon. Members are aware, the Anti-corruption was formed to prevent corruption in the public sector, State parastatals and even in the private sector. It is supposed to investigate and prosecute offenses related to corruption, to inquire and investigate liabilities of any public officer in the loss of public funds and to constitute civil proceedings against such officers for the purpose of making recoveries from the loss. But so far we have not done so. We have not given it any chance to prove whether it is going to discharge its duties according to the Act.

I would like to request the House to support this amendment, although we are very much aware that the Motion is very important to this House as well as to the country. But for the time being, I would request the House to support the amendment.

With those few remarks, I beg to move.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, we are talking of a very, very important subject, and this particular subject is the one that deals with the issue of corruption. Corruption does exist in every society, and the responsibility of every Government is to ensure it does eradicate corruption. This is actually important, because that is the only way that we can be able to move along. The other side of the House, I know, take the view and the flag, that they are the defenders of this nation. I also know that some of them may want to say that "so and so is corrupt". What we want to do here is to ensure that---

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I would like to seek guidance from the Chair that we might be involved in an exercise in futility. I will refer to Standing Orders No.48(1) and (2). There is a proposal to amend a Motion whose import is explicitly to seek a resolution of the House to set up a select committee. That is the only thing the Motion is seeking to do. An amendment that has been proposed is trying to turn this Motion into seeking authority of the House to strengthen the Anti-Corruption Authority. Under Standing Order No.48(1) it states:-

"Every amendment shall be relevant to the question which it seeks to amend and shall not raise any question which, in the opinion of Mr. Speaker, should be raised by a substantive Motion after notice given."

The Government should give notice and seek a Motion for the strengthening of the Anti-Corruption Authority. Under Standing Order No.48(2) it is stated:-

"No amendment shall be permitted if in the opinion of Mr. Speaker it represents a direct negative of the question proposed."

The question proposed is to establish a select committee, not to enhance Government measures in fighting corruption. When you seek to amend a Motion and exclude seeking a select committee on corruption, you are negating the question proposed. I would request the Chair to rule that the proposed amendment is contrary to our Standing Orders and cannot be discussed.

*(Applause)*

**Hon. Members:** Toboa! Toboa!

**Mr. Speaker:** Order! Hon. Members must have patience. I think the Chair must give due consideration to what the hon. Member has raised about the terms of the Motion and also the terms of the amendment and then come up with a ruling. This is exactly what I am trying to do. The unfortunate bit about our practice of the House as of now is that we do not give the Chair adequate notice in advance of what we intend to do. Therefore, in a way, the Chair is expected to be kind of a computer where you press and get an answer, and you must get the right one. This Speaker is not a computer, so, give me some time to make my ruling.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, I believe I can, therefore---

**Mr. Speaker:** Before anything else, let me make my ruling.

Order! I would like to read the Motion in totality:-

THAT, while appreciating the Government's efforts to stamp out corruption both in public and private sectors, and noting with concern that rampant corruption has become so pervasive that it threatens any further socio-economic development, and the future of the country; aware that corruption has become so entrenched that the existing legal framework under the Prevention of Corruption Act (Cap.65) and the Anti-Corruption Authority are not adequate to significantly reduce it or eradicate it; and noting further that corruption has kept away potential investors, and eroded the good image of Kenya; this House resolves to set up a select committee to study and investigate the causes, nature, extent and impact of corruption in Kenya; identify the key perpetrators and beneficiaries of corruption; recommend effective immediate measures to be taken against such individuals involved in corruption and recover public property corruptly appropriated by them; recommend enactment of a Bill to provide for stiff penalties---

So, it does appear to me, therefore, that the substance of the Motion is the setting up of a select committee of the House to investigate corruption.

Now, everything else relates to the terms if such a Committee is set up. We do have a proposed amendment that reads as follows:

"This House urges the Government to enhance the powers of the Anti-Corruption Authority and to seek stiffer and diversified penalties against those who may be involved in corrupt practices with a view to stamping out corruption in the country".

I thought the Motion, in the first part already, is saying that is not enough and, therefore, that is why you need to set up a Select Committee. I think anything to amend the setting up or in my view of a Select Committee, is a negation of the spirit of the Motion and, therefore, it may not be allowed. I think the best you can do if you do not like to set up a Select Committee is to vote against it. So, in my conscience, I disallow the amendment. The amendment is disallowed.

*(Debate on the original Motion resumed)*

**The Minister for Local Authorities** (Prof. Ongeri): Mr. Speaker, Sir, I think the hon. Members will be in order to also listen to the other side of the view. It is important that they do so. There is already an admission and, without infringing the ruling of the Speaker, an implied position that corruption does exist both in the public and private sectors. It is worth noting with concern that rampant corruption has become so pervasive, in my opinion, that in itself is the main contention. Any Motion at this stage and going to the extent of naming the Select Committee, in itself is a presumption and an assumption that all those names contained in this list are holier than thou. It is my submission---

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. The hon. Minister is trying to get into the character of the Members of this House who are likely to be members of the Select Committee. Is he in order?

**Mr. Speaker:** To do what?

**Mr. Maore:** Mr. Speaker, Sir, if you were listening to the speech by the Minister, he is making a personal attack on the members of the Select Committee as being holier than thou. Those are his words.

**Mr. Speaker:** Mr. Maore, I do not understand what you are saying. Order! What is it that you are complaining about?

**Mr. Maore:** Mr. Speaker, Sir, in the heat of the moment after the defeat of the amendment which had been proposed, the Minister is outrageously out of order to try to impute improper motives on the members of the Select Committee listed here by questioning their character.

**Mr. Speaker:** Order! Order! This House has a right to say Mr. Maoka Maore cannot get into this Committee because he is corrupt. There is nothing wrong with that and that is why you have already put the names there so that the House can agree or refuse to pass the Motion. There are reasons why you cannot get into that Authority. It is like anybody saying in that Select Committee that because you are not qualified to be a member, you are corrupt. So, there is nothing to stop you from being disqualified by the House because when you agreed to be put in that list, you were saying that you are clean. Therefore, you are inviting a scrutiny as to whether or not you are capable and clean to be a member. I am sorry. Proceed, Prof. Onger.

**The Minister for Local Authorities** (Prof. Onger): Thank you, Mr. Speaker, Sir.

**Mr. Kombo:** On a point of order, Mr. Speaker, Sir. Since the Minister has said that the names listed have implied that they are holier than thou, can he name who is holier than thou if he does not like any of the names?

**Mr. Speaker:** Order! For the avoidance of doubt, this Motion can still be amended by expunging one or all the names there, and there is nothing wrong with that, and substituting them with totally new names. So, maybe he was coming to that and maybe the reason why he is doing it is to have the Motion amended. Who knows!

**The Minister for Local Authorities** (Prof. Onger): Thank you, Mr. Speaker, Sir. English can be very tricky. My first earlier reference, and I again stand quoted as having said, that there is a presumption and we must get it right that it is inherent in this Motion that whoever appears on that list is the perfect example of the kind of Committee that we would like to see. I submit that this is a dangerous way. The House will be asked to approve or even discuss the Select Committee in this fashion. What I was saying is that the substance of this Motion in itself, is hinged on corruption and we are saying: "Yes, there is an element of corruption and this House would like the matter to be investigated". The amendments that was earlier on read as follows: "Yes, how do we go about it; what is the methodology and the approach to be followed". I submit that we are perfectly in order to amend this Motion as earlier stated because the intent and purpose is to wipe out corruption.

