

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th October, 1999

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.105

EMPLOYMENT OF SPECIAL CHIEFS

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

(a) If he is aware that:

(i) Mr. Lokorian Limale Mbabu, P/No.97097006;

(ii) Mr. Hesbon C. Naibei, P/No.97096911 and;

(iii) Mr. Hassan Sheik Alas, P/No.98010358 were employed by the Government as special chiefs;

and,

(b) how many Special Chiefs are serving in Bungoma District.

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

(a) I am aware that there are three special chiefs as requested by the hon. Member.

(b) There are two Special Chiefs in Bungoma District.

Mr. Sifuna: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us the names of these special chiefs in Bungoma and their roles?

Maj. Madoka: Mr. Speaker, Sir, the two Special Chiefs in Bungoma District are: Enos Wafula Lokorito and John Matini Sifuna. The special chiefs are people, who were recognized for their special roles, and they have special influence on the communities they serve. They were given these special roles to try and maintain peace and understanding within the community.

Mr. Anyona: Mr. Speaker, Sir, maybe the Minister was anticipating what I was going to raise, and he made a half hearted attempt to pre-empt it. As far as I know, there is no such thing as a special chief under our Civil Service Code of Regulations. We only have chiefs or senior chiefs. Could the Minister tell us under what legal provisions he has created this fictitious position of a "special chief" which is a burden on wananchi?

Maj. Madoka: Mr. Speaker, Sir, as I said, these are people who were considered to help, as special elders. We are reviewing this position, and we have not appointed any special chiefs of late and we are unlikely to do so.

Mr. Sifuna: Mr. Speaker, Sir, could the Minister tell this House the terms and conditions of service of these special chiefs as regards their pay and the age limit they are supposed to serve as special chiefs?

Maj. Madoka: Mr. Speaker, Sir, there is no special age limit, because as I said, they are "special" elders who were appointed at an older age after the normal retirement age. Their terms are very varied.

Dr. Kituyi: Mr. Speaker, Sir, could the Minister explain to this House why these great talents and these required skills for consideration were only discovered by the State in the run-up to the first multiparty elections?

Maj. Madoka: Mr. Speaker, Sir, I am not in a position to answer that question, because I really do not know when they were first appointed.

Question No.299

DEATH OF ASSISTANT CHIEF MUKU MUIA

Mr. Speaker: Very well! Question No.299 by Mr. Musila is deferred.

(Question deferred)

Question No.084

ASSISTANCE TO COASTAL FISHERMEN

Mr. Speaker: Mr. Badawy is not here? Next Question!

*Question No.545*REHABILITATION OF WEST KARACHUONYO
WATER PROJECT

Dr. Awiti asked the Minister for Water Development:-

(a) if he is aware that the West Karachuonyo Water Project stalled and that the distribution pipelines were destroyed by the *El-Nino* phenomenon;

(b) if he is further aware that the managing committee of the project was disbanded by the Provincial Administration; and,

(c) how much money has been allocated for the rehabilitation of the project and when the Government will hand over the project to the community.

The Minister for Water Development (Mr. Ng'eny): Mr. Speaker, Sir, the reply to this Question is not ready. I have discussed with the Dr. Awiti, and he has agreed that I answer this Question on Thursday.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Whereas it is commendable for Ministers to own up and beg the indulgence of the House to defer Questions, within our own rules, the Minister is given enough time to prepare the answer. Then, after all that time, he comes here, and says that the answer is not ready. This is really hampering the work of Parliament. I think Ministers must take the work of Parliament seriously.

Mr. Speaker: Very well! Is that so, Dr. Awiti?

Dr. Awiti: Mr. Speaker, Sir, while we have had consultations with the Minister, I would request the Minister to give a written reply to this answer on Thursday. We have had Questions asked in this House several times, but Ministers come unprepared. I would like him to come with a favourable answer on Thursday.

Mr. Speaker: Very well! Next Question!

Question No.368

HARNESSING OF SIDIKHO FALLS

Dr. Kulundu asked the Minister for Renewable Energy Development what plans he has to harness the great potential of Sidikho Falls along River Nzoia.

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

In 1985, the Government of Kenya utilizing a grant from the Canadian Government conducted studies on the viability of hydro-electric power potential in all river basins in Kenya. From these studies, it was established that Sidikho Falls on River Nzoia had a potential of generating 15 megawatts of electric power. However, the project failed to certify the least cost condition for hydro power development to merit its inclusion in the country's power development plan. For a project to qualify for inclusion into this development plan, it has to meet the established least cost criteria.

Dr. Kulundu: Mr. Speaker, Sir, 15 megawatts of electric power is a lot of electricity, especially during these days of power rationing. Since the Assistant Minister has talked about the least cost criterion, which this project allegedly failed to meet, could he explain to this House what the least cost criterion means?

An hon. Member: Or you do not know!

Mr. Chanzu: Mr. Speaker, Sir, this is based on the economic merits in terms of development and operational costs of the schemes. That is what least cost development criterion means.

Mr. Raila: Mr. Speaker, Sir, in the past, the Government concentrated a lot of its efforts on Tana River for power generation, and completely ignored all the rivers that flow into Lake Victoria. All the time, cost was used as the excuse. The Japanese are now working duodenal falls, and they are going to generate 60 megawatts. I talked to a Japanese engineer last week. He told me that they have a potential of generating additional 100 megawatts from Sondu River, which had been dismissed on the very same criteria which the Assistant Minister is now quoting. Could the Assistant Minister assure this House that, the Government will survey the hydro-electric potential of all the rivers that flow into Lake Victoria, with a view to tapping their potential for the benefit of this country?

Mr. Chanzu: Mr. Speaker, Sir, that is true and I give that assurance.

Dr. Kulundu: Mr. Speaker, the technology which was used in 1985 to assess the viability of this project is now outdated. When does the Ministry intend to undertake another survey using modern technology, to re-assess the viability of the project?

Mr. Chanzu: Mr. Speaker, Sir, as I stated earlier, the method which was used in 1985 would still be used, based on the least cost development criteria. But the Ministry is looking around, due to the shortfall that we have experienced, with a view to identifying schemes which can generate more energy for the country. So, that will be taken care of.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is hon. Chanzu in order to mislead this House that the criteria in the mid-80s for prioritising hydro-electric power stations was the least cost development criterion, when that was the time the Government embarked upon the construction of the Turkwel Gorge Hydro-Electric Power Project, which is the most expensive investment in power generation in Kenya, compared to the returns thereafter?

Mr. Chanzu: Mr. Speaker, Sir, I am not aware of that!

Question No.321

GRADING OF WAJIR-MOYALE-BUNA-BUTE ROADS

Dr. Ali asked the Minister for Roads and Public Works:-

(a) when he will grade the following roads and make them all-weather roads:-

(i) Wajir-Moyale Road, (C80)

(ii) Buna-Bute Road; and,

(b) whether he could consider providing culverts to Buna-Bute Road as a matter of urgency.

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

The Ministry's programme on routine maintenance of roads in question is as follows:- The Minister will undertake spot improvement on the Wajir-Moyale and Buna-Bute Roads during this financial year.

Dr. Ali: Mr. Speaker, Sir, I think the Assistant Minister is joking! I have asked him a very serious Question, but he has given me a very funny answer! This one is not an answer! Where is the answer for part (b) of the Question? He has not even answered part (b) of the Question!

Eng. Rotich: Mr. Speaker, Sir, I think the answer I have given is for part (a) of the Question.

Dr. Ali: Mr. Speaker, Sir, part (b) of the Question reads:- "Could the Minister consider providing culverts to Buna-Bute Road as a matter of urgency?" But he is talking of parts (i) and (ii)! That is what I have queried first, before embarking on what he has given as the answer!

Eng. Rotich: Mr. Speaker, Sir, I think there is a mix-up in the answer that I have given. This is because the Question I have has got part (a), (i) and (ii).

Mr. Shill: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to answer a Question before looking at it? This is because we are provided with the Order Paper. The Assistant Minister seems to be reading answers just like a robot!

(Laughter)

Mr. Speaker: Order, Mr. Shill! That is very insulting! Will you withdraw?

Mr. Shill: I withdraw, Mr. Speaker, Sir.

Mr. Speaker: Eng. Rotich, are you suggesting that our Office did not give you the right Question, or is it that your officers did not read the Question?

Eng. Rotich: Mr. Speaker, Sir, the Question we got has only part (a), (i) and (ii). That is the answer I have provided!

Dr. Ali: Where is part (b)?

Mr. Speaker: It does appear like you do not have the correct answer. Do you? There is a whole part (b) of the Question which reads: "Could the Minister consider providing culverts to Buna-Bute Road as a matter of urgency?" Would you like to be given some time?

Eng. Rotich: Yes, Sir. I can give the answer tomorrow afternoon.

Mr. Speaker: Very well! I will defer it to tomorrow, Dr. Ali!

Dr. Ali: Mr. Speaker, Sir, I think even if he is given time up to tomorrow, he will not answer the Question. This is because the answer he has given me now will not assist me! There is a road tractor which has been passing there for the last ten years!

Mr. Speaker: Are you suggesting that I drop it straightaway?

Dr. Ali: I do not know! If this is the way he is going to answer, it is not going to assist me!

Mr. Speaker: Well, I suppose it will be better for the House to hear what he has to say. I will leave it to tomorrow afternoon if possible, or the day after.

Dr. Ali: That is okay!

(Question deferred)

Question No.349

REPAIR OF SONDU-APOKO-ONYUONGO-
KIBOGO-CHARWA ROADS

Mr. Odoyo asked the Minister for Roads and Public Works when the contractor at Sondu-Miriu Hydro-Electric Power Project, whose lorries have damaged the local road network, will repair the roads which include Sondu-Apoko Road, Onyuongo-Papa Onditi Road and Kibogo-Charwa-Store Pamba Road.

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

The contractor at Sondu-Miriu Hydro-Electric Project will only repair the 12 kilometre stretch of the major Kusa-Sondu Road, between Kusa and Nyamiramba. My Ministry has asked the contractor to start repairs on this road immediately.

For the other roads in question, maintenance work will be carried out by the Ministry of Roads and Public Works shortly, using the routine maintenance money, which will be received in the districts within this month.

Mr. Odoyo: Mr. Speaker, Sir, in my Question, I had referred to three roads for the simple fact that the payload on these roads and the one being carried out by the Sondu-Miriu contractor far exceeds what these roads were designed for. Here, we have a situation where the contractor is spoiling all the three roads as he brings the materials to the site. Could the Assistant Minister tell us why the contractor cannot repair the other roads that he is damaging, particularly the Onyuongo-Papa Onditi Road and Kibogo-Charwa-Store Pamba Road? These roads are being damaged on a daily basis by the lorries of the contractor carrying 40 to 50 tonnes of sand and other related equipment.

Eng. Rotich: Mr. Speaker, Sir, as I stated, the Ministry will repair the rest of the roads, including Onyuongo-Papa Onditi Road and Kibogo-Charwa-Store Pamba Road.

Mr. Achola: Thank you, Mr. Speaker, Sir. Could the Assistant Minister explain to the House where he is going to get this money from because, as we know that in Printed Estimates, there is no provision for these roads?

Eng. Rotich: Mr. Speaker, Sir, I stated that we shall get the money from the normal routine maintenance fund for the district.

Mr. Odoyo: Mr. Speaker, Sir, could the Assistant Minister kindly inform me how much money is earmarked for these particular roads because my latest sojourn with the District Public Works Officer indicated that he has absolutely no money in his kitty and he is not expecting to get any money until probably next year?

Eng. Rotich: Mr. Speaker, Sir, the current provision for Nyando Districts to do these three roads is Kshs4,873,000.

Mr. Speaker: Very well. For the second time, Mr. Badawy's Question?

Question No.084

ASSISTANCE TO COASTAL FISHERMEN

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

(Question dropped)

QUESTION BY PRIVATE NOTICE

Mr. Anyona: Mr. Speaker, Sir, before I ask the Question, from the written answer that I have received; it appears as if the Ministry is pleading that the Question has been directed to the wrong Ministry. But may be, we should hear them.

INQUIRY INTO THE DEATHS OF
CHIEF JUSTICES CHESONI AND MILLER

I beg to ask the Minister for Medical Services the following Question by Private Notice.

In view of the sudden death of the late hon. Chief Justice Zacheus Richard Mutsunga Chesoni in controversial and mysterious circumstances analogous or similar to those of the death of the late hon. Chief Justice Cecil Henry Ethelwood Miller, will the Government institute immediate and thorough Joint Judicial Inquiry into the following matters:-

- (a) The causes, circumstances and conditions of the deaths of Chief Justice Chesoni and Chief Justice Miller?
- (b) The disciplinary and legal measures necessary for any professional misconduct and/or negligence in both cases on the part of the teams of doctors and the Nairobi Hospital in handling the management and treatment of Chief Justice Chesoni and Chief Justice Miller?

Mr. Speaker: Where is the Minister for Medical Services? Well, there is nobody and so I will defer the Question.

(Question deferred)

Mr. Anyona: On a point of order, Mr. Speaker, Sir. As I indicated, in the written answer that I have received, the very first sentence says that the Ministry of Medical Services is not responsible for the establishment of a Judicial Inquiry, which is the import of the Question. So, I am really wondering whether, even if they were here, given that, that is their position, they can answer this Question. Originally, I had directed the Question to the Attorney-General and so I do not really know what should be done.

Mr. Speaker: Very well. We will address our minds to this and redirect the Question.
Next Order.

Mr. Achola: On a point of order, Mr. Speaker, Sir. You realise we have only taken about 25 minutes on Question Time and yet, we have very many Questions overdue with the Clerk. Could we know why we had only seven Questions when we have so many outstanding?

Mr. Speaker: What do you mean?

Mr. Achola: Mr. Speaker, Sir, I have several Questions which are outstanding with the Clerk's Chambers and now, we have only taken 25 minutes. Another 35 minutes is going to be wasted or be used for other businesses.

Mr. Speaker: Order! Order! Mr. Achola, Questions are not part of the business of this House. They are dealt with as matters other than business. So, when you get into business, you then become productive. We will continue now with the business of the House.

Next Order.

POINTS OF ORDER

ANSWERS TO DEFERRED QUESTIONS

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Last week, two Government Ministers promised this House that they would bring answers to Questions for today, including the hon. Ngala on the condition of Nyayo Stadium, and the hon. Assistant Minister for Roads and Public Works about an unsatisfactory answer he had given about a road in Nyanza.

Mr. Speaker: Did he defer the Questions?

Dr. Kituyi: They said they would bring satisfactory answers today.

Mr. Speaker: I think they will come tomorrow. Very well.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I wanted to also indicate that the Assistant Minister for Agriculture, Livestock and Rural Development did also promise to bring some information today, but he has not.

PROCEDURAL MATTER

Mr. Raila: On a point of order, Mr. Speaker, Sir. This is on the question of procedure. When a Minister does not answer a Question and promises to answer it next week, but the Question is not put on the Order Paper, how is the Minister then expected to answer?

Mr. Speaker: Well, as I have said, if it was deferred by me, it will appear on the Order Paper. I am informed that it will appear on the Order Paper for tomorrow.

Next Order.

MOTION

ADOPTION OF PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1995/96 laid on the Table of the House on 8th June, 1999.

(Mr. Obwocha on 5.10.99)

(Resumption of Debate interrupted on 7.10.99)

Mr. Speaker: Who was on the Floor? Mr. Nassir, you were on the Floor last time.