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, Mr. Gitonga! Order, Minister! Once I have made my ruling on the matter, unless you move a Motion to overturn my ruling, you cannot do that. You are stuck with it.

**The Minister for Local Authorities** (Prof. Onger): Mr. Speaker, Sir, I appreciate that you can support yourself. You do not have to ask me to support you. The way that it is appearing here, in fact, is very strange. Those who were named here seem to be the most interested parties in trying to verify their names within this House. I want to reserve the rights of--

**Dr. Kituyi:** On a point of order. Mr. Speaker, Sir.

**Mr. Speaker:** Order, Dr. Kituyi! You can see how contagious corruption is: You do not want the Minister to be heard. You will hear him whether it is painful or soft because thou shall be heard.

**The Minister for Local Authorities** (Prof. Onger): Mr. Speaker, Sir, these are what I call veiled threats. I think we are within reasonable rights, when the debate is substantive, to do so.

**Hon. Members:** On a point of order, M. Speaker, Sir!

**Mr. Speaker:** Order! Order, all of you! Either you want to debate this Motion or you do not. If, on a timed debate of ten minutes, you do not allow a Member to contribute, it thus appears to me like it is a direct sabotage to stop certain Members from speaking.

**M. Mwenje:** On a point of order!

**Mr. Speaker:** Order! Mr. Mwenje, I think the House would be better if you kept quiet. So, please, can we have him speak?

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

**Mr. Speaker:** Order!



**The Minister for Local Authorities** (Prof. Onger): Mr. Speaker, Sir, I am surprised why the other side should be nervous about a Motion that they have brought to this House. They should be prepared to listen to the other side of the view. They seem to be nervous and that gives me the impression that, there seems to be a hidden agenda in this Motion, because I see no reason for this rather obvious nervousness. We are all discussing about corruption and there is a Motion before this House. We want to look at the merits and demerits of this Motion and I do not think they have any right to arrogate themselves, the responsibility of knowing who must speak and who must not. I think, this in itself, gives me the impression that the whole Motion, the way it stands at the moment, with the caption of the Select Committee, is faulty and I reserve the right to come back, so that we can amend the way this Motion stands.

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir. The hon. Minister is a very senior member of my church and I could vouch he is a clean man. A day has come when we have to separate oranges from mangoes. Is the Minister in order to impute that there is only an element of corruption, while we are discussing a country that is the third most corrupt in the world, only after Pakistan and Nigeria?

*(Applause)*

**Mr. Speaker:** Order! Order! Dr. Ochuodho, take time to study your Standing Orders. Order! There is a difference between an opinion and a point of order. You have expressed your opinion and you are entitled to it. But not on a point of order. So, next time you unreasonably, on a serious debate like this, rise on a point of opinion instead of a point of order, I will consider it a vexatious point of order and order you to be removed from the House. But for now, I forgive you.

*(Laughter)*

**Mr. Aringo:** Thank you, Mr. Speaker, Sir, for giving me the chance to support this Motion. I am shocked that the Government could dare come to amend the Motion to water it down and on this, I want to congratulate you, Mr. Speaker, Sir, for your very wise ruling.

Mr. Speaker, Sir, the purpose of this Motion is to support the Government to bring about just and efficient delivery of services. If we are trying to help the Government, why is it not prepared to listen to how Parliament is trying to help it? This is because what the Government forgets, is that it is accountable to this House. It is not superior to this House. It is this House which is superior and the Government has failed to address the question of corruption. The Government has systematically destroyed institutions in this country, including attempts to emasculate this very Parliament. Therefore, Parliament must take its place to remind the Government that, it is accountable to Parliament and not the other way round. Therefore, if the Government fails in implementing policies of this Parliament, we can do several things. We can advise the Government as we are doing here and tell them what to do, or we can pass a vote of no confidence and remove this Government.

*(Applause)*

Mr. Speaker, Sir, this power to remove the Government is part of our supremacy in this country. Therefore, it is surprising that the hon. Minister, who is a very good friend of mine, should come here, after the Speaker had made his ruling stating clearly, that this House is supreme. The House is not satisfied with the performance of the Government in curbing corruption, inspite of the laws and corruption will not be removed by laws. It is a culture, already, in this country. I am glad hon. Prof. Nyong'o said so. There is a culture of corruption and culture is a way of life. Those who are not corrupt are supposed to be the odd ones out in our society. What kind of society is this where theft and corruption is praised? That is what Parliament is saying. We are returning power to ourselves to tell you what to do and not you to tell us what to do. I am saying so, with all conscience. In the Government itself, we have many good Members of Parliament. If we go to the division now, they will vote with us for the Motion, because their conscience dictates that they condemn corruption.

*(Applause)*

Not everybody across the other side of the House is corrupt. There are those who are known and have been named. If they have any moral conscience, they should have resigned their offices. The Goldenberg Scandal is the most massive theft anywhere in Africa.

*(Applause)*

**Mr. Speaker:** Mr. Aringo, I am sure you are aware, that matter is in court. We cannot have double trials, here and there, and that is the right place.

**Hon. Members:** But that is just an example!

**Mr. Speaker:** Order! Order, hon. Members! I am the Speaker and I do not need assistance. Proceed.

**Mr. Aringo:** Mr. Speaker, Sir, I oblige and, I respect your ruling. However, I want to say the following. Elections in this country are very corrupt. When we start with elections and corrupt the electoral process, we are electing corrupt leaders. I know many who have won their way into this House after spending millions of shillings.

*(Applause)*

**An hon. Member:** Yes, they are there.

**Mr. Aringo:** In my own constituency, a KANU candidate spent Kshs75 million to be elected to this House!

**Hon. Members:** Shame! Shame!

**Mr. Aringo:** Mr. Speaker, Sir, if the buying of the votes brings in corrupt leaders, we must address the question of corruption in the election process in this country. The buying of the vote is a corrupt practice, because it produces corrupt leaders. We must address that question and I am confident that, this Select Committee will go into the details of each of these areas which we do not want to talk about publicly in this House. Let me start with the election process. I was looking at the terms of reference and I would urge that, when the Select Committee is formed, it should expand its terms of reference to include and address the issue of corrupt elections in this country.

**Mr. Speaker:** By the way, Mr. Aringo, may I again guide you. If such a committee is selected, it has no power and will have no power to expand their terms other than the ones given by this House. So, if you want them to expand, move a Motion to amend it.

**Mr. Aringo:** Mr. Speaker, Sir, I know that we have the competence as a House, to amend this to include additional terms. One of the additional terms is the corruption of elections in this country. We know the buying of votes and attempts to corrupt the electorate is one of the problems that, indeed, we have in this House or we have people who contested for elective posts and because they bought the votes, they spent colossal sums of money and they must recover it. Now, any Select Committee, therefore, must address the question of the corruption of elections in Kenya. I was very pleased, indeed, that the Chairman of the Electoral Commission of Kenya came out in public and admitted that, he could not account for over Kshs2 billion. I have great respect for Mr. Kivuitu. He has been my colleague in this House before, and he is a man of integrity. How many people can publicly admit that something went wrong? This is where the crisis in Kenya is; that the corrupt people, when you tell them so, they only look the other way and continue as if nothing happened. Until we address the moral question of our responsibility as leaders, we shall not address the problem of corruption in our country. Therefore, this Committee must also examine a code of ethics for political leaders. If somebody is mentioned in a major scandal, and is a leader in this country, the first thing he should do is to relinquish his office in order to allow free investigations. That is moral leadership. But those who have been involved in scandals just sit down and look at us as if nothing has happened. They look so innocent!

It is imperative that we examine a code of ethics for leaders. We have had even a commission of inquiry on corruption, but it was safely put in the shelves deliberately because the main players were named by it. What sort of country is this? We must provide moral leadership. Time is running out and Parliament is reasserting itself. I am very proud of many hon. Members, particularly on the other side of the House, whom I know would have voted for this Motion, and who in their conscience, would not have supported the amendment. In fact, we were ready--

**Mr. Sifuna:** On a point of order, Mr. Speaker, Sir. Could the Mover be called upon to reply?

**An hon. Member:** Why?

**Mr. Sifuna:** Time is up!

**Mr. Speaker:** Order! What is the hurry for? Proceed, Mr. Aringo!

**Mr. Aringo:** Mr. Speaker, Sir, it is just that we are prepared to show once again in this country that this House is going to lead where the Government has failed. This House is going to correct the errors of yesteryears and it is not going to be subordinate to the Executive arm ever again. In this struggle, we must win. This struggle must start here.

*(Applause)*

Mr. Speaker, Sir, I am talking about Parliament. I am not talking about the Government and the Opposition. Three quarters of hon. Members on the other side of the House are with us. They will vote with us, and I suggest that there should be a Division, so that they register their conscience in support of this Motion.

With those few remarks, Mr. Speaker, Sir, I beg to support.

**The Minister for Education and Human Resource Development** (Mr. Musyoka): Mr. Speaker, Sir, I always enjoy a lot listening to my distinguished colleague and friend, hon. Peter Oloo Aringo. He spoke at length about colossal sums of money that were spent during the last general election. I remember that I was elected, if the other side of the House could forgive me, the Organising Secretary, and hon. Aringo the National Chairman of KANU at Nyayo Stadium on the same day. I wonder how much money hon. Aringo spent during that time. I do not remember spending any money. That is history, but we are part of it. The problem with history is its tendency to repeat itself. However, I am not averse to the whole idea of looking at what was spent during the last general election. I think this House, in its supremacy, was able to do away with the provisions of Cap 7 of the Laws of Kenya which had set a ceiling of Kshs40,000 for campaign expenses. It was obvious that most of us did spend a lot more money during the last general election. I was happy that, that provision was done away with by this House because it was working against my conscience.

Mr. Speaker, Sir, I agree with hon. Aringo when he talks about the supremacy of this House. Indeed, for the last few weeks I have been arguing vehemently for the supremacy of this House. I find it difficult to support this Motion because of its spirit. There is no doubt at all that this Government is committed to ensuring that the fight against corruption succeeds. But I am against the spirit of this Motion. For instance, if this Motion is going to be voted on unamended--- It is talking about a select committee that will recommend effective and immediate measures. I do not think it can complete its work within one year, if we are serious with ourselves.

I will, therefore, urge my colleagues on the other side of the House to give this Government a chance because its committed to eradicate corruption in this country. The Government has institutions and will to fight corruption. We will be doing ourselves a great service if we co-operate in asserting the supremacy of this House. We do not need to set up a select committee on corruption. This will be a duplication of efforts because the Government has already set up the Kenya Anti-Corruption Authority. So let us give this Government a chance to fight corruption. I urge the hon. Members on the other side of the House to join hands with us in the fight against corruption in this country.

**Mr. Speaker:** Order, hon. Members! I am afraid it is now time for the Mover to reply.

**Mr. Kombo:** Mr. Speaker, Sir, I would like, first of all, to take this opportunity to thank all hon. Members who have contributed positively on this Motion. I want to assure my hon. colleagues on the other side of the House, who are jittery, that the spirit of this Motion is absolutely to help this country. The spirit of Motion is to complement the little efforts by the Government.

Mr. Speaker, Sir, the Motion, as it stands, seeks to see who in this House has a conscience to stand up for Kenya. My question is: Are you for or against Kenya? Are you for the people or against them? With those comments, Mr. Speaker, Sir, I beg to move.

*(Question put and agreed to)*

**Mr. Speaker:** Order! Next Order!

#### REHABILITATION OF DYKES IN YALA SWAMP

**Mr. Oloo-Aringo:** Thank you, Mr. Speaker, Sir---

**Mr. Speaker:** Mr. Oloo-Aringo, you will have to address the House from the Back Bench. You do not fall within the Front Bench.

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, I have no problem whatsoever addressing the House either from here or from the aisle but I thought it would be easier if I was to speak from the aisle.

*(Mr. Oloo-Aringo moved to the Back Bench)*

Having said that, Mr. Speaker, Sir, I beg to move the following Motion.

THAT, in view of the fact that Yala Swamp Reclamation and Development Project in Siaya and Busia

districts was initiated by the Government of Kenya to increase food production and that Area One comprising 2,300 hectares had been reclaimed from the swamp and transformed into farmland and that the designs and plans for the reclamation of the remaining 17,000 hectares had been approved by the Government for implementation, this House urges the Government to:-

- (1) Repair the dykes and rehabilitate Area One and end the reflooding of this area;
- (2) Implement the reclamation of the remaining part of the Yala Swamp and open up the area for agricultural settlement by the indigenous people of Siaya and Busia; and,
- (3) Extend irrigated farming to the adjacent locations of Usonga, Alego, Yimbo, Bunyala and Samia in order to increase food production in the country.

Mr. Speaker, Sir, this Motion is an important one because it addresses the whole question of national food policy. The KANU Government has, in the last couple of years, published the National Food Policy. This National Food Policy has been approved by this Parliament. In particular, in the 1991 and 1994 Sessional Papers, a very comprehensive Food Policy was published, debated and approved by this House. However, in spite of this, we still have the crisis of food shortage in the country. This means, therefore, that somewhere, either insufficient or inadequate attention, has been paid to the question of the National Food Policy. The consequence of this, therefore, is expressed in the fact that the production of food and cash crops has declined in the country, eroding self-sufficiency in our staple food like maize, rice, sorghum and even beans, therefore, threatening food security and undermining economic growth.

In this Motion, therefore, Parliament is asking the Government to take concrete actions to increase food production through the development of irrigation and drainage of the Yala Swamp. Yala Swamp Reclamation, therefore, is a Government project in which public funds are involved. Between 1965 and 1970, the Government reclaimed 2,300 hectares which was turned into Yala Swamp Farm and which is managed by the Lake Basin Development Authority (LBDA). The Farm produces maize, sorghum, beans and more recently, seed-rice for rain-fed rice schemes not just for Siaya and Busia districts, but for the entire Western Kenya region. After the year 1970, no further reclamation was undertaken and no funds were set aside for the maintenance of the dykes. Each year, when we have heavy rains, the dykes break. The situation was worsened by the recent *El Nino* rains. The rains did not only break all the dykes but also flooded what was originally the Yala Swamp Farm which had been reclaimed. Therefore, the people of Busia and Siaya districts are asking their Government to show its commitment to their welfare and take emergency measures to save them from this natural disaster.