The Minister of State, Office of the President (Mr. Nassir): Bw. Spika, kwanza ninataka kuwashukuru wale wahe. Wabunge walioshiriki katika Kamati ya Bunge ya kuchunguza Matumizi ya pesa za Umma (PAC). Wamefanya kazi kubwa sana, lakini walikuwa kama madaktari wanaofanya uchunguzi wa ugonjwa bila kuutambua. Pia hawakupendekeza dawa ya kuzuia ugonjwa huo usitokee tena.

Nimekuwa Bungeni kwa miaka 25 na kila mwaka kulikuwa na wahe. Wabunge waliozungumza hapa kwa masaa mawili au matatu juu ya ripoti ya PAC. Lakini sikusikia hata mmoja akipendekeza suluhisho la ufisadi ili kuuzuia usitokee tena. Ninataka kuwaambia wahe. Wabunge wenzangu kwamba kama kila wilaya au mkoa ungepewa pesa zake; Nairobi ni mji mkubwa ambao una watu wakubwa na hodari ambao wanaweza kutumia pesa zinazotengewa wilaya mbali mbali ikiwa pesa hizo hazitumiwi. Kwa hivyo, tumekuwa na mambo kama haya kwa miaka nenda miaka rudi. Kitu kikubwa kilichoko ni kuzipeleka pesa hizo kule wilayani ili zitumiwe badala ya kuziacha hapa zitumiwe na watu wengine.

Dr. Kituyi: Wewe hujasoma Ripoti hii.

The Minister of State, Office of the President (Mr. Nassir): Bw. Spika, mhe. Mbunge ananijibu kidogo kidogo, lakini naona kuwa watu wengine wanatafuta pesa hapa Nairobi, na kuhakikisha kwamba kuna mahindi lakini hawana mashini ya kuisaga. Watu wengine huenda kwa upepo, lakini mimi ninapendekeza tutafute dawa bila kuogopa. Tunataka kila mkoa uwasilishe bajeti yake kwa Wizara ya Fedha na Mipango ili Wizara itoe pesa kwa miradi ya maendeleo inayofaa. Lakini kama mnacheka hapa, mtindo utakuwa ni huo huo.

Bw. Spika, nimekuwa Nairobi kwa siku mbili na nimetembea mitaani, lakini ukienda Mtaa wa Eastleigh, utafikiri umefika nchi nyingine isiyo Kenya. Pia huwezi kufikiri Nairobi ni mji mkuu wa Kenya kwa sababu uko na uchafu mwingi. Sijui kama wahe. Wabunge wanaowakilisha sehemu hizo waliketi katika DDC na wakapendekeza kwamba barabara hizo zitengenezwe. Wakati huu tunapotaka kujua ni pahali gani pameharibika na jinsi pesa zetu zinavyotumika, ili tufanye mipango.

Bw. Spika, hakuna Serikali ya mtu mmoja; ni ya Wakenya wote. Hakuna atakayedai kuwa hii ni Serikali ya KANU pekee. Kwa hivyo, ni lazima sote tuwe na mipango maalum ya kuwasaidia wananchi wetu. Ikiwa kuna

makosa katika Serikali, tuyarekebisha sote. Ni jukumu la kila mmoja wetu kuyatazama mambo haya kikamilifu. Ikiwa kuna mtindo mbaya katika Serikali hii, ni lazima tuarekebisha. Sisi wahe. Wabunge tuna uwezo wa kuyarekebisha mambo yote mabaya, na kwongoza Serikali yetu kwa njia nzuri. Kila mhe. Mbunge, katika Bunge hili, ana kazi kubwa kwa vile alichaguliwa kuwasaidia wananchi wetu kwa kujenga barabara, hospitali na shule nzuri. Hata hivyo, wakati mwingine kuna wahe. Wabunge wanaojishughulisha sana na siasa za mji wa Nairobi na kusahau kuwatumikia wananchi kwa kuanzisha miradi ya maendeleo katika sehemu wanazoziwakilisha Bungeni.

Bw. Spika, mimi ni mhe. Waziri katika Ofisi ya Rais; ninasimamia mpango maalum wa *El Nino* na chakula cha misaada nchini. Ikiwa mhe. Mbunge yeyote kutoka chama chochote cha kisiasa atakuja kwangu na kusema kwamba kuna jambo fulani angependa tulifanye pamoja kwa minajili ya kuwasaidia wananchi wetu, basi tutatafuta njia ya kusaidiana. Lakini iwapo atasema mimi ni mwongo, hatutaweza kufanya kazi yetu kikamilifu. Ninaomba mhe. Mbunge wa sehemu ya uakilishi Bungeni ya Starehe, Bw. Kamanda, afike katika Ofisi ya Rais, ili tutafute njia mwafaka ya kuwasaidia wananchi wa jiji hili. Hii ni kwa sababu jiji hili la Nairobi linasimamiwa na madiwani wa chama cha DP na wala si madiwani wa KANU. Hatuwezi kusema ya kuwa ni madiwani wa DP watakaosimamia shughuli zote za jiji hili bila kuwaunga mkono. Ni lazima tufanye kazi pamoja na tuangalie njia mwafaka ya kufanya kazi pamoja.

Mr. Raila: Jambo la nidhamu, Bw. Spika. Je, ni haki kwa mhe. Nassir kulipotosha Bunge hili kwa kusema jiji la Nairobi linasimamiwa na madiwani wa chama cha DP, na ilhali tunajua kwamba, pesa za mpango maalum wa *El Nino* zinasimamiwa na Wizara ya Serikali za Wilaya na Ofisi ya Rais? Tunajua kwamba meya na madiwani wake hawapati pesa hizo, kwa sababu zinamilikiwa na Serikali?

The Minister of State, Office of the President (Mr. Nassir): Bw. Spika, mhe. Raila ana haki ya kutoa maoni yake, lakini niheri ajue kwamba mbichi na mbivu hazitangamani.

Ni sawa kusaidiana ili kuleta maendeleo katika jiji hili. Ninamuomba mhe. Kamanda, afike ofisini, ili tujadiliane juu ya uchafu na barabara mbovu katika jiji hili. Ofisi ya Rais ni wazi kwa kila mtu. Kwa hivyo, ni juu yake mhe. Kamanda kufika katika Ofisi ya Rais, ili tujadiliane jinsi ya kufanya kazi pamoja katika jiji hili.

Wahe. Wabunge na viongozi wengine wanapokutana katika DDC, ni aibu kuona kwamba mhe. Mbunge hapendekezi mambo ya maendeleo ambayo anagependa wananchi wafaidike kutoka kwa Serikali. Kwa hivyo, watawalalamikia nani? Ikiwa pesa za mpango maalum wa *El Nino* zinamilikiwa na Wizara ya Serikali za Wilaya, basi meya hajazimiliki. Lakini nikisema wahe. Wabunge wenzangu tubadilishe mfumo wa siasa ili pesa ziwafikie wananchi mashinani, nalaumiwa kuwa ninataka Serikali ya Majimbo. Majimbo si mabaya, kwa sababu ni njia moja ya kuhakikisha kwamba pesa hizi zitatumia vizuri katika pembe zote za nchi bila ubaguzi wowote. Ngingomba Kamati hii ya PAC, ipendekeze mambo kama haya katika ripoti zao. Hii tu, ndiyo njia mwafaka ya kumaliza shida zinazowakabili wananchi wetu mashinani. Ikiwa maendeleo yatapatikana katika nchi hii, ni lazima Serikali yetu ipeleke pesa katika wilaya zote. Ikiwa hatufanya hivyo, kutakuwa na hatari nchini.

Kwa hayo machache, Bw. Spika, ninawashukuru wahe. Wabunge wa Kamati ya PAC na ni matumaini yangu kuwa siku zijazo watapendekeza pesa zipelekwe mashinani, ili wananchi wetu wapate maendeleo.

Ninaunga mkono Hoja hii.

Mr. Kibicho: Mr. Speaker, Sir, according to this Report, the Government has lost too much money that, even Ministers are unable to comprehend. This has happened because of weak accounting procedures or those officers who are supposed to enforce the procedures because they are not willing to do so. This country will never progress, unless the revenue collected by the Government is put in good use.

I have been listening to a Minister of State, Office of the President, saying that, for the last 25 years we have been talking about misappropriation of public funds and no action has been taken against those people who misappropriate the money. I propose that this House should come up with an Act of Parliament, so that those people who misappropriate public funds are taken to court by this House. They should not be taken to court by officers in the Civil Service because they are the same people who misappropriate the funds.

Mr. Speaker, Sir, it is sad that the money is misappropriated and stashed in foreign accounts. As a result, the Government and Kenyans have no way

of spending this money in the country. As much as it is, it is a pity to read in the newspapers that, instead of Government leaders being concerned about this lost money, they engage Kenyans in arguments on the accuracy of the figures. They are telling us it cannot be Kshs580 billion. Even if it is Kshs1 billion, it is money lost. What we want, as Kenyans, is a way of stopping people from misappropriating public funds. This country must move forward. We cannot live in a country where citizens continue to be poor because despite paying the taxes, the ruling elite does not want to serve them or develop our country. It is sad that most of revenue collected by this Government, ends up in a few individuals' pockets. I propose that, in view of this amount of money lost, this Parliament must enact penal provisions within our laws, so that this can be taken care of.

Mr. Speaker, Sir, I do not want to speak much, because even if I do, I will not change the situation. The point I want to make is: It is very sad for those people in Government to argue about the amount of money lost, instead of telling us what measures the Government has put in place to stop this misappropriation of public funds.

With those few remarks, Mr. Speaker, Sir, I support this Motion.

Mr. Speaker: Are hon. Members not interested to speak? Anybody wishing to speak? If there is none, where is the Minister to respond?

An hon. Member: There is no Minister!

Mr. Speaker: I am in a quandary now. So, shall I ask the Mover to respond without the Minister's response. What is happening?

An hon. Member: They are still celebrating Moi Day!

Mr. Speaker: Mr. Ngure, do you want to contribute?

Mr. Ngure: Yes, Mr. Speaker, Sir.

Mr. Speaker, Sir, it was not my intention to speak over this historical repetition in this Parliament. Year in, year out, we talk about PAC Report that shows misappropriation of funds in this country. It seems as if when we talk about the misappropriation of funds, to some hon. Members, on the opposite side of this House, it is a song. It is a song to them, because they are part and parcel of the same system that is being criticised in the PAC Report.

We hear of misappropriation of billions of shillings. For example, in this Report, we are talking of about Kshs580 billion misappropriated from a Government that is listed as one of the poorest countries in the world.

(Laughter)

Mr. Speaker, Sir, some of us come from areas where there is no piped water, tarmacked roads or hospitals. In fact, people from those areas prefer going to witch-doctors for treatment rather than going to hospitals to die there due to lack of medicine. Our hospitals are badly equipped and yet we are told that a lot of money is misappropriated day in, day out. This is money that is meant to purchase medicine and equipment for hospitals and schools. Time has come for this House to debate the current PAC Reports. There is no need of letting hon. Members debate PAC Reports that are outdated! We urge this Committee to make sure that it submits its reports to Parliament in good time. We should be discussing these reports so that if any hon. Member who is sitting here has misappropriated public funds, he is asked to account for that. Some people are Ministers in the Government and yet they are named in this PAC Report as the ones who misappropriated public funds. There is no need for this Committee to come up with a report which states that a particular Accounting Officer cannot be asked to repay money which he squandered because he is dead. Why is it that we cannot take appropriate action on Accounting Officers who have left the system and bought their way into Parliament using the money they looted in the Ministries? We should not be debating in this House about misappropriation of funds, with members of the public watching us and yet we are taking no action. We cannot go out looking for what we can bequeath this country because we will never get it as long as misappropriation is the song of this House, year in, year out. There is nowhere it is stated that the legacy one must leave in a country must be only a good one. You can leave a bad legacy and here we are, with a legacy of misappropriation of funds. Let us not look for that legacy any more because we already have it.

An hon. Member: It is the Moi's legacy!

Mr. Ngure: Mr. Speaker, Sir, it is a shame for this country and for the hon. Members in this House to be told that we went overseas with the advice of all the technocrats and engineers to purchase an aircraft from a junkyard. That is pathetic! What are we telling our people? Are we telling them that we are not intelligent enough to know the most modern jet to buy for our Head of State? Are those people happy? They duped the President into believing that he has an aircraft when he has not got it. This is a pathetic case which we cannot debate in detail. It is the nitty-gritty of misappropriation.

Mr. Speaker, Sir, we are talking about the Cashewnut Factory which failed to take off. We have huge tracts of land lying idle and yet the people who own them have misappropriated public funds and are sneering at what the House is saying because they know that at one time, they will buy their way into Parliament, become Ministers and nothing will happen to them. The time has come for Kenyans to gang up and make those people to account for the economic mess that they have created. Time has come for us to ask ourselves why we are heaping praises on our leaders while the Asians, Singaporeans and Koreans whom we were with economically sometime back have jumped from that situation and left us there. This is because they have got the courage to investigate their leaders who misappropriate funds and that situation is going to apply for this country; whether we like it or not because people at this time cannot afford to buy food, pay school fees or buy decent cloths. Are we progressing or retrogressing? We are retrogressing because year in, year out, we are debating PAC Reports which are history. We should be debating PAC Reports that are current so that we can pinpoint the culprits without passing the buck. We cannot say that we did not

lose Kshs580 billion because we did not collect it. How much then did we lose? How many shillings did we lose? But a loss, is a loss. A person who steals a goat goes to prison for more years than those people who misappropriated billions of Kenya Shillings. We are fed up with all these!

Mr. Speaker, Sir, the poverty level in this country is alarming. We are burdened by the public when we are asked to attend Harambees in our constituencies while other people are using looted public money in those Harambees to win votes. Can they come up and tell us why every week somebody can donate Kshs1 million in a Harambee? These are misappropriated funds! Do not give it back to wananchi in the form of handouts. We should build railways, roads and develop the Harbour of Kisumu so that we can have easy access to Tanzania and Uganda and other areas of the Great Lakes region. By so doing, we will be uplifting the status of this country as an agricultural economy. We claim to be an agricultural country, but what are we producing? There is nothing! That is why we are crying about South African goods. They have just found an easy market because those who bought huge tracts of land from the European settlers did so for prestige and yet they are not farmers. They are just telephone farmers!

Some of these tracts of land should be irrigated. My constituency, for example, has got fresh water sources on three sides. One only needs to dig a canal from one end to the other to make irrigation possible. This water can also be used for transportation. What have we done? What has the Ministry of Agriculture and Rural Development done because the pattern of rains has changed? We are not going to cry to mother-rain any more for food. We must use modern technology to produce food so that the money we will get from this project out of our sweat will be less than the money that will be misappropriated. I bet this is what will happen.

Mr. Speaker, Sir, this is a pathetic situation. How do you read such a report year in, year out? How do you feel about a Government that is always being associated with misappropriation of funds and yet the same Government insists on remaining in power? The time has come for somebody to own up and say: "Enough is enough; I cannot manage it." Let us look into ways and means of getting this country back on track. We are capable people. We know what to do. We can send our boys overseas. We can send them to the East Asian countries or the so-called economic tigers so that they can come back and say: "To jump-start this economy, we do not need the former SAFINA Secretary-General. We need devoted people and a blueprint to be followed by each and every Government officer who should be accountable at the end of the year for what he has done for the economy from point "a" to point "b". If he cannot account for it, it is not good for this country."