The LBDA has prepared detailed plans for drainage and reclamation of this area. What the Authority is lacking are funds and, therefore, we are asking the Government to chip in with funds to enable us to rehabilitate Phase One, which has been reflooded, and to proceed and reclaim the remaining 17,000 hectares and put them under production to produce maize, beans, rice and citrus fruits.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, in the first reclamation exercise, the Government received a lot of assistance from the United Nations Development Programme (UNDP) to drain and irrigate the Yala Swamp. But the Government discontinued its involvement in the project for political reasons. This came as a result of the introduction of the multiparty politics in 1966 and, members of the Luo community were being punished for supporting multiparty democracy, which has now become the new culture of this country. I am making serious statements; the Government discontinued its participation in this project to punish the people of Luo Nyanza as a part of marginalisation of our people. The late Kenyatta's Government abandoned the project and the development of the entire Luo Nyanza to ostracise the community from the mainstream of economic, social and political development. Luo Nyanza people became victims of political and economic marginalisation. The Government machinery in Nyanza was used not to promote socio-economic development, but as an occupation force to control and suppress the Luo people. The Provincial Administration, in particular, behaved like the armed forces of Adolf Hitler of Germany during their occupation of their conquered land. Our crime was the support we gave to the Kenya Peoples Party Union (KPU). Indeed, we supported what was multiparty democracy. I am glad that we, in Nyanza, were ahead of the rest of Kenya and, Kenya today is proud that we are a multiparty democracy. With the advent of democracy and multiparty politics we, therefore, sincerely hope that this discrimination against the people of Luo Nyanza will end. I am not suggesting that it did not continue after the Kenyatta administration but, indeed, even under the administration of the current Government, we have continued to be marginalised and all

the development of the infrastructure was stopped in our area, including very productive ones like the Yala Swamp. Funds were simply withdrawn and the Government did not come back to assist us nor did it set aside any money for the rehabilitation of the swamp.

Mr. Temporary Deputy Speaker, Sir, I want to warn again that the politicisation of development is wrong; that we are taxpayers and that we are not begging but demanding development. Indeed, one-third of the Kenyan taxpayers come from Luo Nyanza. Therefore, we are part and parcel of Kenya; not just as citizens but also as taxpayers. So, we are demanding our rights; we are demanding that development projects in any part of Kenya must not be subjected to the will of political rulers. The Luos are citizens of Kenya who took part in the struggle for Independence. We have participated in the consolidation of that Independence and, therefore, there is no basis for discriminating against us for political reasons.

Therefore, we are asking our Government to come back to Nyanza to participate in economic reconstruction. We in Siaya and Busia are suggesting that our priority project is the Yala Swamp Reclamation Project which will not only add food to this country, but also increase employment and give our people opportunities in this country like everybody else.

I am aware that the Government has secured a loan from the African Development Bank (ADB) for the production of seed-rice for Nyanza and Western Kenya under what we have called Kenya Rain-fed Rice Development Project. This is a major project which will boost the production of rice in the country and, therefore, make Kenya self-sufficient in rice production. I am surprised that in the current Estimates there is no provision for this money. However, I would like to ask the Minister to make sure that the matter is brought to Parliament for the loan to be guaranteed so that this money can be availed to the LBDA for reclamation and expansion of Yala Swamp. The Government should bring to Parliament this instrument for us to guarantee so that this money can reach the LBDA.

Mr. Speaker, Sir, any food policy which does not take irrigation as a core of the policy cannot succeed. I am saying so because we are blessed in this country. We have the second largest fresh water lake in the world. Lake Victoria is the second largest fresh water lake in the world. This lake is not being utilised and there have never been any plans, in the last 36 years of this Government to utilise the Lake Victoria water for irrigation and human consumption. My view here is that any food policy that does not take irrigation as its core policy cannot succeed. We are endowed with a lot of surface water. The first is the Lake Victoria itself while the second one are the rivers which cross this country which are not utilised in any meaningful way for either human or animal consumption or for irrigation. Therefore, the issue of Yala Swamp highlights not only food policy but the need to revise our national food policy to make irrigation the core of our national food policy and therefore, use our resources in this country to develop our people.

It is a big shame that a country such as Egypt is utilising the waters of Lake Victoria which reach Egypt through River Nile; that Egypt is basically dependent on River Nile and, therefore, Lake Victoria for irrigation and its food production. But in this country, we have not yet appreciated that this is a huge resources and that this water can transform this country and that, indeed, we can be self-sufficient in food production. When we talk of irrigation, officers from this Government think of massive irrigation schemes. They want large scale projects. But we are saying that we should start with small scale irrigation schemes along the shores of Lake Victoria, irrigate the shore line and make the people have water all-year-round so that they can be able to produce their crops. If we do that, we shall become the food basket of this country. We shall feed ourselves and the rest of Kenya. We shall also export food to rest of the continent. I am saying this with due humility because I know that what has happened for the last few years is that we have been so busy with politics that we have forgotten the economic dimension of our development. The economic dimension of our development will start with basic things such as the utilisation of the waters of Lake Victoria and the rivers which flow through Nyanza Province.

Mr. Temporary Deputy Speaker, Sir, the Lake Basin Development Authority was founded by an Act of this Parliament. At the beginning of it, I made my contribution in this House. Regional development is a viable way of approaching development in this country. It has succeeded elsewhere because it gives planning in the regional area which enhances economic development because the people are able to identify their priorities. It has worked elsewhere and it can work in Kenya. I have had the advantage of visiting Tennessee Valley Authority in the United States of America and other authorities elsewhere and I have found out that regional authorities all over the world have transformed areas. In this country therefore, we have created LBDA but we are half-hearted in the support of this regional authority. We are not giving it enough funding. If we do not give LBDA enough funds, how can it translate its programmes and schemes into actions? How can it generate employment and increase productivity in this area. This also goes for the other regional authorities as my good friend hon. Nassir said, the Coast Development Authority and the Tana and Athi Rivers Development Authority. All these authorities have a role to play but to do so, we must be serious. I do hope that the new Ministry for Rural

Development is a very well conceived idea; that rural development should at least show a difference and politics must not be brought into this regional authorities. What has happened many times is that our projects like the LBDA have been hijacked and funds are transferred to the Kerio Valley Development Authority. With all due respect, I have nothing against the development in the Kerio Valley but I am saying we also have a right to demand development of Nyanza Province. We know that we have been victims of marginalisation and we want this Government to correct that marginalisation. Indeed, you have now come round to accept that we were right that only multiparty politics can bring social justice to our country. While we were marginalised because of KPU, this is now history. We want to turn our backs on that one but we want to see the Government commit itself to the restoration of the infrastructure in Nyanza Province not as a privilege but as a right because we are taxpayers. We constitute one-third of the taxpayers of Kenya and when we ask for a road in Nyanza Province, we are not begging for it. We are demanding it because we are taxpayers and citizens of this country. Until you acknowledge that all Kenyans have a right to development, you can only brew tragedies for this country because when there is injustice, people will rise and resist and that will be the beginning of upheavals and civil war. Indeed, Kenya has been spared but let us not take it for granted that Kenyans do not react.

For many years, we had a Provincial Administration and civil servants whose main job was purely to keep us in disintegration. In this respect, I want to thank hon. Nyachae. I think he is a very courageous man because he was able to confront the then Provincial Commissioner, Nyanza Province, Mr. Kaguthi, who basically, was not in the interest of the Nyanza people. He was playing politics in Nyanza. Hon. Nyachae was able to get Mr. Kaguthi transferred from Nyanza Province in what was a necessary confrontation in front of the President himself. But in many occasions, we do not have confrontations and we are asking those in the Civil Service to change their attitude. They cannot change the politics of Nyanza Province. Indeed, I know one case where a District Commissioner tried very hard to make sure that I did not vie for the Alego/Usonga seat. He had me locked up and incarcerated in Kakamega on the pretext that I was a robber or that I was involved in robbery with violence. But I know he had eaten money and he was determined to rig the elections and the people of Alego/Usonga said "no" and rejected the abuse of the electoral process and the abuse of office but this man was basically corrupt. Even though we have got District Development Committees, they are not working to our advantage. The civil servants have infiltrated the District Development Committees because there is something called the executive committee of the District Development Committee. That is where decisions are made. This is where the peoples' money is being dished out. This is where we have lost out.

In the Constitutional Review, I do hope that we shall overhaul the entire Provincial Administration that indeed, it will be made subordinate to elected leaders and that District Development Committees will be reviewed so that they can be run by popularly elected leaders of their districts and not by the District Commissioners. District Commissioners have used this DDC to enrich themselves. Invariably, throughout this country, there is no one area where DDCs have succeeded. They have been a failure because they have been infiltrated with the culture of corruption and the most powerful people on the ground are the District Commissioners. My voters keep asking me: How come that we can remove you from Parliament and we can even remove the President from his office by voting against him but we cannot remove assistant chiefs, chiefs, DOs or a DC? A system which does not allow people to determine who their leaders will be is wrong. I hope that in the Constitutional Review, we shall visit this issue so that we return power to the people through their elected representatives through various committees, starting from the sub-locations, locations, districts and the regions.

Mr. Temporary Deputy Speaker Sir, this subject is extremely important and I know the Minister has indicated that he will support this Motion. We have a very practical Minister. I have worked with him for a long time, when I was in KANU and also in the Government. I am sure he will understand that the people of Siaya and Busia want the Government to act quickly, not just to deliver promises. We want this dyke because the area is already flooded. We want the Government to act quickly to stop re-flooding. Money should be made available for irrigation so that we can go on to produce rice seeds for Rainfed Rice Project in Western Kenya and in Nyanza. I will have another chance to talk on this Motion. I will now ask my colleague, hon. Dr. Omamo, who is a very renowned scientist in his own right, to second this Motion.

**Dr. Omamo:** Mr. Temporary Deputy Speaker, Sir, I would like to first of all thank my colleague hon. Aringo for bringing up this Motion. To me it is overdue. The history of Yala Swamp reclamation goes back to the late 1960s and the early 1970s when the Government spent huge sums of money to reclaim phase one of Yala Swamp. When that was done, wananchi were happy. Land which was under the water and was only dominated by the hippos and the monkey's became cultivable. Many small-scale farmers went in and cultivated various crops. Yala Swamp is located in a rain corridor so that with normal rains maize, millet, beans, pulses, citrus fruits and other horticultural crops can be grown. Phase one of Yala Swamp was a very good gesture on the part of the Kenya Government in that, foreign money was invested in this project. As already mentioned, some 2,300 hectares

were rehabilitated but that was not enough. There was the second phase which was to cover 17,000 hectares. Plans to rehabilitate this second phase were already laid down in black and white. It was only action and money that were remaining. But time has gone by and a lot of water has passed under the bridge.

The Motion is asking that the reclamation of phase two be revisited. The Minister must be knowing that to rehabilitate phase two you only have to make a short cut from the river direct to Lake Saru. When you do this, you will only leave sufficient water via Lake Kanyaboli, so that irrigation is made possible there. There will be no more flooding by the river bursting its banks. I would like to support the Motion, because in it, we are persuading the Government to open up a new area completely. In this area, Siaya, Bondo and Busia Districts would benefit.

Mr. Temporary Deputy Speaker, Sir, Bondo District would also benefit as well as Busia. This particular area lacks industrial infrastructure because the primary farm commodities that are being produced are not enough in volume to support a factory. But as has already been mentioned, the Yala Swamp itself, when irrigated, can support all the crops we have mentioned plus irrigated rice and sugar-cane under irrigation. The sugar-cane that we are growing currently is mainly rain-fed, but with irrigation, people will be happy because sugar-cane will be irrigated just as rice. Irrigated sugar-cane and rice will throw up enough production to support a huge rice mill and very big sugar-cane factory. This is the point which the Government should take seriously because it so happens that due to many years of flooding in the Yala Swamp area, Yala Swamp soil has turned into deep alluvial soil. All the top soil from Nandi Hills is all there and I also understand that there may be some fragments of gold in this particular area. The soil is very deep and rich and it is excellent for sugar-cane production. We have witnessed this kind example in the Kano Plains, that towards the estuaries of Nyando River, the soil is so deep and the sugar-cane being grown there is very heavy. I would like to suggest to the Minister that Yala Swamp Phases II and I put together should be used as the nucleus. Let it be the nucleus for sugar-cane and rice production and other crops that wananchi depend on as staple food for example maize. If under irrigation, maize is planted in Yala Swamp, I am sure my friend hon. Oloo-Aringo will be very happy because instead of harvesting maize once in a year, he will harvest maize three times a year and he will even grow taller after consuming very good maize three times in a year.

Mr. Temporary Deputy Speaker, Sir, orange trees would produce fruits all the time because everything would be correct. The soil would be very deep, the temperature would be okay, the sunshine is there and the humidity is correct. The citrus fruits would be harvested for 12 months every year and all the time. The rice, because of humidity, would do better than in the Ahero Scheme because the warmth there is very good and the soil is very good and I am sure the Government will take this seriously.

Finally, I would like to mention one point, that when we use the rehabilitated Phase I and the reclaimed Phase II as nucleus, there are other areas nearby in Alego Location, Samia, Yimbo and Sakwa along the Lake Shore, which would also be used for out-growers under irrigation. When that happens, you will only have to name the crop and it will be grown in the Yala Swamp area and its environs. This will also include production of livestock. The milk, the grade cattle which at the moment cannot be mentioned because they are not there--- But with that irrigation and expansion of irrigation to the out-grower areas, good livestock would be produced and a new granary for Kenya would be created.

With these remarks, I second the Motion.

*(Question proposed)*

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Bw. Naibu Spika wa Muda, ni furaha kuwaeleza walioko Kenya na walioko nje ya Kenya kwamba, ijapokuwa tuna vyama vingi, vyama hivi haviwafanyi wananchi wa Kenya kuteta. Jambo la kupendeza ni kwamba sisi katika Kenya tutafanya kazi pamoja. Hii ndiyo sababu leo ninamuunga mkono mhe. Oloo-Aringo kwa dhati. Mambo kama aliyoyaleta mhe. Oloo-Aringo, yataletwa mengi kwa sababu wananchi wa Kenya wana nia ya kufanya mambo yao katika mitaa yao na sehemu zao. Pia wanataka kuona kwamba mambo yamefanyika. Mheshimiwa ameleta hayo leo na mengine yatakuja.

Bw. Naibu Spika wa Muda, mipango ni lazima ifanywe katika mji huu. Hatuwezi kuketi kama wanyama wanaozunguka huku na huko na hawajulikani. Lazima tupange. Kama kulitokea makosa, kama anavyosema mhe. Oloo-Aringo, yafaa yarekebishwe. yafaa watu wafanye kazi kwa manufaa yao wenyewe. Ijapokuwa waandishi wa habari hawapendi kueleze mambo ya ukweli--- Wananchi wa Kenya wanataka kurekebisha mambo yao kuanzia mashinani na sio kungojea mambo kutoka Nairobi. Tuna mambo mengi tunayoyashughulikia. Watu wanaotoka katika Yala Swamp ni mhe. Omamo, Oloo-Aringo na wengine. Wanajua taabu za watu wa sehemu hiyo na wanataka ushirikiano; hawataki kutengana. Wanataka mamlaka ya kuendeleza mambo yao.

Pesa hutolewa katika Bajeti ili zitumiwe mijini Kisumu na Mombasa, lakini tunasikia zimepelekwa

kwine. Leo ndugu zetu kutoka Mikoa ya Nyanza na Pwani wana biashara nyingi. Hawana kahawa wala majani chai lakini biashara zilizoko huko ni nyingi. Tungeishi vizuri sana kama tungeletewa pesa.