Mr. Speaker, Sir, we are saddened that we have to go and beg. People who have gone to plead for funds are now being told: "Come back". It is reported that they sneaked into the country tight-lipped. Tight-lipped for what? This is because this Report came at the time when the donors were debating resumption of aid to Kenya. On the one hand, we are begging for aid while on the other, we are saying: "We have misappropriated more than we are begging from them." This is a question of a beggar riding on horseback. Why should we misappropriate all these billions and then go and ask somebody to bail us out? It is a shame for this country that we produce such a Report and yet we go overseas to look for funds.

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

Dr. Kituyi: Thank you, Mr. Speaker, Sir. I intend to use very few minutes of my time just to say a few things that I do not think have been said sufficiently about this very important part of Parliamentary work.

My starting point is the following: On a day last week, the *East African Standard* newspapers published an editorial in which they not only expressed their opinion about the content of the PAC Report but the newspaper purported to question the wisdom of choosing people who should move reports of Committees of this House. Maybe, at a later point, I will seek guidance about whether it is the business of any newspaper to question the rights of hon. Members of this House in deciding who should represent them on any committee of the House and who should present the report of that Committee before the National Assembly. The fact that the *East African Standard* newspapers - and they admit this fact in their editorial - have not been very friendly to hon. Gatabaki's *Finance* magazine. However, that has nothing to do with the wisdom of Members of this National Assembly to ask hon. Gatabaki to amplify a report that shows total misuse of public trust by officers in Government.

Mr. Speaker, Sir, before I leave the matter of the *East African Standard*, there is an untruth that has been peddled around, first, by the Member of Parliament for Baringo Central and now by one, Mutahi Mureithi in a feature in the *East African Standard* newspapers. If you want to say that not so much money has been stolen, all you have to do is to ask: "How can anybody steal Kshs580 billion?" and then pretend to clean up the matter.

Mr. Speaker: Dr. Kituyi, I hope you are privy of the HANSARD Report of this House that the source of that information by the Member for West Mugirango was his own imagination and that the Chair refused to admit it. I hope you are privy of that.

Dr. Kituyi: Mr. Speaker, Sir, I have been doing my own investigation and come to the same conclusion as the Member of Parliament for West Mugirango. If you look at the outstanding and unresolved audit queries and you do

your arithmetic, you will come to the same figure that was given.

(Applause)

However, more fundamentally, I do not know what is so difficult for some people to come and argue their cases here if they think they want to dismiss an audit report of Parliament. This is because audit reports from PAC and PIC are carried over years. So long as an audit query has not been resolved, it is transferred to the next audited report. So, by the time those audits were being done, and the accumulative has risen to Kshs580 billion does not suggest that, that amount of money was stolen in one year. So, why should a strawman be created by those who want to create scepticism about the authenticity of this report and then they proceed to destroy the same strawman and pretend that they have now resolved the question of what they have failed to account for in the audited accounts?

Mr. Speaker, Sir, there is the little matter of the Kenyatta International Conference Centre (KICC), which is very unfortunate. To date, KANU continues to levy rents on KICC. However, it has been very clear from the outset how this Parliament voted for public money for the construction of KICC with an understanding that KICC was going to be run by the Ministry of Tourism. It is also very clear that after KANU purported to own KICC, this Parliament voted money for the renovation of KICC. If both of these sets of facts are correct and there has never been any evidence that KANU transferred any money to the Exchequer either to compensate for what was spent or to pay back the value of the property, how can we forever continue pretending that a political party or a pseudo-political actor can appropriate a public resource like KICC and pretend that, that is their property?

(Applause)

Even if they are able to pilfer public resources and take them home, how can they pretend that they will take home KICC? It is an insult on the collective mentality of thinking Kenyans that you can purport to be a legitimate Government and at the same time try to steal the tallest building in the land and you do not even pretend that we have some magic of accounting that can justify your claim of ownership over the property. You just move in, occupy a building and ignore all criticisms to the contrary. When we are challenged we are told that we should rally together for a common national goal; to save our country and try to create a good image for our country. How can we save our country when we cannot hide the highest mountain of misappropriation? We cannot hide away KICC. If they cannot surrender KICC, how can they expect the victims of the money they get by soliciting rents on KICC offices to now come to their defence?

Mr. Speaker, Sir, a number of colleagues here have been expressing the wish that this audited report should come at that particular time when these thefts are taking place. I think it is very positive that Members are interested in finding ways of stopping some of the pilfering in the country, but we should not transfer the responsibilities of debating the report to the audit committee. An audit committee of Parliament by its nature must always tell us of the sins after they happened. They are good "pathologists". They do not stop the death, but they tell us why it happened. I think there is a challenge to this House which we can do something about. First and foremost, it is possible that this House, in the organisation of its business, can try to hurry up its dealings with audited reports and come to closer to the financial years than where we are now. In fact, we can approximate what is happening in the House of Commons.

Mr. Speaker, Sir, in fact, in the House of Commons, the audited reports are done in the same financial year or the immediate past financial years. As soon as the audit on a specific item is completed, it is published and debated if necessary. It would be helpful for this House, if we started debating audited reports on specific projects. For example in the power sector, if West Monte Limited finishes a project we should know the level of their financing; technical efficiency and qualification at that level of financing before looking into who is getting contracts for a new independent suppliers of power in the country. That way, you will bring audit reports closer to influencing decisions on supply. That might help in a little way for Members of Parliament to raise their voices against excesses by individuals who are involved in these things.

Mr. Speaker, Sir, there is something that is very painful. When a Committee of Parliament recommends to this House that specific persons should never hold an office in the public service in Kenya and this House its wisdom seeks to adopt that report--- If those individuals concerned are appointed to head parastatals, become Ministers, come here to present budgetary requests to the same House to give them money to go and spend, then there is no greater vote of no-confidence in our own audit committee if they can recommend to us and we accept that certain individuals should not hold public offices and then those individuals become Ministers and they come here and we vote for them to have money to go and spend after we have accepted the Committee's Report--- I think it is an affront on the intelligence of the Members of Parliament for the Government, which is always represented by the majority in this House, to accept recommendations of an audit Committee that, certain individuals should be barred from holding

public office and the same Government brings them to us as Ministers. What are they saying to Parliament? What message are we sending about the fecundity of this institution? What message are we sending about the significance of the Committees of this House with regard to the governance of this country? Even before we get to a constitutional dispensation, where certain executive appointments have to be vetted by this House, it would be helpful---

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. Dr. Kituyi has made a very serious allegation, that some of our hon. Ministers seated in this House have been barred from holding public offices. Could he substantiate his claims?

Dr. Kituyi: Mr. Speaker, Sir, I would just like to jog the memory of my neighbour, the hon. Member of Parliament for Laikipia East. If he looks at the immediate past audited Public Accounts Committee Reports, he will find a list of names of people who were recommended not to hold public offices in this Republic. I do not want to go into the acrimony of that. It is fairly easy, if he has no copy, I will show him one when we get out. Some of the people there are Cabinet Ministers today. They are named in the Public Investments Committee Report.

Hon. Members: Who are they? Name them!

Dr. Kituyi: Oh, they include the Minister for Water Development!

(Loud consultations)

The Minister for Water Development (Mr. Ng'eny): Mr. Speaker, Sir, I know that Jesus was crucified for no wrong doing. I am one of those who were crucified for no wrong doing!

An hon. Member: You are not Jesus!

Mr. Speaker: Order! Order! Could I just say that, I do not think it is helping this House when we get into these little interjections. I am sure hon. Kiunjuri was just trying to be mischievous. I think the House should ignore hon. Members when they are mischievous. Proceed!

Dr. Kituyi: Thank you, Mr. Speaker, Sir. You notice how reluctant I was to name anybody---

Mr. Speaker: Yes, indeed, I do!

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I just want to seek a clarification here. Is being a Member of Parliament not a public office? Is it not very clearly defined in the Constitution as to how one becomes a Member of Parliament? I think clarification will need to be made as to whether some of the recommendations in that Report do not actually contravene the Constitution. We may need---

An hon. Member: Tell us about the Report not the Constitution!

The Vice-President (Prof. Saitoti): I am sorry, it is a fact!

Mr. Speaker: Order! Order! Could I bring this to a stop? I think hon. Members know about the basic law of natural justice which states that: "No person shall be condemned unheard" and to the extent that, any committee condemns a person without giving that person a chance to be heard; then that is against natural justice.

Secondly, I think, as a House, we should not turn ourselves into a court. Our law is absolutely clear on that; no person shall be convicted of any offence save that offence is written and its sentence shown and that judgement is delivered by a competent court. So, can we do our role and leave the courts to do theirs?

Dr. Kituyi: Mr. Speaker, Sir, the hon. Vice-President was starting a very interesting altercation and I am---

Mr. Speaker: Sorry, I have finished that we are not going to hold courts here against others.

Mr. Keriri: On a point of order, Mr. Speaker, Sir. I want to plead with the Chair. I am

not questioning the Chair's statement and ruling, but I would like to ask the Chair to clarify to me the statement that, "the House cannot make itself a court". Is the Chair referring to the report of either Public Accounts Committee or Public Investments Committee; as to when they condemn certain people or is the Chair referring to the discussion we are having here now?

Mr. Speaker: Order! Order! Let me make it absolutely clear. First of all, in its plain language and meaning, Parliament is not a court. I do not need to explain that because it is self-explanatory. It talks for itself, that Parliament is Parliament and it is not a court. So, you do not need me to explain what is true and plain. You must understand that. It is very clear!

Dr. Kituyi: Mr. Speaker, Sir, I totally agree with you that this august Assembly cannot purport to usurp the powers of the Judiciary. An audit Committee by nature of its works---

Mr. Speaker: What is it, hon. Achola? Please, could we debate the Motion now?

Mr. Achola: On a point of order, Mr. Speaker, Sir. I am not very sure whether I have followed your ruling on what hon. Keriri has just asked. Are you suggesting, therefore, that the names which have been floated in either PAC or PIC Reports should be discarded, or what are you saying?

Mr. Speaker: Order! Order! If you want to go and publicise all the names, please go ahead! But what I am

saying is that you cannot and ought not condemn people unheard! I am prepared to go into full defence of the right of every Kenyan to be heard before being condemned. So, proceed hon. Dr. Kituyi. We will not have more of this! Sorry!

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

Mr. Speaker: Order! Order! We are now going to turn this into---

Mr. Obwocha: Mr. Speaker, Sir--

Mr. Speaker: Order! Order! I have made a general statement of law and there is nobody who is going turn that upside down and make it different from a statement of law. I have just said that it is a rule of natural justice for people not to be condemned unheard.

Mr. Obwocha: Mr. Speaker, Sir, I need some clarification. Where a Committee summons an individual like we summoned Ketan Somaia and he refused to come, what is the Committee supposed to do? You can condemn him unheard because he refused to come!

Mr. Speaker: Order! Order! Proceed!

Dr. Kituyi: Mr. Speaker, Sir, I do not want to reduce matters of principle debates to name-calling. In all emerging transitional societies, there is always competition for extra space between the Executive and the Legislature, sometimes with a compliant Judiciary pulled along by the stronger of the two. As the Speaker, you are supposed to help nurture the strength of Parliament vis-a-vis other institutions of Government. I am not saying that you have not done that, but there are emerging areas where we will need Parliament to speak with a voice. We do want to define what curtails our powers; we should be defining what facilitates our powers.

(Applause)

If we fear to name the persons who have misappropriated public resources for fear that we will be condemning them without them being heard, we will reduce the ability of Parliament' watchdog Committees to be overseeing the taxpayers' money. In fact, the institutions that are supposed to take to court those who have been named by these Committees have not done so for, at least, the last 15 years. Every Report of these Committees that comes to this House contains recommendations that certain individuals be taken to court. We see a smiling Attorney-General say nothing about it; we see a Government which is more than happy to forget these Reports and go to other business. If Parliament does not fight the people who misappropriate public resources and, instead, tears itself down because of conflict of power, who will stand up for the Kenyan taxpayer?

Mr. Speaker, Sir, the only thing that is lucky is that in the course of history, certain levels of criminality will never be let to go for ever unpunished. So, one of the good things about the cumulative impact of audit reports is that even if it takes a change in political dispensation, the estate of the individuals involved will have to pay the price for what has been done by their families. It is very unfortunate that at the door-step of a new millennium, we can only hope that the generation coming after us will punish the thieves of our generations.

(Laughter)

That is not a very generous statement about us. Such things happen because those involved are either accomplices or, at the very least, guilty of crimes of omission, and we want to emphasise all those other things that draw attention away from this. Every time there is a glaring crisis, whether it is about audit reports, constitutional reforms or any other matter, we find some other little rubbish for people to chase and forget the fundamental issue at hand; we find some straw men to demolish, in effect demolishing the critical questions being raised about our nature of governance. We are in dire need of finance right now; the economy is humbled. Even those who like abusing foreigners, for once, have bowed down, hoping foreigners will smile and give them some sponsorship.

Mr. Speaker, Sir, however much one would want to dress up and pretend that all is well at home, it should be noted that some of the scars on our faces are too thick to be covered in lipstick and make ups; some of the scars on our body politic, the economy, and some of the embarrassing revelations that have been made about accumulated pilfering of public resources cannot be pretended away; these cannot be dismissed by simple statements. It would have been very nice if the hon. Member for Baringo Central had said on the Floor of this House what he said the other day in his purported interpretation of the PAC Report. We would give him a lesson on what the Cabinet has failed to give him regarding how these Reports are done. He does not seem to understand how the Reports are done, but nobody is helping him to understand. Or, maybe, those who advised him do not understand how these Reports are done also. If they understand how the Reports are made, they are either too reluctant or scared to tell him. Whichever the case

maybe, I thought it was not very civil for the President to make that kind of disparaging remark about Parliamentary Business before the House, which is contrary to the provisions of the Standing Orders of this House. He should be the first leader to obey the Standing Orders of this House. The debate on that matter is still before the House. He may come and contribute from the Floor of the House if he wishes. That is not asking for too much.

Finally, I would like to say the following---

The Vice-President (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. As much as hon. Kituyi wants to be clear, I believe that his last remark was uncalled for.

An hon. Member: Was it?

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, it was uncalled for because, as we all know, the hon. Member was referring to the President having made a statement. We do not discuss the President here, save by a substantive Motion, and the hon. Member knows that.

Dr. Kituyi: Mr. Speaker, Sir, you know, I have been very reluctant to have any discussion with the Leader of Government Business. If I remember well, my last statement was that the Member of Parliament for Baringo Central, who is the President, indeed, has the freedom to come to this House and express his opinion about a Report which is being discussed in this House. The fact that he talked about that Report, which is before the House, at a market place---

(Laughter)

Mr. Speaker: Order! Order! I wish that hon. Members would take the advice of Dr. Kituyi, to avoid talking about matters before this House outside this House. I say so because even the hon. Mover of this Motion talked to the British Broadcasting Corporation (BBC) about it, yet he had the opportunity to talk about it before this House.

An hon. Member: But nobody raised that matter!

Dr. Kituyi: Mr. Speaker, Sir, I hope that the Leader of Government Business has listened to what you have said, and that he will advise his boss accordingly.