Bw. Spika wa Muda, miradi kama vile ukuzaji miwa na pamba iliyoko katika pande za Nyanza haitiliwi maanani ilhali ingewapatia watu wa sehemu hizo kazi. Pia, uvuaji samaki katika mikoa ya Nyanza na Pwani haujatiliwa mkazo na Serikali. Utapata kwamba vyombo vya kuvulia samaki kama vile ndoana na mishipi vinatozwa ushuru na hivi hatusaiddi wananchi. Kwa hivyo, watu wanatakikana wafanye mambo mengi wenyewe kama vile kufufua DDC. Jambo la kutowapatia wenyeji kazi za DC au PC si njema. Je, PC au DC atatawala mahali kama yeye ni mgeni? Lazima tuhimize jambo la kutoa kazi kama hizi kwa wenyeji kwa sababu wao ndiyo wanaelewa taabu za sehemu zao. Watu wa Nyanza leo wangekuwa matajiri sana kama wangepewa PC au DC wao. Kila mara tunasema tuwe na wakati wa kutengeneza nchi yetu. Mhe. Mbunge akisema neno ambalo litasaidia wananchi, mimi nitamuunga mkono bila ubaguzi wa chama au kabila. Sisi sote ni Wanakenya hata kama tuko katika vyama tofauti na ni lazima tufanye kazi pamoja. Lakini, matajiri katika Kenya yetu ambao wanajiita wao ni wanasiasa wakubwa, lengo lao ni kulinda mali na mashamba yao makubwa. Hiyo ndiyo taabu kubwa katika Kenya hii. Hawa ndiyo wanatuletea taabu katika Kenya. Siku moja wale maskini wakikasirika, kila mtu aliyechukua shamba kubwa, awe ametoka Pwani, Nyanza au Mkoa wa Kati, atawagawanyia watu hawa haki yao. Hawawezi kuwanyang'anya mashamba yao. Hakuna tena mpumbavu Kenya! Uongo mwingi na siasa, kama alivyosema mhe. Mbunge, tuwache. Ukiwaambia watu wa magazeti waandike ukweli hawataki, kwa sababu wao wanataka siasa hizi. Wanapenda sana kumtukana huyu na yule, kusema uongo hapa na pale, lakini ningewaomba waandike ukweli kwa sababu watu wa Kenya wanataka kujitawala. Lazima kila sehemu ijitawale na tuwe na raha.

Pengine watu waliopigania Uhuru wanasikizana. Uhuru ulipiganiwa na Kenya nzima wala sio upande fulani. Tunawaonea huruma watu wengine kwa sababu wamekufa kwa umasikini baada ya kupigania Uhuru. Wengine walitajirika baada ya kupigania Uhuru na wakawafukuza ndugu zao. Hawa watu utawapata wakiwa na kiosks kila mahali katika Kenya. Wanaishi katika hizo kiosks. Kazi ya matajiri ni kuwaambia ndugu zao, "Ngoja tukishika bendera, tutawapatia mashamba yote". Hakuna wapumbavu Kenya! Kila mtu atanyakua shamba lake na tutaishi kama Wakenya. Ningependa Wahe. Wabunge washughulikie mambo kama hayo. Leo Waziri Maalimu Hussein amesema kwamba yeye pia anaumia kule kwake nyumbani.

Inafaa tuangalie kitu kitakachowasaidia watoto wetu baadaye. Tusiwe watu wa kuwapinga wengine katika magazeti. Ninataka kuwaambia ndugu zangu kwamba gazeti haliwezi kumjenga mtu kuwa mwanasiasa. Sisi Wakenya hatuwezi kugawanyika. Tumeoa kutoka sehemu mbali mbali za humu nchini na tunaishi pamoja. Taabu ambayo iko huko Kisumu ndio iliyoko huko Mkoa wa Pwani. Inafaa tuangalie vile tutakavyosaidiana leo. Hakuna haja ya sisi kupigana vita. Wale ambao waliipigania nchi hii kupata Uhuru walikufa na Mungu atawabariki pale walipo. Kuna watu wanaowazuia ndugu zao kupewa mashamba. Hata wakimwona mwenzao akilima kando kando ya barabara wanamfukuza kwa kutumia upanga.

Mimi na wabunge wenzangu tu wazee na tutajiondoa katika siasa hivi karibuni. Tutawaachia uwongozi vijana, lakini tungependa vijana wawaangalie ndugu zao. Msidanganywe na nchi zingine. Ningependa kwanza vijana watufahamishe jinsi ya kujenga meli, ndege na motokaa. Kwani sisi tutakula siasa maisha yetu yote? Siasa ziliisha wakati Wakenya walipopigana kumwondoa mkoloni. Kitu muhimu katika Kenya yetu sasa ni kusaidiana. Ikiwa kuna kitu kinachowasumbua watu wa Mkoa wa Nyanza inafaa tuwasaidie. Sisi katika Mkoa wa Pwani hatuvui hata asilimia 10 ya samaki wetu. Samaki wote ambao wanavuliwa huko Pwani wanauzwa katika nchi za nje. Kuna watu ambao wana mashamba makubwa na ambao hutumia hati za mashamba hayo ili kupata mikopo. Watu hao wanazidi kufaidika huku watu wa Pwani wakiendelea kuumia vibaya. Tunaambiwa tupendane na hali watu wengi hawana kazi; wana taabu nyingi.

Kwa hayo machache ninaiunga mkono Hoja hii.

**Mrs. Mugo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Motion. This is because of its prospective ability to improve food security in this country. Food security has been relegated to the background for too long in this country, and yet we know how hungry our people are. You cannot rule over people who are hungry. There is no Government that can claim to have the moral authority to rule if its people are hungry. We know of the hunger all around us. We just need to look around the City of Nairobi to see the street children who sleep without food.

Even in the rural areas there are a lot of people who sleep without enough calories required for a healthy human being. This is because food is scarce. There is not enough food in this country. That is why food prices are very high, even for the staple food that every Kenyan should have access to. Maize is the staple food for Kenyans. If the Government supports this project and allocates money to it, it will not only be able to provide employment in that area, but will also lead to surplus food to feed Kenyans in urban areas and in the City of Nairobi, where we do not carry on farming.

Mr. Temporary Deputy Speaker, Sir, we waste a lot of money which should be used to empower the



people so that they can feed themselves. The food sector has turned out to be a big business. As soon we have a bumper harvest business people, or the people in power, export that food instead of storing it in our granaries. The following year, the same people again import into the country the same food which they exported in the previous year. This leaves Kenyan masses hungry. Food trade has become a profitable business for a few individuals.

Mr. Temporary Deputy Speaker, Sir, those Ministries which are charged with the responsibility of feeding the people of this country should work together. The Ministry of Planning and National Development should also have a food policy that can withstand weather calamities and all other forces which have made Kenyans very hungry. If the people are hungry, they will be susceptible to illness. Such people cannot be productive enough in any area and, therefore, the country cannot develop. This is also the root cause of excessive poverty: a hungry people are poor.

This House should support this Motion and all other plans in other areas which will enhance food production. Even taxation should be looked into very carefully. Taxation policies that affect food production should be avoided. We should have incentives which will encourage farmers to produce enough food. We had a system of subsidising fertilizers and other farm implements. This should be revived to support the ordinary farmer. This will enable him or her to produce enough food for domestic consumption and also for sale. A lot of women in this country fall under this sector. They are also entrusted with the duty of feeding their families.