Finally, I wish to say that it is getting to a point when so much is evident that nothing at all is done by the relevant branches of the Government on recommendations of the audit Committees of Parliament. We should continue seriously, as Parliament, not only to publish the memorandum of performance and implementation in the subsequent audit accounts, on which very little has been done--- The current memorandum only shows that some Permanent Secretaries remembered to bring their reports. It is about time that Parliament considered establishing an Implementation Committee, with quasi-judicial authority. Until such a time that the Judiciary is liberated from the chains that have kept it inactive on this critical matter, such a committee can be responsible for following up with action about audit reports' recommendations, and Motions and resolutions of this House. That is the only way by which this Parliament can start reclaiming its position among the institutions of governance in the country. It is the only way by which some public thieves can stop getting away with impunity and ignoring some of the Parliamentary Committees, the way one Ketan Somaia has been doing.

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I beg to contribute to the Motion on the Report of the PAC on the Government of Kenya Accounts for the year 1995/96. I would like to begin by complimenting my dear friend, Dr. Kituyi, for putting certain issues to the House in a very clear and concise manner.

However, before I do so, I would like to make a preliminary comment. It is, in deed, sad that persons named in the PAC Report over the years have themselves not seen it fit to seek to clear their names. These Reports are public documents. If somebody keeps quiet year in, year out, after his name appears in this Report, the world can only assume that, that person accepts guilt and the responsibility of having been implicated in the Report. So, it is kind of unfair for Members of Parliament to desist from naming persons who have been named in this Report simply because they have not defended themselves. However, the fact that the matter has been raised by the Controller and Auditor-General, or the Auditor-General (Corporations); and the fact the matter has been discussed in the Committee; and the fact that the Report has come to the House, been debated and passed, it is incumbent upon that citizens of the Republic of Kenya who have been named and implicated in some of the wrongs, or audit queries that have been raised by the Auditor-General (Corporations), to come out and seek redress to clear their names. I think hon. Kituyi is right in saying that in so far as an individual has been in the public service or any other office in the Republic of Kenya, and the Controller and Auditor-General, the Public Accounts Committee (PAC) and the National Assembly of the Republic of Kenya feel and think, from the evidence adduced to the Committee, that, that person has done something wrong to the people of Kenya; indeed, that person must stand accused. I think hon. Kituyi is right in that regard.

Mr. Speaker, Sir, I would like to raise four issues which are discussed in the Report. First, we have the tendering and procurement system, and two, the financing by the Government and the support it has given to our

domestic security forces, particularly the Kenya Police which falls under the Office of the President. I would also like to talk about the actions that I think the Attorney-General (AG) and the Kenya Anti-Corruption Authority (KACA) should take when the Report is passed by Parliament, given the very clear evidence that is in the Report, and the fact that the people named, indeed, in some of these specific issues, would then have the opportunity to be heard by the AG and the KACA. Finally, I would like to say something about the expenditure on commissions in the Republic of Kenya which have been subject to audit queries for many years in the past, and are, indeed, subject to the 1995/96 audit queries on PAC Report.

We will realise that one of the ways in which public funds are wasted in our Government is through tendering and procurement procedures. Sometimes it is very difficult even for the Controller and Auditor-General to pin down the exact individual who is responsible when procurement and tendering is used to defraud the Government or raise public funds. But given the fact that both the Auditor-General (Corporations) and Controller and Auditor-General have raised these issues for over ten years, the Government should have taken steps to put plugs and stop the pilfering of funds through the tendering and procurement system. This system has deliberately been left loose so that certain companies and individuals can unfairly profit from public funds. I will give you an example of the Nyayo Bus Corporation (NBC) that has been raised by both the PAC and the PIC. The matter involved 89 unbuilt bus chassis that were supposed to be built and used by the Government, if not by the NBC, but were never built. Up to now, one does not know what happened to the 89 buses. If you take a conservative estimate of one chassis costing the Kenyan taxpayer Kshs1 million without paying duty or VAT, you will realise that by importing 89 chassis from Sweden, not building them and leaving them to rot at the camps of the National Youth Service (NYS), we have lost Kshs89 million since the time those buses were ordered by the Kenyan Government. That amount of money at compound interest over ten years could easily be, given the interest rates that have been prevailing in this country, close to Kshs0.5 billion. If you take a figure of Kshs0.5 billion and a conservative estimate of what Machakos County Council needs to upgrade roads and health services, you will realise that by foolishly procuring 89 bus chassis for the NBC, and not making use of them, we, over a period of ten years, have misused Kshs0.5 billion which could have easily financed road construction and health system in one Kenyan district to modern standards.

Mr. Speaker, Sir, it is such things that make hon. Members of Parliament mad. When both the PAC and PIC Reports are submitted to this House, discussed thoroughly by hon. Members of Parliament, approved by this House and the Government, like the proverbial ostrich buries its head in the sand and does nothing about it, it is very worrying. It is not that the 89 chassis are not there; they are there. It is not that people do not know who ordered for the buses; in fact, we know them, because the records are there. It is not that we do not know who made recommendations as to how those things should be used; those are there, but somehow, somewhere, somebody has decided not to take action. This is because one of these days those buses will be auctioned and somebody who is politically-correct will buy them and start a new bus company somewhere on the back of the Kenyan taxpayer. One of these days, when the political climate changes, and I have always said so, we will have a Rationalisation of Properties Act in Parliament, and all the individuals who have acquired property illegally will face the music.

The Minister for Water Development (Mr. Ng'eny): History will never change!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I understand the hon. Minister, whose history is well known to himself, is laughing on the opposite side and commenting that history will never change.

Even the Shah of Iran who had millions of security forces all over the world, and who believed that he was informed of the movement of every Iranian in this world, finally faced the music and his regime came to nought. The Shah of Iran knows that he and his friends really faced the music when things changed in Iran. Kenya might be Iran today, but in two or three years' time, we too shall have our democratic Ayatolas to visit justice to the other side of the House.

The same people who benefit from the tendering and procurement system, and I will soon bring evidence to this House, are going around town boasting that although there have been some changes in the Civil Service; although Dr. Leakey has come in with the new team and there is a new Police Commissioner, Mr. Abong'o, they are capable of even buying them. They are saying that they are capable of buying these people who have been given the responsibility of cleaning the system. They are going around between the Central Tender Board (CTB) and other people buying tender documents, transferring them to those people and threatening every civil servant who raises his voice. I do not want to mention names, because I want to do that when I have the documents in my hands to bring to this House and say that the "sharks" who feed on the Kenyan taxpayers' blood by undermining the tendering and procurement system in the Kenyan Government shall be exposed by us in the Opposition, and they shall face the music.

The second issue that I would like to raise regards the Police Department. The police is an extremely important institution in a social republic. This is because they are there not only to maintain security, but also to help wananchi in observing law and order. The police should be the best friends of every Kenyan citizen, but they can only be if they feel that they are cared for by the Republic of Kenya. The Government, in its policy of running the Police Department, has systematically undermined the morale in the police force. For example, on the procurement system,

sometime ago, the police were supplied with Mahindra cars. This was seen as a modernisation of the transportation system in the police force. Ask any Kenyan today whether he or she can see a Mahindra on the road, and he or she will deny having seen one. This is because all the Mahindras are lying at the police yard, hence turning police stations into car cemeteries.

Mr. Speaker, Sir, you will realise that such corrupt individuals were involved in untidiness and corruption in procuring cars for the Kenya Police Force Department. I would like the Government to come out very clearly and to state to Kenyans what forward planning the person who ordered the Mahindra cars had, if, indeed, they could not last for more than four or five years for two reasons. One, there was no back-up system of spare parts and servicing of those cars and, two, there was no market for Mahindra vehicles in this country to justify the purchase of them for the Kenya Police Force Department. I have nothing against the importation of cars, or materials from India. Indeed, India is a Third World country and a member of the Third World Bandung Conference, and has been a good friend of Kenya. But when we are doing business with India, we should do it in the interest of the Kenyan economy, and in such a way that it does not cause financial embarrassment to any department of Government, or to the taxpayers of the Republic of Kenya.

Mr. Speaker, Sir, I would really like to propose that if the Government is intending to have a modern police force with proper morale, it is high time that in the process of the Civil Service Reform Programme, it reduces the personnel in the Kenya Police Force by 50 per cent, and that will give those who have been retrenched good golden-handshake money to do other things. For example, these retrenched officers are capable of starting their own security firms all over the Republic of Kenya and run them well when they get the resources. Then, we can hike up the pay for the rest of the 50 per cent of police officers by another 50 per cent, so that the policemen and women can, indeed, perform their duties properly. That will allow the Government, too, to invest effectively in the infrastructure and to run the Kenya Police Force. But at the moment, precisely because of poor pay and so on, the intermediation between the Kenya Police Force and the judicial system is extremely poor.

I will give you an example, and something which is extremely shameful. Again, on Saturday, if you read the Kenyan newspapers - I think it was the *Daily Nation* on Saturday - you will realise that a young man called Mr. Thomas Oketch, who lives in Githogoro, was arrested by the police and accused of having robbed another person of Kshs4,800 last week, on Wednesday. He was taken to court the next day and was summarily judged to be guilty of the offence, precisely because when he was still in police custody, apparently, he suffered a lot of intimidation and agreed to plead guilty. Now, this young man was taken to court and he was judged that he was guilty of robbery with violence and sentenced to death. So, in a matter of three days, this young and poor fellow now lies in Kamiti Maximum Prison, waiting to be hanged, unless he appeals to the Court of Appeal within 14 days. Knowing fully well that he is unemployed, he is not very likely to appeal and, so, he will be hanged for having stolen Kshs4,800. But if we had a proper police force, which is a friend of the wananchi in so far as it is also a friend to the judicial system, the police would

have done proper investigations to determine the sociological background of this young man, and that it is, perhaps, more because of poverty than anything else that he was engaged in this foolish robbery by violence if, indeed, he was. They could, therefore, realise that a correctional sentence, and not a capital sentence, would, perhaps, be the best that the police prosecutor could have advised in our courts of law. But that did not happen, because, perhaps, the person who accused this young man bribed the police, because police need the money and, therefore, they preferred a capital sentence, or severe penalty to this young man in court, so that they could benefit from the kick-back that they are given. I am not saying that, that is the fact, but, perhaps, it could be, because this happens so often in this Republic. This kind of bribery is rife in the Kenya Police Force and also in the courts, so that certain people receive very severe sentences. Indeed, if we had a proper judicial system and a proper police force, this could not have happened.

In the final analysis, on this issue that I am talking about, we should invest wisely in various departments of Government, and we should stop pilferage through corruption and poor tendering system so that the Government can have enough money to run an effective, just, fair and democratic system of Government in what I call a social republic.

Thirdly, we can see in this Report what I call some very fair recommendations. Having been a Member of the Public Investments Committee (PIC), I can say that by the time a Report like this is deduced and written in black and white, it is no joke. It is after a series of hearings and re-hearings that a Committee makes sure that what finally appears in this document is something that is discernible in the National Assembly.

Secondly, we must respect the staff of the National Assembly. The staff of the National Assembly serve every Committee year in, year out, and advise the Committee on exactly what should go in this Report. The staff know the rules and laws, and they are very careful at every sitting of the Committee; that is what is finally reduced to black and white.

A Report coming to the National Assembly does not carry hearsay, or sheer blackmail of anybody whose name is mentioned in it. Secondly, these hearings are held in the presence of the various Government Ministries and

officials against whom the audit query has been raised. Indeed, prior to the Reports coming to the House, these Committees, both the PAC and PIC, usually meet the senior Permanent Secretaries, the so-called "Big Five," to forewarn them on some of the major highlights in the Reports. The Big Five comprise of the Attorney-General, the Permanent Secretary in the Ministry of Finance, the Permanent Secretary incharge of Directorate of Personnel Management, the Head of the Public Service and Secretary to the Cabinet and the Permanent Secretary in the Office of the President. The two Committees know that these are important Reports on which Government should take action; that is why the Committees go full length to ensure that the Government is fully informed of the major highlights on the Reports before they come to this National Assembly. Therefore, to me, it is a rather demeaning of the responsibility of the National Assembly and its Committees, including its staff, for any individual, within or outside the National Assembly to cast aspersions to major recommendations in the Reports. I think Parliament should stand firm and tall and defend its Reports in the court of justice of the Republic of Kenya.

Take an example of page 77 of the PAC Report, regarding payments for goods not delivered. I want to read it out so that I go on record. This is because this is an area which I am going to propose that these are concrete recommendations which the Attorney-General and the Director of Kenya Anti-Corruption Authority (KACA) are capable of taking concrete action, once this PAC Report is adopted by the National Assembly. And I will only give two examples. These examples are to do with payments for goods not delivered and payments for undelivered materials. First, on page 77, it reads out as follows:-

"The Committee heard the evidence given by the Accounting Officer that the equivalent of K£12,114,585 was paid out to six overseas firms for supply of security equipment during the year 1989/1990 and that no delivery was made until March, 1996, when security equipment worth K£8,134,374-06-70 was supplied by one overseas firm."

Mr. Speaker, Sir, if you translate K£12 million into Kenya Shillings, the figure is very huge, and since the Controller and Auditor-General finds it easier to work in millions when the figure is very big, these figures can now be rewritten into Kenyan Pounds.

"The Committee further heard that the equipment valued at Sterling £1,134,832.7 was supplied being substitution to the security equipment worth Sterling £1,245,900, leaving a difference of Sterling £111,067. The Committee was also informed that a reconciliation was done in 1995/96 on the equipment already paid and delivered from the substitutions.

The undelivered equipment as at that time was worth Sterling £1,181,460 or the equivalent of US\$2,925,000. The Committee was appalled that the 49 radio telecommunication units that were delivered incomplete without accessories had no documents".

Mr. Speaker, Sir, these figures being stated by the Committee were found out by the Controller and Auditor-General, which is a properly constituted office by the Constitution of Kenya, which has been manned by one of the most respectable Kenyan civil servants. After seeing those figures, the Committee then went ahead to make recommendations. Either you dispute these figures from the Controller and Auditor-General and say that they are false and that all these companies being mentioned are fake, or you take the Controller and Auditor-General as a professional who has done something, and say the truth. Once the Committee has done that, the Committee comes to recommendations.

"The Committee observed that Mr. Ketan Somaia had on previous occasions been summoned by the PAC and has declined to appear before the Committee".

That is a fact and you cannot change it.

"In view of the enormous amounts of public funds that appear to have been fraudulently obtained by Mr. Ketan Somaia through undelivered goods to the Government of Kenya, the Committee recommends as follows:-

(i) The Attorney-General should, as a matter of urgency, institute measures and issue an international warrant of arrest for Mr. Somaia to come and face criminal charges".

Now, it is upon the Attorney-General to come to this House and tell the House that: "No, Mr. Somaia did not do this, I will not issue a warrant of arrest, and there is no law on the face of the earth that can make Mr. Somaia accountable". It is upon the Attorney-General to do this because he is the chief of law.

(ii) "The Committee further recommends that the Accounting Officer should ascertain the correct value of the undelivered items".

The Committee is being very fair. They have said: "Fine, if, indeed, the Government thinks that these values are not proper, the proper Accounting Officer should come up with the figures.

(iii) "The Accounting Officer should make available to the Controller and Auditor-General details of equipment ordered and those supplied.

(iv) The Accounting Officer should in future desist from making payments outside the budgetary provisions".

Mr. Speaker, Sir, surely, people are known by their names. Equipment worth this value could not have been supplied by lizards and monkeys to the Republic of Kenya. This equipment was delivered by human beings with two legs, one head and, perhaps, a penis. So, you cannot say that these people do not have names. When the Committee goes further and says that, that name has appeared in the Controller and Auditor-General's Report and has been reproduced in this Report, and the said persons have failed to come and defend themselves after so many years of this thing appearing in the PAC Reports; surely, no Member of Parliament can be said to be unfair in mentioning those names in the National Assembly of the Republic of Kenya.

Mr. Speaker, Sir, I am appealing to the Attorney-General to take action on this particular issue. The same is true of a firm called "Bayusuf and Brothers" which also is accused of not having delivered materials worth millions of Kenyan Shillings to the Kenyan Government. This evidence is adduced on page 80 of this Report. I will refer to it briefly again, so that we put the record straight, and also that when hon. Members of Parliament are speaking about the PAC Report and mentioning names, it can be known that they are doing so from adduced evidence before the Committee.

On page 80 of the Report, the Committee talks about payments for undelivered materials, and states:

"The Committee heard the evidence given by the Accounting Officer that an amount of K£2 million was paid to Messrs. Bayusuf and Brothers Limited of Hola for the supply of 3,378 tonnes of hydrate of lime to Tana Basin Road Project. The Committee was further informed that a total of 2,107 tonnes of hydrate of lime out of 3,756 tonnes had been delivered leaving a balance of 1,649 tonnes. As regards the amount of K£3,485 paid for bolts and nuts, the Committee had noted that the amounts had since been accounted for in full. The Committee was, however, gravely concerned that the goods were paid for before delivery, and further that this was done in order to avoid surrendering of the funds to the Treasury at the close of the financial year. The Committee, therefore, recommends that the officers who were responsible for the advance payments be identified and disciplinary action taken against them, and further that criminal charges be preferred against the officer who altered the documents. Secondly, the Accounting Officer should ensure that the balance of 1,649 tonnes of hydrate of lime are delivered without further delay, failure to which, the supplier should be made to pay for the same. Finally, the Accounting Officer should avail information with regard to actions taken on the above two recommendations to the Controller and Auditor-General by the 31st October, 1999".

In this particular recommendation, the Committee puts responsibility on Government officers and not on the fellow who did not deliver the goods, precisely because the Committee is going by the evidence it has received, and ensuring that Government officers do their jobs properly. So, given the evidence in the PAC Report, it cannot be said that any Committee of Parliament goes on one limb to victimise or defend anybody, unless what is said is adduced from the Report put before the Committee by the Controller and Auditor-General or the Auditor-General (Corporations) in the case of Public Investments Committee.

Finally, I would like to say something about expenditure on commissions. I want to say this with regard to the Mtongwe Ferry Accident Commission of Inquiry, which is found on page 86 of this Report. Kenyans have cried, wailed and pleaded that if the Government is not serious about establishing Commissions, it should stop the practice. Kenyans have said that if the Government establishes commissions only to find jobs for its boys and girls, it should stop doing so. Kenyans have said that when a commission is established, by all means, the matter should be brought to the National Assembly and the funds for that commission should be properly approved and, a proper accounting and monitoring system should be established, so that Commissions do not become ways and means of looting the Treasury, and making the taxpayers pay unfairly for wrongs done by the Government. It is very clear that from the Mtongwe Ferry Accident Commission, millions of Kenyan Pounds have been wasted. The PAC has called upon the Government to take appropriate action, first, to inquire into the affairs of that Commission, and secondly, to ensure that funds unfairly appropriated either by the Counsel, or the members of that commission are returned to the Treasury.

The PAC has adduced clear evidence that this has happened and has stated the figures that have been used. The Government cannot, once more, like the ostrich, bury its head in the sand and pretend that nothing untold happened during the Mtongwe Ferry Accident Commission. It is very clear, from the Mtongwe Ferry Accident Commission, that again, the hideous Provincial Administration; that section of the Government which is like a military occupying provincial areas in this Republic; that system of Government that was established in this Republic to intimidate, exploit and oppress Kenyans, interfered with the Mtongwe Ferry Accident Commission affairs to ensure that corruption was practised and no justice was done to those who died in that disaster. The performance of the Mtongwe Ferry Accident Commission shows Kenyans once more, that the evil in this Republic, the very danger to the future of this Republic, is the hideous Provincial Administration that was introduced here by the colonialists.

Thank you.

Mr. Mwenje: Thank you, Mr. Speaker, Sir, for giving me this opportunity to say a few words about this Report. To begin with, I would like to pay tribute to the man who has remained an officer, upright, and has kept on reporting to the country on what is happening and has not been corrupted. He has retained his status by informing the whole country on what has been happening. This is the Controller and Auditor-General. I hope we have many more of this kind of person, who will tell the whole country what is happening. My main worry here is that all departments, including the one that is supposed to counter-check and discipline all those that are reported to have misappropriated public funds, are involved.

Mr. Speaker, Sir, the Judiciary is also here. It is reported that they have misappropriated funds through unauthorised overdrafts, outstanding imprest and unvouched expenditure. If the man at the top who is supposed to discipline others is himself not disciplined, how do you expect a country to be disciplined? Just to give an example of this House, if the Speaker breaks our rules - and I am not saying that he has - where else would we run to? This is my major problem; that the Judiciary is also mentioned here in a derogatory manner. They should counter-check themselves if we expect this country to move well and to have disciplined people.

Mr. Speaker, Sir, the general report is that about Kshs500 billion has been misappropriated. Somebody argues that it is not Kshs500 billion because this is too big a figure. We must remind those who are concerned, or those who do not know that once an issue remains unresolved, it will continue coming back to this books. That is how the Kshs500 billion is arrived at. Sometimes it is important for those officers, and even Ministers, to explain to those concerned how these figures are arrived at. We will continue saying it. As my brothers have said here, even if this Government does not hear what we are telling them, we will refer to the case of the hyena, which told the rock: "Even if you do not reply to me, at least you have heard what I have said."

I want to tell this Government that even if it does not do anything about this case, at least, it has heard. One day, before Jesus comes back to earth, somebody will pay for it. Take it or leave it; believe it or not, that is the position, and that is what the people are talking about outside there. They have been told who stole their money. At least, now they know. It is our job as Members of Parliament to tell those that we represent that they do not have good roads because so-and-so misappropriated their funds. We will say this here and on top of the mountain, that this is what is happening.

At times the common man believes that he does not pay tax. I was speculating the other day and I discovered that any man who takes a bottle of soda is paying a minimum of Kshs7 per bottle. Any man who takes a bottle of Tusker is paying about Kshs25 as tax immediately he drinks and pays for that bottle. Everybody in this country is paying tax. That is the tax we have been referring to as amounting to approximately Kshs180 billion per year. Where does this money go to? More than half of that money is misappropriated. The other half goes to paying salaries and other expenditure. Whether you want to hear it or not; whether you go out of this Parliament Building so as not to hear it, you will be told one day that you misappropriated public funds, and this is the much you misappropriated.

I am surprised that some of those who were bed-fellows are not talking to one another today. This is because the truth is coming out; that those who are very good friends are undermining one another. We will say that, that is the position. That is why some people want to make others sacrificial lambs. That is what is happening. That is why they brought up the issue of Goldenberg against some individuals, knowing that they were also involved. The truth will come out, whether one wants it or not, and it is now known. Let it be heard from the top of the mountains that, given the prevailing position, you are not safe.

As long as you are mentioned here, you will pay for it one day, either in the next Government or the next generation. It will not just go to the National Archives and be kept there. We will keep on reviving it. If you are lucky that Jesus comes back before you are punished, then you will not go to heaven.

[Mr. Speaker left the Chair]

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

The report mentions the issue of police houses on page 90. Those of you who stay here in Nairobi have seen buildings which were supposed to be coming up. They actually came up, four storeys, in the Industrial area. These houses were meant for housing police officers. Those houses still stand there uncompleted. They are getting useless, wasted and are not being completed. The money for those houses was voted, yet it was misappropriated by a few people. They are known, but they have never been taken to court. When you steal one goat, you go to prison for seven years. The lawyers know this law which should, in fact, be amended. When you misappropriate millions and billions of shillings, nothing happens to you.

I am very worried that when you go to the police lines - and I visited one which I will not disclose - you find that four policemen are sharing one room. This is irrespective of whether they are men or women! They use a simple curtain around the bed to separate their space. You can imagine what happens when one man invites his wife in that one room. What would happen if a "Harambee" has to be held? No wonder our policemen have no morals. Men and women are sharing one room. Why has this situation been allowed to continue? The money meant for building their houses was misappropriated by a particular person who is known. He has never been punished, and he will not be punished, and yet we expect a police officer to have some morals even on the road. How do you expect a frustrated officer, who has been sleeping next to a lady but he is not allowed anything more, to stop an unlicensed driver with a vehicle on the road? The man is already frustrated. Look at how they are now. Even their shoes are torn.

Mr. Temporary Deputy Speaker, Sir, I was surprised the other day when the Minister for Finance and other Government officials went to the United States to look for aid and yet the Head of State was telling the country at Mangu High School that Kenya is not a poor country. Who can give you money when you claim not to be poor? It is true we are not poor; the money was only stolen. This is a fact, but no one is taking action and yet Government officials keep taking flights to the United States to look for more funds. I am soon going to block Jomo Kenya International Airport so that nobody takes a flight from that airport to look for money after he has stolen from the public. I will make sure planes to the United States do not take off from JKIA, which is situated in my constituency. I will not allow people who have misappropriated funds to take flights from JKIA to the United States to look for money. The time has come when wananchi must be told who takes their money and then pretends to be looking for more money.

Mr. Temporary Deputy Speaker, Sir, we are in a serious situation. I have now realized that this Parliament is becoming toothless. It is true, as Mr. Speaker said, that this is not a court of law, but we are the people answerable to the Kenyan public. We would like to know where the taxes they pay go to. It is good that those who embezzled public funds have now been known. Action should be taken against those people who have looted our public coffers, because this is robbery. It might be referred to as robbery without violence, but, indeed, it is more serious than robbery with violence. It is absurd when somebody decides to take money meant for a particular project for himself, and it does not bother him. For example, when somebody makes a decision to purchase a jet that has no resale value, this must have been deliberate. In any case, consultations should have been made since we have experts. Parliament did not even sanction the purchase of this jet, yet the money was drawn directly from the Consolidated Fund. This is pathetic. If I was a Cabinet Minister in this Government, I would resign today.

Mr. Temporary Deputy Speaker, Sir, it is a shame to be called a Minister with a flag on your car and yet you are a thief. This is a very serious situation, which we must tell to the public. I would like to ask Ministers in this Government who are not taking any action to salvage the present situation to remove the flags from their cars. They should be ashamed to be Ministers in a Government which has misappropriated funds. They should be taken to church and prayed for by bishops and moderators. Incidentally, all these people have biblical names like John and others, and are supposed to be Christians looking forward to go to heaven. We should pray for these people. I would like to appeal to church leaders not to baptise anybody who has been mentioned in the PAC report for having stolen public funds. They should not even allow them to go to church again. Sometimes they even address church congregations. I would like to urge reverends and bishops not to allow them to address church congregations any more. We might not go to heaven if we allow these people to continue like this.

Mr. Kathangu: Jambo la nidhamu, Bw Naibu Spika wa Muda. Sijui kama ni haki kwa Mbunge wa Embakasi kuwaamuru maaskofu na makasisi katika nchi hii wasiwakubalie wezi katika Serikali yetu kwenda kutubu dhambi zao kanisani ili siku moja sisi ambao tunajua ya kwamba hatuhusiki katika wizi tuonane nao katika maisha ya usoni?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, if only they went to church to confess and be forgiven, that would be a different matter. But they do not go to church to confess. They go there to pretend that they are strong Christians and yet they are not. They only take cover in the church like the Pharisees. They are simply pretenders. I only wish they went to church, confessed and forgiven, and be born again. That would be the only way for them to go to heaven. And that is the only way they can be respected on earth.

Mr. Temporary Deputy Speaker, Sir, we have been reading the same things in the PAC reports year after year, where the same, same people are mentioned. They are known, but they have not been taken to court. It is a pity the Government is not taking any action against them yet they are known. I will soon demand that the list of those who have misappropriated public funds be pinned at the entrances of City Hall, the High Court, the Office of the President, Parliament Buildings and the District Officer's offices so that they are known by the public. It is high time the public were made to know these people. I would like to congratulate the Public Accounts Committee and the office of the Controller and Auditor-General for doing a good job, so that we now know who misappropriated the taxpayers' money.

Mr. Temporary Deputy Speaker, Sir, the Government is being tricked by people who have been known to have stolen money from institutions like Nzoia Sugar Factory and others, through the gutter Press by maligning clean men of this country like I and others. They will not get help from the gutter Press when they delve into our private lives. They will only end up in court where they will be charged with libel. If anybody has any information on anybody who has misappropriated funds, they should inform the Public Accounts Committee or the Anti-Corruption Committee. The business of some people who own the gutter Press, like my friend, Mr. Fidelis Gumo, to use it to malign people who have never been involved in such scandals does not make them clean. I dare mention him because it is the truth. The Kenyan public knows who has been stealing. News magazines such as the *Metropolitan* and the rest will not get us anywhere. Kenyans will not be misled by what is written in the gutter Press because it is simply distracting people from the real issues. The truth is in the PAC Report, where certain persons have been mentioned and we will keep naming them.

Mr. Temporary Deputy Speaker, Sir, on page 262, there is a case where an amount of Kshs6 million for construction and rehabilitation of boreholes in Machakos District was misappropriated. The officer who misappropriated this money is a former senior civil servant who diverted the money to his personal use in his farm. He is known, yet nobody has taken him to court, and nobody is even thinking of taking him to court. It is because of mistrust that nobody can lend this country even Kshs5. The Government is known to borrow from the World Bank and IMF and misappropriate the funds. The donors have that information, and they have asked the Government to stop corruption in order to be given more money. Today, if the Government was given money for construction, maintenance or rehabilitation of roads, that money would not be used for that purpose, but would still be misappropriated. Nobody is prepared to give us money which will go into individuals' pockets. Nobody can trust this Government even for a day. Professionally, I am a banker. The most important thing when dealing with money is trust and not the security that a person offers. An individual could give the security and still not repay a loan. Kenyan leaders and civil servants are untrustworthy. This is because we could have the money and not pay. Kenyan leaders and civil servants have lacked trust. I would like to appeal to the highest authority on this land that: "Let those who have misappropriated public funds, be they who they are, irrespective of their positions, face the law." The other day, at the Nyayo National Stadium, the Head of State said that whoever has misappropriated public funds will face the law.

But is that going to happen? The question in the mind of every Kenyan is: "Is that going to happen?" If it is true he is looking for those who have misappropriated public funds, he should start with those who have been mentioned in the Public Accounts Committee Report. He should not look for other people. Let those who have been mentioned in the Report be taken to court tomorrow to defend themselves. If proven guilty, let them be jailed! By doing that, the misappropriation of public funds will stop.

I am happy that in Uganda, the President allowed his own brother to be taken to court! Even their own children are taken to court. Biblically, we have read about kings who have even hanged their own children for messing up their countries. Let us see that happening in this country. If there is any sincerity, let us see that happening in this country. We want all those who have been mentioned, irrespective of their positions, to face the law. We want the President to honour his own words that, those who have been mentioned in the Report will face the law. But there is no point in giving lip service for political reasons. That will not bear any fruits. Nobody will trust us as long as we continue like this.