Mr. Temporary Deputy Speaker, Sir, the Government must look for ways of subsidising the farmer. It is the small scale farmer who will make a big difference in feeding this nation. Because, to begin with, their house holds would be fed, and even their neighbours. If small scale farmers have grade cows they would produce enough milk for themselves and the people around them.

Mr. Temporary Deputy Speaker, Sir, we should not only support this Motion which is very important, but all other food production related areas. If every time, we are out there begging for food, how can we then, claim to be a sovereign nation? When you are hungry, you will be dictated to. You will tend to take any idea from anybody, because you must feed your people. Before we think of our sovereignty, we must first, feed our people. That way, our people will also have dignity. We lack dignity as a nation, when we beg food. It is much cheaper to grow our food here. As hon. Omamo said, we have a warm climate. All we need is to irrigate all parts of our country, whether it is Nyanza or Ukambani where there is perpetual hunger. This way, we will have more food to even feed the whole East African region. Small countries like Israel are self sufficient in food, not because it is a very big country, but because they prioritise the use of development funds.

Mr. Temporary Deputy Speaker, Sir, development in Kenya has been politicised. Instead of looking where the nation will best benefit through investments, we look at whether that place is an Opposition or KANU zone. That should not be the priority. The priority should be what is good for the nation. That is the only way that will harmonise our nation, so that we become a proud nation worth its name. Our neighbours will also know us for who we are. When we speak they will listen to us, because first and foremost, we will be self sufficient. We cannot be self sufficient when our people are hungry. I do not know whether the Minister of Water Resources is here, but I can see the Minister for Rural Development. I would like to tell them that irrigation is urgent. Kenyans should not be hungry any more. This will create employment for our youth who have nothing to do and assist in food security and export.

With those few remarks, I beg to support.

**The Assistant Minister for Rural Development** (Mr. Sirma): Mr. Temporary Deputy Speaker, Sir, I appreciate the great concern the hon. Member for Alego-Usonga has shown on the need to increase food production in the country, particularly in Siaya and Busia districts. I would like to tell this House, that it is the wish of the Government that all arable land in the country be utilised in order to enhance food security for our people, including those living near the marsh land in the arid and semi-arid areas.

Mr. Temporary Deputy Speaker, Sir, it is in view of the foregoing that the Government initiated Yala Swamp Reclamation and Development Project in Siaya and Busia districts, in 1970 with financing from the GOK, UNDP and FAO, and accomplished the initial reclamation of 2,300 hectares.

Mr. Temporary Deputy Speaker, Sir, since the area was reclaimed 28 years ago, the Government has been involved in utilization of the swamp, through the Lake Basin Development Authority. In view of this, the Government is quite aware of the threat facing the 2,300 hectares of land due to the frequent flooding on Nzoia River, and has been containing some of the recurring major problems.

The Government notes that, there have been frequent breakages of the protective dykes as occurred in 1988, 1992 and 1994, when flash floods overtopped 13 kilometres of the 26 kilometres long dyke, leaving four major breakages. Remedial measures were taken to contain the situation. The unsuitable condition of the dyke is also attributable to the considerable rise in the river-bed level as a result of several erosions in the upstream catchment of Yala River, which deposits sand and silt in the lower region of the swamp. In this regard, I would

like to request hon. Oloo-Aringo to appeal to his constituents not to let loose their livestock to wander along the dyke, as they are a contributory factor to its instability.

Mr. Temporary Deputy Speaker, Sir, rehabilitation works are expected to cost Kshs30 million, and the Government is looking for funds. Currently, the Lake Basin Development Authority, through the West Kenya Rain-Fed Rice Development Project, is in the process of installing a weir across Yala river to divert water to irrigate 1,000 hectares of seed-rice. This will also serve as a short-term remedial measure.

Mr. Temporary Deputy Speaker, Sir, on implementation of area II, the total cost including rehabilitation of area I was put at US\$26.5 million in 1984. The Government has been seeking donor assistance for the utilization of the reclamation of area II. When the reclamation of the remaining part of the Yala Swamp becomes a reality, irrigated farming will be extended to adjacent locations of Usonga, Alego, Yimbo, Bunyala and Samia in order to increase food production in the country. From the foregoing, the Government accepts the Motion, and that, it undertakes to implement issues I, II and III, raised in the Motion, when funds are available.

Mr. Temporary Deputy Speaker, Sir, the Lake Basin Development Authority covers a wide area of the whole of Nyanza Province and parts of Rift-Valley. The mover of the Motion, indicated that, possibly, there could be marginalisation of the people living in that place, because of the KPU party. But, that was a long time ago, and there are people who did not join KPU during that time like those people from Nandi, Uasin Gishu and Kericho. So, the political dimension he gave in his remarks does not augur well with his intentions in the Motion. I would like to inform him that we should be looking for good dimensions of development and political ways of handling things. We should put development first and forget our political differences. I am sure when the MP for Alego-Usonga was a Minister, he managed to visit very many places and flew the flag as high as he could. He is therefore, aware that there was no time the Lake Basin Development Authority was marginalised in favour of the Kerio-Valley Development Authority, unless he can prove to the House.

Mr. Temporary Deputy Speaker, Sir, the Government gives priority to projects it deems worth like what is contained in the Motion which he has moved. We are facing a shortage of rice in this country. We are looking for funds to put up those projects and support them.

With those few remarks, I beg to support.

**Dr. Oburu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and support this important Motion. I come from the Lake Victoria area, and Lake Victoria is the largest lake in the whole of Africa, with fresh water. This water can be utilised for growing food, drinking and for use by domestic animals. But it is a shame that it is in this area that we have people who are starving. This area also lacks water. The project that we are talking about is situated in my Constituency. In fact, the Mover of the Motion only shares a small portion of it. I think I share a little bigger portion than him. This project is under the LBDA, and it has been kicked forth and right from time to time. This is essentially an agricultural project. It was completely illogical to place it under the Ministry of Water Development. This is not a water development project but it deals essentially with agriculture.

If there were serious efforts to develop this area, this project could become a granary of food for the whole of Nyanza and even Kenya. The canals which were dug more than 30 years ago, were designed to last for only 20 years. Today, 30 years have lapsed and there is no effort at all to dig new canals, or rebuild the canals which were built then. The many problems that engulf this project is because the construction work, which was carried out 30 years ago, is already obsolete. Even the original plan says that it is obsolete, and it should be completely overhauled.

Mr. Temporary Deputy Speaker, Sir, the First Phase of the project covered only 2,300 hectares, which should have expanded to the Second and Third Phases. This is because the total acreage which covers Alego-Usonga, Bondo and Budalangi is 17,000 hectares. But only 2,300 hectares were completed. As I am talking now, the 2,300 hectares have already been "eaten" by the water. There is only a balance of 900 hectares of arable agricultural land remaining. This is because the Second Phase was not implemented. Without the Second Phase, the siltation prevented the movement of water into the lake, making it to recede back to the higher parts of the swamp which were raised.

Mr. Temporary Deputy Speaker, Sir, when I raised this Question yesterday, I was told by the Minister that there was a plan to utilise Kshs150 million to repair the damaged canals. But I can assure the House that this is not going to solve the problem of Yala Swamp. Unless Phase II of the project is implemented, the Kshs150 million is going to go down the drain, because very soon water will begin receding. The repair of the old canals which was done recently by the Ministry was only a very small drop in the ocean, because there were five points where the *El Nino* rains broke the banks of the canals, and only one was repaired. If one is repaired in a channel of more than 10 kilometres, how does that prevent water from receding into the lake?