The other day, the Minister for Finance, like his predecessors, told us that from that day, there would be no more borrowing from the public sector. But today, do you know what is happening? The Central Bank is inviting bids for Treasury Bills and Bonds at the rate of 27 per cent, when the commercial banks have been lending at 17 per cent recently. Which bank will lend to the public, when it can easily deposit the money with the Central Bank and get more interest? That is why the private sector cannot grow because there is no money. All the money is drawn to the Central Bank to service debts. There is no development taking place! The money is borrowed and kept at the Central Bank to service debts. I wish the Controller and Auditor-General could report what is happening now. The Report we are discussing now is for the 1995/96 financial year, but the misappropriation is taking place now, as we are sitting here! All you need to do is to go to any commercial bank and see the tenders for Treasury Bills and Bonds from the Central Bank. The rate is too high. That is why everybody is taking money there. That is why the private sector is not able to move on with any development.

Mr. Temporary Deputy Speaker, Sir, it is a pathetic situation that all the countries of Africa were exempted from paying their debts by the American Government, except Kenya. If all the African Heads of State were paraded somewhere in Washington, they would be told: "You, you, and you are forgiven! But 'you', I will not forgive you!" You know who that would be! Do you not think it is a big shame? Is this the kind of country we want to lead? You almost regret why you were born in Kenya today! But because we were born and God kept us here, what I will do is to speak loud and clear and say everywhere that, the Government we have today is very corrupt, and it does not need to be lent money! This is evident everywhere! The office which is supposed to prosecute others; that is the Attorney-

General's Office, is mentioned in this Report! How would they prosecute others when they, themselves, are involved in those corrupt activities? Without saying so much, the situation is very grave. The time has come for people to leave petty politics and concentrate on what we have here. This is the beginning of a crisis in this country! The people will not be able to get any money. They will get hungry and still, the Government which is in office today, they will continue stealing and fighting amongst themselves! The Government is only busy asking the people to defect and do other things, so that they can get the majority on the other side. Even if you have a majority and people are hungry--- Even if you become a president of people who are hungry and complaining, what pride do you have? It is a shame to this Government, which should resign today or tomorrow! It is a shame that they continue fighting among themselves every other day. They only talk of petty thieves who should be arrested. I am saying clearly that those who misappropriated public funds have now resorted to fighting amongst themselves! They are even fighting their own friends, so that they can coverup what they misappropriated.

Today, I was very surprised to see hon. Biwott sitting on one corner, and the Vice-President on the other corner. They used to sit together! What has happened today, that they cannot sit together? We know the reason! We will say it everywhere! But this stealing must come to an end! We do not care about the in-fighting within KANU. They can fight to their deaths, but we are not going to allow any more stealing of public funds. The business of succession or whatever it is does not bother us an inch! What we care about is for the Government in power to stop stealing public funds. It has been stealing for a long time.

Let me warn them that very soon, there will be an uprising unless the business of stealing stops. We will mobilise our people and tell them who took their money. We will mobilise them against this Government. A small thing happening today to one of us on this side of the House, one will find himself in court. Why have they not taken to court all those who have been mentioned in this Report? If they do not take them to court, I will appeal to the lawyers who are in this House, like hon. Orenge and others, to institute private prosecution against them in court. They will be prosecuted!

Mrs. Kittony: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to organise and incite his people against the system that we have? Is he in order to incite wananchi?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I do not need to reply to that because I represent wananchi. I was brought here by wananchi! That is my job! Those who came dubiously, shauri yao! They know how they came here! They know who they represent! I represent the people in Embakasi and I will tell them it is so-and-so who stole their money. That is why their children are not going to school.

Finally, I would like to say something about land. It is not only money which is misappropriated. Land for the squatters has been misappropriated. It is the big shots who come and grab 50 to 80 acres! Fellows like Permanent Secretary Kaguthi and the rest have been taking public land. We must remember that we have squatters who are Kenyans and have the right to inherit Kenyan land. Those are the people we speak for! We will make sure that they are settled, upende, uspende! This is because they have a right to get what is theirs in this country. We need to support them. I would like to tell this Government to make sure that they are settled. Their plight should be looked into. When they stop stealing money, they must also stop stealing land that belongs to the poor. We will not allow this to happen. Our people have a right to be there, and they have a right to be given what is theirs.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. This Parliament has been formed by the people of Kenya for the welfare of society and the just government of men. I wonder whether, when the Executive make irregular payments worth Kshs5.163 billion, that is for the welfare of society and the just government of men? We know the state of our economy; it is in shambles because we have not been able to manage it properly. We have been told many times that at the time of Independence, the level of development of Kenya and that of Singapore and Malaysia was the same. But today, the development of Kenya is a small proportion of the development of those two other countries. We ask ourselves why this has arisen, and the answer is that we have been unable to manage our resources properly. Those who have been given the responsibility to control and manage our resources have done us a disservice and acted in disregard of the law of the land. You find a person who is entrusted to keep the law of this country, like the Attorney-General, authorising irregular payments to the Judicial staff. A person who is supposed to keep and protect the laws of Kenya breaks the same law that he is supposed to protect.

Mr. Temporary Deputy Speaker, Sir, in this Report, there are unauthorized expenditures worth Kshs27.7 billion. That amount of money is capable of doing all our roads in this country, to enable small-scale farmers take their produce to the market. Let me specifically refer to my constituency, where we have elderly people tilling their small pieces of land and trying to pick their tea. They take it to the buying centres, but they cannot deliver it to the factories. It rots in those buying centres simply because there are no passable roads to take those tea leaves to the factory. Then, we come in here and say that we want to eliminate poverty. How do you eliminate poverty by letting farmers' produce

go to waste? How do you eliminate poverty when you produce maize and you cannot get a market for it in the country? How do we eliminate poverty when we have misused all these funds that could have assisted us in making purchases from our farmers and guaranteeing them stable prices, so that they can produce more?

Mr. Temporary Deputy Speaker, Sir, there has been a lot of unsupported expenditure. That is outright theft. How do you make unauthorised payments? If you make unauthorised payments, that is actual theft of public resources. People have committed these evils against the people of Kenya with a view of gaining the entire world. I swore by the Bible to uphold the Constitution of Kenya, and that Bible says in Mark 8:36: "Does a person gain anything if he owns the whole world, but loses his integrity, respect and even his life"? Does a person gain anything? What have those people who have plundered public resources of this country and built skyscrapers gained, if they have lost respect and integrity? In the end, they might even lose their own lives.

Mr. Temporary Deputy Speaker, Sir, I pray to my God that the enemies of the people be doomed because they have robbed and betrayed the people. They are the people who have kept justice away from our people by taking up the money that belongs to the people. They have also made our people die because we cannot afford to buy drugs for our hospitals. Also, we cannot afford to do our roads to ensure that accidents do not occur. Every time people die in Kisii out of highland malaria, for lack of medicine, we are right to say that those people have been murdered by people who have plundered the resources of this country, such that we cannot afford those drugs. Again, I would like to quote Isaiah 33:14-16; that the plunderers or leaders of Kenya, would soon tremble with fear. Can any one of them survive---

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Angwenyi is making very good points, but when I look at the Government side, I do not see anybody. This means we do not have a quorum in this House.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! The Leader of Government Business is there!

An hon. Member: He has lost faith, that is why he does not want to sit in the Front Bench!

(Laughter)

*(The Vice-President moved from the
Back Bench to the Front Bench)*

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Osundwa! Continue, Mr. Angwenyi.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, His Excellency the Vice-President is here and he has religiously been baptised by fire!

Mr. Temporary Deputy Speaker, Sir, Isaiah 33:14-16 says that the plunderers or leaders of Kenya, will soon tremble in fear. Can any one of them survive the fury of the angry, the oppressed and the judgement of God? You can survive if you say and do what is right. Do not use your power to cheat the poor, and do not accept bribes. Government officers who make payments for undelivered goods are bribed. Also, Government officers who approve shoddy jobs on our roads that kill our people are bribed. The Bible continues to say: "Do not join those who plan to commit, or to do evil to the people. You will be safe if you do not join them. You will be as secure as if you were in a fortress." The reason why I am quoting from the Bible is that, we also say that this country is a religious country and that all our Ministers are Christians or Muslims; and that they believe in God except one person in the Government who does not believe in God. We swear by the Bible or the Quran. Therefore, we want now to resort to the Bible. Maybe, it can change the hearts of these people. Maybe, it can bring some conscience in their heads.

There are people who have piled the resources of this country in their pockets. They have stashed some of these resources overseas. They do not care about what happens to this country. It is as if there will be no Kenya tomorrow. Those who do evil will soon have nowhere to hide. We have seen what has happened in Nigeria; they have pursued those people, and even the sons of the former Head of State, who have plundered the resources of that country. They are now in jail. These people might end up in those jails where we take the oppressed ones and the poor who cannot get their justice. When we pay for unsupported expenditure worth Kshs11.9 billion, and yet our students in the universities cannot get two meals a day, are we serious? Even when they want to borrow loans, they cannot get that loan and then, we say are educating our children and creating new leaders, and yet we are spending huge sums of money on unsupported expenditure instead of spending it on our students.

Mr. Temporary Deputy Speaker, Sir, we have the Treasury and its apparatus that are supposed to collect revenue for the Government, so that it can be used to develop this country. But the Treasury and its apparatus have failed to collect over Kshs40.654 billion. Imagine all this money remaining uncollected and yet, we go to Washington DC to beg for Kshs13 billion. The Treasury has deliberately failed to collect Kshs40 billion as revenue, but we go to

Washington DC with our hands stretched out to beg for only Kshs13 billion. What a country are we building? Is ours a country of beggars? We have allowed *mitumba* to flood the country. In the process, we have destroyed our industries. Which country in the world, including the so-called highly developed democracies like America, where traders can ship in nickers of old or dead women? Where can you ship in shoes from people who died from AIDS or other diseases? Which other country in the world except Kenya? We are doing it because we are greedy and we do not care about our country or creating employment opportunities for our people. Every year, we produce over 10,000 graduates from public universities in this country. These graduates have no hope of ever getting employment in this country. Some of them might reach to retirement age before they are employed, simply because we have squandered or plundered the little resources that have been entrusted to us by the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, this House should not be a party to making laws that are unjust to our people. Again, I would like to quote from the Bible; Isaiah 10:1-4, it says:-

"You are doomed, you who make unjust laws that oppress the people. That is how you prevent the poor from having their rights and from getting justice. That is how you take the property that belongs to widows, orphans and the downtrodden. What will you do when God makes people to rise? Where will you hide your wealth? You will be killed in the commotion or dragged off as prisoners."

Mr. Temporary Deputy Speaker, Sir, can our people who are plundering our economy think about this verse in the Bible? They will be killed in the commotion or be dragged as prisoners. They will go to those dingy places. Recently, I had an occasion to see my people who were wrongly arrested and taken to Nyamira Prison. That prison has a capacity to hold 16 prisoners, but on that day, there were 340 prisoners crammed in the cell. These people who are plundering our resources and do not care about our welfare, they may end up in those dingy cells. Time is not very far away; it will be sooner than later. It is a pity that we have lost the revenue that we collected. In fact, we have deliberately lost Kshs11.869 billion and then, we come here and introduce fuel levy, raising Kshs7 billion only. We could have saved this money instead of imposing heavy taxes on our people. Even the money collected from fuel levy is not well utilised. What do we do with it? Are there roads in your constituency that have been murramed or tarmacked using fuel levy money? We are heavily taxing our people and giving that money to a few people or sharks, like my friend referred to them. That is where our country is.

Mr. Temporary Deputy Speaker, Sir, a few years ago, we established the Kenya Revenue Authority (KRA). It is supposed to collect revenue from Customs Duty, but some of its officers are deliberately refusing to collect revenue. For example, many years they have been writing bonds and cancelling them, so that the people who import goods would not pay duty and, therefore, defraud our country. Instead of arresting the culprits, we impose taxes on our people. The prices of fuel in this country are increasing every time. This is not because the prices of fuel has increased in the world market, but we have imposed heavy taxes on petroleum products. As an economist, I know that there is a carry-over that trickles down to all aspects of lives because petroleum products are the basis of all our industries. What are we going to do? Can this House rise up and legislate rules and laws that will assist us to arrest these culprits? It does not make any sense for some people who plunder public resources to contribute hefty amounts of money in Harambees. It is sad that such a person is cheered for his generous contributions. He is also said to be a successful person. Is he a successful person for stealing public resources? Could this House rise up and legislate rules and laws that will assist us to take stern measures against these culprits?

Mr. Temporary Deputy Speaker, Sir, in the Report, we are told that there were undelivered goods worth Kshs490 million. When I hear somebody questioning the authenticity of this Report, I wonder what advice we should give to our people. What advice do we give to our bosses? This is factual information given by one of the most respected public servants in this country. I wish we had five or ten such officers, or an Attorney-General of that integrity. Why should we pay for undelivered goods worth Kshs490 million? When we ask for our graduates to be given loans so that they can create jobs for themselves, we are told that there are no funds or they will be given money when funds become available. How would funds be available when officers in the Government are defrauding our economy? These evil-doers think that they are wise. Again, allow me to quote from my Bible, Isaiah 5:21-24; it says:-

"You are doomed again you leaders; you think you are wise, so very clever, brave and fearless, but for just a bribe, you let the guilty men go scot free and you prevent the innocent from getting justice. For making the people suffer, your roots will rot and your riches will dry up and blow away like the wind."

Mr. Temporary Deputy Speaker, Sir, I am quoting the Bible today because I swore by it that, I will defend the Constitution of this country.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt my eminent colleague, but is he using parliamentary language, because I thought I heard him cursing that, some people will be blown by the wind? That is a very serious curse. Is he in

order?

The Temporary Deputy Speaker (Mr. Imanyara): I think he was quoting from the book of Isaiah!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I was quoting the book of Isaiah 5:1-4. The Bible that we were all sworn by.

Mr. Temporary Deputy Speaker, Sir, these people must realise the lives are useless, if they are not accepted by their people. We were elected to this House and we were given the responsibility to take care of all Kenyans. It is sad that most Kenyans are languishing in hunger and poverty. For example, if you go to Ukambani, you will find hard-working citizens of this country. They have tilled their shambas, but they cannot get water to irrigate them. God has not been very kind to them to give them rain. We cannot even get money to provide them with water because we have plundered resources of this country. We cannot get money to build a canal and a pipeline to take water from Lake Victoria to Ukambani. Yet, we are capable of getting the money to build a petroleum pipeline from Mombasa to Malava. The petroleum products can be transported by railways and road systems, but we cannot take water to Ukambani by these means. If we could get water from Lake Victoria to West Pokot, the Pokots could not be attacking the Marakwets and the Turkanas. But we have put those resources where we can plunder.

Mr. Temporary Deputy Speaker, Sir, you have seen in this Report that the Ministry of Finance, which is in charge of our financial resources, is the one which has plundered those resources most. That is where the Goldenberg idea germinated from, and that is where the amount which was given out to build a fertilizer factory in Mombasa was germinated. Where are we going to go? Very soon, the Appropriation Bill will come to this House. Are we going to approve it to give this Ministry a license to plunder the resources of this country? What are we going to do to that Ministry?

Mr. Temporary Deputy Speaker, Sir, the other bigger culprit in the plunder of public resources is the Office of the President. It is the office of that Mzee who loves the children, the *mamas* and the *babas* of this country! It is the office of that Mzee who has the welfare of these people at heart! But his office is the biggest culprit in the plunder of the resources of this country. It is that office which imported worthless equipment for the Government Printer. It is the same office which bought the Mahindras which are worthless and that is why our Police Force is not adequately equipped to deal with crime. It is no wonder that the rate of crime is rising all over the country. If you went to any police station, you would find that telephones are not working or if they are working, then they do not have a vehicle. If they have the vehicle, they do not have fuel, and yet, we are plundering these resources through a few people who have been mentioned in this Report. But the Chair has taken upon itself to defend these people, that they should not be mentioned in this House. I believe that we must move above that. If somebody has been mentioned in the PAC or the PIC Reports, then that person must be mentioned here for Kenyans to know the persons who are plundering our resources.

Mr. Temporary Deputy Speaker, Sir, what are we going to do when we under-collect revenue by Kshs14.316 billion? Are we going to raise more taxes from the people? This is the House that taxes the people of Kenya. The State cannot tax the people directly. If we say in this House that we do not want to tax our people, they will not be taxed and we do not want to tax our people, if they cannot get services. If we tax some people and leave out others, so that the end result is an under-collection of revenue to the tune of Kshs14 billion, which is one-tenth of our total Budget, then I do not know what this House is meant for. This House must stand up against this plunder of our resources because we were elected by the people. We should speak our minds in this House because we cannot be sacked by anybody. We can only be sacked by the people of Kenya. We should stand up and say enough is enough. We cannot be taxed, if we cannot get the road from Rugaa to Kisii done and the road from Nyakoe to Miruga done. We cannot be taxed, if we cannot get water to Kapsuam and also, if we cannot get security in our national parks. We cannot be taxed to give money to other people to take to their overseas accounts, to be spent by their wives and children. I would also like to enjoy good life; I also know that, that old *mama* in the village would like to enjoy good life. But it is difficult for her to eke out a living and that little which she gets has got to be taxed to enrich these people even more. That is where we are in this country.

Mr. Temporary Deputy Speaker, Sir, although we do not want to be alarmists, I can foresee a day when 100,000 people will move in and take our seats in this Parliament. They will take the Chair and move us out. We can try to kill them, but we can only manage to kill 10,000 but the remaining 90,000 will move into this House. We must do everything possible to avoid that situation. The way to do it is to demonstrate in this House that the resources of this country must be managed properly.

Mr. Temporary Deputy Speaker, Sir, I have heard some people say that the PAC Report has depicted some people unfairly. I wonder what those people want. Do they want the PAC to give a false report? This report was done by the Controller and Auditor-General and given to the Accounting Officers to look at it and give explanations, but they were not able to give their explanations. So, what could the Committee have done? Were they supposed to give a false report? We do know that the amount referred to by that Report is cumulative. In fact, it is cumulative over a

period of 10 years and in each year, we did plunder our resources.

Mr. Temporary Deputy Speaker, to conclude my contribution, I want to give a ray of hope through Isaiah 29:15-24, which states as follows:

"There are those amidst us who have turned everything upside down. Which is more important, the potter or the clay?"

Is it the people who have given you the power to be in this House and preside over their resources or you are the boss?

Those who have plundered, those who have prevented punishment from criminals and those who have told lies to keep honest men from getting justice, will be destroyed.

Mr. Temporary Deputy Speaker, Sir, the people of Kenya will not be degraded any more---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Angwenyi, do you have the Bible with you?

Mr. Angwenyi: Yes, I have got the Bible with me. It goes on to say:

"Justice will no longer prevail with hunger and suffering".

There will come a day when the deaf will be able to hear - and I hope they have heard today, there will come a day when the blind will be able to see - and they will see these figures that have been put down, and the poor will find happiness. It will be the end of those who have oppressed them, plundered their resources and shown contempt for the welfare of society and just Government of men.

With those remarks, I beg to support.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I rise to support the PAC Report and associate myself with those who have saluted the Controller and Auditor-General for the good work he has done over the years. However, I want to thank more particularly, the Committee under the chairmanship of hon. Henry Obwocha for coming out boldly to tell Kenyans what the position is in so far as the management of the affairs of this country is concerned.

Mr. Temporary Deputy Speaker, Sir, every one of us who is in a public office, starting from the President, takes the oath of allegiance. Those are the specific words of the Constitution. You must take and subscribe to the oath of allegiance. That is enshrined in Section 8 of the Constitution. Section 15 of the Constitution says that the Vice-President of this Republic must take and subscribe to the oath of allegiance as prescribed in the Oaths and Promissory Act. If you are a Minister in the Cabinet or an Assistant Minister, you must take that same oath of allegiance and subscribe to it. Every one of us in this House, before taking part in the deliberations of the House, must take and subscribe to the oath of allegiance which has specific words.

Mr. Temporary Deputy Speaker, Sir, I get amazed how many times many have stood in this House holding the Bible and repeating the words that are stipulated in the oath of allegiance which are specific. If you read the Promissory Act, Chapter 100, the words are there. They never change except in 1992 when this Government wanted us to owe allegiance to a particular person and we said that we cannot owe allegiance to the particular person. We can only owe allegiance to the Republic of Kenya. That oath says that we must defend and protect the Constitution. We must defend and protect the Constitution, and the Constitution is the supreme law of the land. So, I ask myself: When a section of the Constitution which is the supreme law of the land is violated, what have we done as a Parliament or as a Government? This Government cannot escape responsibility because Section 23 of the Constitution says: "The executive authority of the Republic of Kenya rests in the President of the Republic of Kenya and no one else." So, when you take away taxpayers' money and buy a Presidential jet without the authority of Parliament, you have committed a high crime, not a misdemeanour. The crime you have committed can only be compared to treason because you have subverted the Constitution. You have broken the law that created your office and that made it possible for you to be elected President or Vice-President.

Mr. Temporary Deputy Speaker, Sir, so, I get amazed when I see the Leader of Government Business or one of the Ministers who walked away when the name of somebody is mentioned in the report. They get worried, fidget and ran around. In fact, I understand some of them are planning to bring an amendment so that the names in the report are removed from the report.

(Applause)

However, which is the bigger crime? Is it violating the Constitution or including names in the PAC report? I would want to hear what the Leader of Government Business has to say about this. Ever since he became Vice-President and Minister for Finance, when this money was being taken away against the oath that he took, what did he do as part of the Government? Did he expect a civil servant who, although an accounting officer, has no authority under the Constitution because the authority rests with the executive--- So, as you ride in that Presidential jet, know that you have done it by violating the Constitution. How can you accuse an ordinary man or a *matatu* operator of breaking a regulation and yet you have violated the Constitution? You are a saboteur! *Wewe ni mlanguzi! Afadhali*

unyongwe mara kumi! How can you take a small man to court because he has stolen chicken, while you have violated the Constitution? What morals are there? The President must be held to account. The Vice-President must be held to account. Why were Sections 99 and 100 violated when you charged the Consolidated Fund to build the Eldoret Airport without the authority of Parliament? Yet they are just sitting there when the Vice-President is holding the Bible and saying "I swear" and yet, in reality, he is just thinking about the office. He is not thinking about the words of the Constitution or the oath of allegiance. I think he had better go and read Mathematics instead of sitting in this House because you do not know what you are doing and you should go back to Kajiado and find out.

(Laughter)

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure the hon. Member knows very well he is violating one of the Standing Orders of this House. If he wants to discuss the President and Vice-President, it is laid down in the Standing Orders that he brings here a substantive Motion instead of going around. He obviously knows he is doing that. Mr. Temporary Deputy Speaker, Sir, so, can you prevail upon him to conform to the Standing Orders?

Mr. Orengo: The day I will bring a Motion to discuss the Vice-President, he will not wake up. He will think of those people who tried to kill him, whom he could not name.

(Laughter)

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to actually threaten the Vice-President? He does not want me to threaten him either. Very well, so, he might as well continue making his contribution.

Mr. Orengo: No! You are trying to---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Orengo! You may of course quote the Constitution, but you may not intimidate and threaten the Vice-President.

Mr. Orengo: Yes, I am quoting the Constitution, but the guilty are afraid. Any time you mention something, you know they get afraid. I understand and I can see even that from where you are seated, you are not sure of your position tomorrow.

Mr. Temporary Deputy Speaker, Sir, so they built the Eldoret Airport by violating the Constitution. When you read the Bible and today, people have talked about the Bible a lot and I am very happy hon. Angwenyi has spoken, quoting various sections of the Bible. The position this Government is in is similar to that of Sodom and Gomorrah. Your position is that of Sodom and Gomorrah and I am asking my hon. good friend, Mr. Nyachae, when you have woken up, do not look back. If you look back on these people, you will become a pillar of salt like some few people that I know. Do not look back. Let them get lost in Sodom and Gomorrah, but soon the Lord is going to smite them into pieces because sin is not just about immorality.

Mr. Nyachae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it fair for hon. Orengo to drag me into that history of Sodom and Gomorrah?

(Laughter)

Mr. Orengo: No, I was really attracted to it because I really respect what hon. Nyachae has been saying over the last one year. I am just pleading with him not to look back. This is because he remembers in the last Budget when I told him: "These people may be taking you for a ride and you cannot work with them." You saw it for himself because he tried his best to bring---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Orengo, there are also Standing Orders. We have to be relevant. The Standing Orders are very clear on that, Mr. Orengo.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am giving a preamble to what is in the report. I am glad that hon. Obwocha was the chairman of this Committee because he has had wide experience. This is not something which is new. Year in, year out, we have seen such reports coming and nothing is done. Even the very first time I was in this Parliament, similar reports were being made about fraud and corruption and nothing was done by this Government. That is why I am saying really, at the end of the day, you are talking about a lost people who belong to Sodom and Gomorrah and I was merely saying that I am glad that hon. Nyachae is out of Sodom and Gomorrah. The rest who have decided to remain there, God be with you, but I know you shall be thrown in the lake of fire, come the

judgement day.

Mr. Temporary Deputy Speaker, Sir, so, when you look at the report in terms of excess votes and I was talking about money that has been spent without the authority of Parliament to the tune of K£45 million, and then the illegal charging of payment to the Consolidated Fund in respect of the Presidential jet and the Eldoret Airport which is so well laid out in the report, how do these things come about? They come about because we have no respect for the law and our institutions.

Mr. Temporary Deputy Speaker, Sir, if you may bear with me, there has been a notion by some people thinking that the Report of the Controller and Auditor-General is only a post-audit kind of Report which is taken up by the PAC; that, what the PAC is involved in is a post-mortem process. But if you look at the duties of the Controller and Auditor-General, out of the three main responsibilities, it is the audit of Government accounts, the postmortem dimension of his work is last. That is not the most primary job of the Controller and Auditor-General.

Mr. Temporary Deputy Speaker, Sir, if you may allow me to quote the Constitution; Section 105 creates the office of the Controller and Auditor-General and states:

(1) "There shall be a Controller and Auditor-General whose office shall be an office in the Public Service."

Then it comes to Subsection (2) which says:- "It shall be the duty of the Controller and Auditor-General. (a) to satisfy himself that any proposed withdrawal from the Consolidated Fund is authorized by law, and if so satisfied, to approve the withdrawal".

So, my question is whether any such approval was sought from the Controller and Auditor-General when building the Eldoret Airport. My answer is that, if you sought that approval, the Controller and Auditor-General would have said no. So, the Government decided to violate the Constitution so that they can have their hand on public funds and use it in a manner which is not authorised by Parliament.

Subsection (b) of Subsection (2) states:

"To satisfy himself that all monies that have been appropriated by Parliament and disbursed have been applied to the purposes for which they were so appropriated and that the expenditure conforms to the authority that governs it."

The authority to spend public revenues emanates from Parliament. Parliament is the supreme body in so far as expenditure of public funds is concerned.

Then the other important part of the Constitution which has been violated--- When I heard the Mover and the Seconder; particularly Dr. Oburu, talk about documents that were not made available. They said that, the Committee found out that, when the Controller and Auditor-General was carrying out an exercise, certain fundamental documents were not made available. For example, the security printing plant that was meant for the Government Printer. I am told the same Ketan Somaia was the one who won the tender and he brought the equipment which is kept in a large container which up to now has been locked for the last two or three years. Nobody has opened it and nobody knows whether there is something inside. But over and above it, the sale agreement is not there, the import documents are not there and all the important documents that the Controller and Auditor-General has asked for have not been made available.

Subsection (3) of Section 105 of the Constitution states as follows:

"The Controller and Auditor-General and any officer authorised by him, shall have access to all books, records, returns, reports and other documents which, in his opinion, relate to any of the accounts referred to in Sub-section (2)".

Thereafter, the obvious comes when he then reports to the Minister who must lay the Report on the Table of the House.

Mr. Temporary Deputy Speaker, Sir, all I am doing is to make a general comment on matters of principle. This is because even if you went into the details of the Report to know how much money has been stolen, we are not solving the problem. This is because it is a problem that is recurring every year. We must go to what our law says and find out from this leadership whether they are complying with the law or they are disobeying the law. The answer which has been pointed out quite clearly by the PAC given in the summary is that, Sections 99 and 100 specifically, were violated by the Government. Right now, I am pointing out that Section 105 of the Constitution was violated.

Mr. Temporary Deputy Speaker, Sir, I want to make my opinion about this. There are three contending forces in the Government; the Judiciary, Parliament and the Executive. All of us must fight for our own territories to make sure that we meet the mandate that was conferred upon us by the people of Kenya. We will be failing in our mandate if we shy away from making a full disclosure of facts in regard to malpractices in the Government. The debates in this House, or in the Committees, are not a trial. We make our comments and give our views on matters of public concern. It is only when the name of a Member of Parliament is mentioned to be discussed or for further discussion on matters of personal conduct, when we must bring a Substantive Motion. But if in

the exercise of his functions a Minister or an Assistant Minister has failed, we are within our line of duty to make a full disclosure to the people of this country how individual Ministers or collectively the Government is performing. This is because that is the basis upon which the people in this country are electing leaders and the Government. Therefore, from the records, facts and statistics shown in the PAC Report, this Government is guilty of a very high crime; beginning with the Constitution, but more so of constant fraud and corruption, taking money away from innocent people who are paying their taxes but are not getting services in return. An amount of Kshs580 billion which, according to the PAC has been lost, either through uncollected taxes, corruption or fraud, is indeed, a lot of money.

The Government itself was quick to point out that the Government itself does not raise revenue to the extent of Kshs580 billion a year. But the cumulative loss, according to the Report over the years, when these audit queries are made, year in, year out, is Kshs580 billion. That is a judgement that you cannot run away from. It is a shame unto the Government to go to Washington to beg for money when that money is being wasted or corruptly received by those in high office. Nobody is going to trust us with money if we cannot defend our own funds.

Mr. Temporary Deputy Speaker, Sir, with these records, I am hoping that Prof. Anyang'-Nyong'o will quickly come up with his Motion. This is because even in terms of the mandate upon which this Government was elected, they have already run away from that mandate. We do not have an elected Government in place today. What we have are technocrats who have been hired because all these people have failed. They cannot even be trusted. Nobody wants to see their faces in Washington or London. So, Kenya does not have an elected Government. The Government that is in place in Kenya today comprises of technocrats. All these people you see in the Benches opposite--- *Hawa ni masanamu tu, si maofisa wa Serikali!* They do not know what happened in Washington even up to now, because nobody talked to them. Look at even the one who wants to spoil the name of the Government!

The Minister for Water Development (Mr. Ng'eny): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that this country has no elected Government?