Mr. Temporary Deputy Speaker, Sir, this Motion is important for the people we represent, because, first,

it will solve a big problem of food. Our area is deficient in food production, but that deficiency is artificial, because we have the potentiality to produce more food to feed, not only our people but the whole of Siaya, Nyanza Province and even feed parts of Kenya. I do not see why a place like Kitale or Eldoret is being called the granary of this country when we have better soils than those areas. We could be producing more food than those areas, and even export some of it. Our areas are also suitable for growing horticultural crops.

Mr. Temporary Deputy Speaker, Sir, I would like to draw the attention of the Minister to fact that the LBDA has been mismanaging the Yala Swamp. They have not been using that reclaimed area for the purposes for which that particular project was established. The project was established so that it could help in banking crops for the farmers, and also to grow seedlings and supply the same to the farmers. But the LBDA is not doing that, instead it is competing with farmers in growing crops which it is selling. It is not at all producing seeds or seedlings for the farmers. It is a very pathetic situation because the LBDA pretends to be producing seeds. I can assure this House that we have no seeds in our area, because the LBDA does not produce them. They prevent the farmers from planting their crops on time, because they claim that early planting would cause cross-pollination. The farmers start planting their crops when the planting season is over. The LBDA gets very good harvest, and the farmers get very poor yields because they plant late when the planting season is already over. Unless, the role of the LBDA is restructured and make them offer extension services and supply the farmers with quality seeds, then---

**The Assistant Minister, Office of the President** (Mr. Angwenyi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Bondo in order to mislead the House that the LBDA prevents individual farmers from planting their crops during the planting season? Is that possible?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I think he is putting words in my mouth. Maybe my English is too advanced for him.

What I was saying is that the LBDA has a portion within that farm where they do their business. The farmers also have their own portion. The LBDA has stopped them from doing any work on their portion until they have planted and their crops have reached a certain stage. That is what I am talking about. They do not go to individual farmers, but they prohibit all the farmers from doing any work on their farms. Therefore, I am appealing to the Minister to restructure or redesign the role of LBDA on the Yala Swamp so that they can do the extension work, advise the farmers and also supply them with high quality seeds because that is what they are supposed to do. Indeed, that was their original work. If the Minister finds that difficult because perhaps, he is not an agriculturalist, then he should apply to have LBDA removed from the Ministry of Rural Development and taken to the Ministry of Agriculture where it rightfully belongs because it is essentially an agricultural-based project and it has nothing to do with water. It is rural project anyway, but I do not know how rural-based projects get specialised on agricultural production.

Mr. Temporary Deputy Speaker, Sir, the water level of Lake Victoria has risen and it is destroying people's crops. So, if there is no action taken to complete this project, water is going to again rise and destroy the crops.

With those few remarks, I beg to support.

**The Assistant Minister, Office of the President** (Mr. Angwenyi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important Motion that affects all the people of Nyanza Province. I can now recall what the late Jaramogi Oginga Odinga told the people of Alego-Usonga that they cannot take cows to the river without a bull. The bull is hon. Oloo-Aringo. You can see what he is bringing in this Parliament.

Mr. Temporary Deputy Speaker, Sir, this is an important Motion for the people of Nyanza Province and Kenya as a whole. Previously, the people of Nyanza were fed with certain foodstuffs.

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to tell us about a bull without telling us who the cows are?

*(Laughter)*

**The Assistant Minister, Office of the President** (Mr. Angwenyi): Mr. Temporary Deputy Speaker, Sir, I was saying that previously the people of Nyanza Province were fed with maize from Gusiiland. However, the Gusiiland farms have been sub-divided into very small units such that now Nyanza Province has got a deficiency in the production of maize. Therefore, if these swamps were reclaimed, we would be able now to restore our former position of producing adequate maize for our people and for export.

Mr. Temporary Deputy Speaker, Sir, I am sure the Government is willing - we have been told that by the

Minister - to assist the people of Nyanza Province in developing these areas. That will now minimise the need for the Government to supply relief food in areas like Budalangi, where my friend hon. Wanjala comes from and Rarieda. The money used to buy relief food can be used on something else maybe water, roads or schools.

Mr. Temporary Deputy Speaker, Sir, the Lake Basin Development Authority (LBDA) was constituted simply because we wanted to spearhead development in the lake region and its environs. The budgetary allocations which have been made for the LBDA have not been adequate. I think that is why it has not been effective and it is carrying out a lot of activities. I saw it over the weekend, making bricks somewhere in Gusiiland. I also saw, about a month ago, an exercise in cattle breeding, somewhere in Rachuonyo. So, it has got all those activities but does not have adequate resources to pursue them effectively.

Mr. Temporary Deputy Speaker, Sir, the swamps of Siaya and Busia are like the swamps in Florida or the Louisiana swamps, where they produce a lot of citrus fruits that exported to various parts of the world, including Kenya. That is an area which has got similar characteristics as the swampy areas of Siaya and Busia. If we devoted a lot of resources for this, then we would be able to export fruits to other areas. Since our wages are lower, maybe we would compete with those workers in Florida and Louisiana.

Mr. Temporary Deputy Speaker, Sir, this country must look ahead. There may be a time when we will not be able to get foreign exchange to import food and sugar for this country. We must look ahead and, therefore, develop that area so that we can be self-sufficient in food, sugar and particularly rice production. This is because, every time we import such types of foodstuffs, there is a trade off. Instead of importing capital goods for our development, we are importing foodstuffs for consumption. When we do that, we delay our development. We should now develop that area so that they can generate money to provide infrastructure. If those areas were developed, there would be roads and power provided for that area and our people would be able to develop.

Mr. Temporary Deputy Speaker, Sir, an hon. Member talked about self-governance. The people of Nyanza have enjoyed self-governance. But without discriminating anybody, I hope as we develop and as we go ahead with the review of the Constitution, we will come up with an instrument that will be all inclusive for all Kenyans. If we develop the Nyanza region or the Coast region it will be all inclusive for all Kenyans. That is the only way we can complement ourselves and develop our country. I hope that the hon. Members of this House will never deviate from a unitary Government in this country. We can never deviate from a system where if you are a citizen of Kenya, then you are a citizen of every other region of this country. That is the only way we can solve our problems. Recently, I have seen situations where we do not have teachers in Wajir and Wamba in Samburu District, simply because we are trying to develop regionalism. People do not want to be transferred to those areas and people do not want to receive those from other areas, thus the development of those areas is not fast enough. This is because they cannot get the manpower which is available in the country, simply because we are developing this type of closed regionalism.

Mr. Temporary Deputy Speaker, Sir, this year, the Government presented a balanced Budget. I hope that, as we balance our Budget and improve our efforts to collect revenue, whatever surplus is collected--- If we close those loopholes which some tycoons are using to import sugar into this country and recover the Kshs600 million duty on sugar which is owed to this nation, then that amount should be utilised to develop sugar fields in Siaya and Busia.

Mr. Temporary Deputy Speaker, Sir, we have reached a point in our politics that we look at the country as a whole. I may be talking for the people of Kitutu Chache on serious aspects. But that should be applied to all areas in this country. This is because, when you have got a problem in any part of this country, when we have deficiency of food or famine in any part of this country, it drains the resources which could have been applied to the development of my own area.

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

#### ADJOURNMENT

#### **The Temporary Deputy Speaker (Mr.**

Imanyara): Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

*The House rose at 12.30 p.m.*