Mr. Oremo: Mr. Temporary Deputy Speaker, Sir, even the Leader of Government Business knows that he is just a *sanamu*; he does not have any portfolio!

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Oremo, please, remain within the rules of this House. Prof. Saitoti is not a *sanamu*; he is an hon. Member of this House and the Leader of Government Business.

The Vice-President (Pro. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member should withdraw that statement. I am not a statue; I am a human being. So, I would like to request through you that the hon. Member withdraws that statement.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Oremo, please, oblige.

Mr. Oremo: Mr. Temporary Deputy Speaker, Sir, I will not withdraw that statement because the facts that are there are clear.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Mr. Oremo, the fact is that you have called Prof. Saitoti a *sanamu*. So, you must withdraw that remark.

Mr. Oremo: Mr. Temporary Deputy Speaker, Sir, I used the words "like a *sanamu*". If you look at the HANSARD, you will realise that no hon. Member has ever rose before this House to say that I have used unParliamentary language; I have never used unParliamentary language. I just said that when at one time the late President Jomo Kenyatta appointed the late hon. Oginga Odinga Vice-President without portfolio, hon. Oginga resigned because he did not want to be "like a *sanamu*". Now, what I am saying is that if the Leader of Government Business retains that office, which has no portfolio, he is like a *sanamu* because he has decided to hold the office, unlike the late hon. Oginga, who resigned.

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Oremo, you will not get away with that explanation, because I heard you describe Prof. Saitoti as a *sanamu*. You did not use the words "like a *sanamu*". So, it is my ruling that you withdraw the word "*sanamu*".

Mr. Oremo: Mr. Temporary Deputy Speaker, Sir, I will not withdraw that word, because that is a statement of fact; even hon. Saitoti knows that.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Oremo, if you are not prepared to comply with the Chair's ruling, you must be prepared to do the most honourable thing; that is to leave the precincts of the House. You

must withdraw that statement because that is the ruling of the Chair.

Mr. Orengo: Mr. Temporary Deputy Speaker, what am I supposed to withdraw? Is it the word "*sanamu*" or the words "like *sanamu*"?

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. There are many figures of speech in the English language. The word "like" could be used as a simile, while "*sanamu*" would be a metaphor.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Wamalwa! Mr. Orengo, you may disagree with me, but I have made a ruling from the Chair, which must be complied with.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I have been advised by my honourable colleagues here to drop the word "*sanamu*" and maintain the word "like". So, I do not know what Prof. Saitoti is like in that case; he himself knows what he is like.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Orengo, really, I will not encourage further discussions between you and the Chair. I have made a ruling; I seek compliance to it.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, if withdrawing those words will make you sleep well, I withdraw them!

(Laughter)

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Orengo has said: "If it will make you sleep well, I withdraw". He has given a condition for the withdrawal of those words.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! I am on my feet, Mr. Karauri. Could you sit down? Proceed, Mr. Orengo.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, all that said and done, I am looking forward to the day when this country and its leaders will respect the law and the Constitution, when all reports like the one before the House will never arise. We have made the Government part of an economic enterprise. As I said yesterday, some people consider the Government a basis of making money. When we have a few people turning the Government into an economic enterprise, they will never leave it. That is what kleptocracy is all about. All the kleptocrats that I know either die before the State fails, or they are chased away after the State fails - like President Kabila of the Republic of the Democratic Republic of Congo (DRC). Mr. Kabila, who chased away the late President Mobutu - or both the State and the kleptocrat fail and die at the same time. Kleptocrats feel that they cannot profit without the State. So, they feel that they must own it in order to expand their wealth. Therefore, they do not obey the Constitution.

Just for the purpose of comparison, I looked at the PAC Reports of the first 10 years of Independence. I urge the Leader of Government Business to give hon. Members on the Government side (Front Bench) a seminar, to look at the first 10 PAC Reports. He will find that even when a Minister spent unauthorised Kshs3,000, some punishment would be meted out to him, or he would be required to pay that money back. For example, when a party was held at the house of former Vice-President, Oginga Odinga, a little money in excess of the authorised amount was spent. The matter was raised on the Floor of this House, and the Government of that day treated it honourably in order to defend public finance and property. I am glad that hon. Nyachae could not find any other words with which to describe what he found at the Treasury when he was appointed the Minister for Finance. Sometimes you cannot get any other word by which to describe a thief. Even if a thief happens to be a Government Minister, members of the public will always refer to him as a thief. Even if he rides in his official car and sits in this House, the people up there in the Galleries will look at him and say: "That one is a thief, but the other one is not".

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Mr. Orengo. I do not make the Standing Orders of this House; they are made by this House. You know them better than most hon. Members of this House. I cannot allow you to use back-door methods to describe hon. Members of this House as "thieves". Please, use parliamentary language.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I take that ruling, but I think those people up there will look at those hon. Members and say: "These are the people who misappropriated public money". However, out there, they will call the hon. Members the other name, which I shall not use in this House.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I concur with you that our colleague goes in circles to say exactly what the Chair has ruled out of order. I do not know the hon. Member he is looking at on this side of the House. I certainly know that I have not misappropriated anybody's money, and I would not like anybody to refer to me as having done that. Is the hon.

Member in order to suggest that the hon. Members on this side of the House have misappropriated public money?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Orengo, continue, please.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I appreciate the point of order hon.

Arap-Kirui has raised, but how many of our colleagues on that side of the House can stand up like him, to defend themselves?

(Laughter)

Mr. Temporary Deputy, Sir, let us be people who lead by example. Just imagine President Clinton of the United States of America, the most powerful man in the world, the basis of his impeachment was not correctly understood by many people. However, at the end of the day, it emerged that he had previously given a false testimony. Just giving false testimony, a President is taken on trial!

Mr. Sungu: But he did whatever he was accused of!

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am not concerned about what the hon. Member has said Mr. Clinton did. I know that interests some hon. Members!

But I am glad that, at least, in Nigeria, which has just come out of a military dictatorship, the Speaker of the Senate, when he gave false information about his age, he had no alternative but to resign. That happened in a nation that had just come out of dictatorship. Here, even if you tell somebody that he is carrying billions--- Do not look at me!

An hon. Member: Why do the two of you not look at each other?

The Vice-President (Prof. Saitoti): We are all looking at each other!

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am saying that nobody wants to take responsibility in the Government. That is why in the annals of history of this country, the late Jaramogi Oginga Odinga, Mr. Kenneth Matiba and now Mr. Simeon Nyachae can resign on a matter of principle and say: "This is not the way we go about things."

(Applause)

I am told that the late Masinde Muliro went against his own Government and said: "We did not get Independence in this country to kill", but these ones, when Dr. Robert Ouko was killed, they said: "*Mtukufu tunakupenda sana.*" They say this when somebody is dead. What are they trying to say? That is why when President Mitterand died, the Voice of Kenya (VoK), now the Kenya Broadcasting Corporation (KBC), started announcing about our President sending condolences to the bereaved family before even announcing the death of President Mitterand! So, before we were told that President Mitterand had died, we were told that our President had sent his condolences. This is because we stand on our heads just like Mark said about the hedgehog that was standing on its head. So, this Government is standing on its head. When you tell them that they have stolen, because they are standing on their heads, they think that they have made money. So, we need to turn them round so that they can see what they have done to this country. I am the happiest man in this world because I know that this country will change. It will change in front of their eyes and they will run so fast. I am reminded about an Assistant Minister, the late Mr. Ejore, in 1982, who went up the ceiling, when the Ministers were told: "*Kaa kama raia*", and he was trying to find out if it was alright outside, but you know there was nothing. We were just walking around and he was still in the ceiling.

I beg to support the Motion, and urge hon. Obwocha to keep up.

Thank you very much.

Mr. Kikuyu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this debate on PAC Report. Since I came to this Parliament, we have had Reports of PAC which have shown constant plundering of our economy by the KANU Government. In 1972, the late J.M Kariuki stood up in this House and said that Kenya was in the process of making a country of 10 millionaires in a population of 10 million beggars and he had a point. The point was simple; what we have today is a country which has people who control its economy and run it like their shops. They do not seek Parliamentary approval when they want to withdraw money from the Consolidated Fund and they have no respect for Parliament and the laws of this land. Every person in this country wants to grab as much as he can before the days are over. The other day when I was talking to some Ministers, they asked me: "Why can you not be quiet and grab like us?". And yet, they are the people the Government has entrusted in running this country. If we continue to have PAC Reports without the Director of the Kenya Anti-Corruption Authority (KACA) and the Attorney-General (AG) acting on them, then it becomes a futile exercise. The PAC spends public money in pointing out who has been involved in corruption or stolen what property and where, and yet no action is being taken. I think the office of the AG should be censured for not acting on the Reports of the PAC. Year in, year out, the PAC points out who has stolen from the Government kitty, but the office of the AG keeps quiet. In fact, it does not do

anything! The Director of KACA is also doing nothing.

Mr. Temporary Deputy Speaker, Sir, we cannot leave the country at the mercy of a few leaders who are money-hungry and all they want is to benefit themselves. According to the Report of the PAC, when the Presidential jet was bought, somebody went out shopping for it, and yet, he knew that to get into a contract of buying a jet, one needs a guarantee of service for 10 years. This was not undertaken because the company which sold this jet was almost non-existent. This means that out of the Kshs4 billion which was used to buy the jet, somebody pocketed about a billion shillings. Why should this vice be allowed to go on? Who was responsible for that? Why was that person not arrested? We are pushing this country to a point where we will talk like Haile Selassie one day. When there was a severe famine in Ethiopia and Emperor Haile Selassie was told that Ethiopians were hungry, he asked his aides: "Why can you not give them meat?" He thought that there was meat everywhere. We laugh here, and yet, we have looted the economy of this nation. Kenyans are dying in the streets because they have no food to eat, water to drink and roads to walk on. We laugh here and think that it is an easy matter. The AG should be called upon to act on this Report. We do not want to read through PAC Reports just like any other newspaper and dump them tomorrow. We want to have PAC Reports acted upon.

Mr. Temporary Deputy Speaker, Sir, when we were in school, and I believe we were in school almost at the same time, KANU came up with a very good motto of eradication of poverty, provision of education and health. Up to 1977 and 1978, we might have been achieving that slowly, but what we have done now is plunder this economy. We have destroyed the resources of this country. There is poverty everywhere and people are ten times poorer than they were in 1982. Kenya which had already reached a stage of being a literate country is now turning into an illiterate country. This is because very few people can afford to educate their children. Even us, as hon. Members of Parliament, can hardly afford to pay school fees in decent schools.

Health facilities in this country have been plundered, and yet, year in, year out, the PAC has been pointing out where money has been lost in the Ministry of Health and other departments. Today, most Kenyans are dying not because of AIDs, but because of lack of drugs. Even a simple headache can kill somebody because there are no drugs in the health centres. For how long will we allow our nation to be run in a "prostitutional" way, such that somebody comes in, grabs and goes away, and yet there is no action being taken against him?

Mr. Temporary Deputy Speaker, Sir, I crave for the day when the people who have looted this nation will be made accountable. Most of us have read and debated the PAC Report, and we will adopt it, but I can assure the looters that if they continue living, and I hope that they will be living after the year 2002, they will have to account for every cent that they have "eaten". The PAC Report contains a lot of questionable deals, because so much money was being injected into development projects countrywide, but when you go to the ground, you will find that nothing is going on. If you go to the constituencies, you will get a completion report for a water project which is yet to be completed, like youth water project, which was supposed to cost over Kshs28 million. There is a completion report, but there is no drop of water. Who took that money? Who misappropriated that money? Why was that person not jailed? Why has he been allowed to continue working freely in the Ministry of Environment and Natural Resources, when the wananchi who he is supposed to serve have no water to drink?

If you look at the standards of our roads today, you will find that a road is tarmacked this year and in less-than-one year, it needs to be re-tarmacked. If you look at the Machakos-Kitui Road, which was tarmacked when I was in secondary school by the National Youth Service, it is intact up-to-date, and it survived the *El Nino* rains. These roads which are being constructed by some funny companies owned by some hon. Members in this House are just a way of taking money from the Exchequer. Somebody says that he or she has tarmacked a road, and even before he or she hands it over, it has peeled off and it is full of potholes. An engineer comes and says, "That is right; finished and completed well."

We are not going to allow the KANU Government to continue leading this country with its "gang of corrupt people." I do not want to use that phrase, which is accurate for them, but if I should use a Parliamentary language, they are "a gang of corrupt people who are running this country to enrich their pockets." Some people are now laughing off at this PAC Report, but one day KANU will be made to answer for the mistakes that its followers have done to this nation. We cannot sit here, take taxpayers' money as our payments, and just be rubber-stamping the PAC Report. And that is why we are asking KANU to tell its Attorney-General to prosecute those who have stolen the taxpayers' money. He should not be compliant; he should be the Attorney-General of this nation, and not the Attorney-General of some people; leaving some people and prosecuting others. It does not make sense to jail a person who has stolen an egg for three years, or fine another person who has pickpocketed a woman of Kshs200 and jail him for three years, while somebody who has stolen from the Kenya Railways Corporation billions of money is left to go scot-free. People who have stolen from the Kenya Ports Authority billions of money are also left to go scot-free and, then, they come here boasting,

"We are rich; we own Pajeros."

Wananchi themselves have contributed to the state of corruption in this country. They will tell you: "*Wewe Bw. Kikuyu, umekuwa Mjumbe miaka kumi na hujanunua Pajero; pesa unapeleka wapi?*" At that point, they would almost make me think of being a looter, like the others, because my salary cannot afford to buy a Pajero.

(Laughter)

Therefore, I would also like the wananchi to know that we want people to lead a good life, but with money well-earned, and not people who have grabbed and misused the resources of this land. If you go to most of our towns and municipalities with some capital to develop some land, you will find that all the parcels of land have been grabbed. That is why you will find that even here in Nairobi, they are now grabbing Karura Forest, the only natural forest that we have in the City, which means that even if we cry and say that we want investors to come to Kenya, we cannot have them. How will investors come here when we have grabbed the land on which they can build their factories? If you now ask the Nairobi City Council for two acres of land to build a factory, you will not get anything; there is no free land. You have to buy a parcel of land from a Mr. Kamau, or a Mr. Mutiso, or a Mr. Rotich, who has been given that land to resell to others.

This is bad economics, and it is destroying our nation. If we destroy this nation, whether you are rich or poor, we will all suffer the same consequences. In Somalia today, I do not believe that there are rich, or poor individuals. They are all suffering like we are now. We seem to be heading to that kind of suffering. If we can steal from this nation money to the tune of Kshs580 billion, it means that every year we are stealing from the Government coffers over Kshs100 billion. Does it make sense for a Minister and the Permanent Secretaries to go abroad and beg for money which they have stolen from Kenya? They are now asking for Kshs50 billion from the donors.

The Assistant Minister for Finance and Planning (Mr. Lomada): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is trying to imply that the money was stolen by officers in the Treasury. Is he in order to imply so?

Mr. Kikuyu: Mr. Temporary Deputy Speaker, Sir, anybody can have his or her opinion, but this country has given the Treasury the powers to oversee its money. And if the money gets lost, it is the Treasury which is responsible, unless the Assistant Minister does not understand the functioning of the Government.

It does not make sense if we are saying that during the 1995/1996 financial year, we lost Kshs100 billion, and we go to the Bretton Woods Institutions to beg for Kshs50 billion. We should get that money from those people who have stolen, and who are here and continue working, instead of going outside to beg. And that is why I am asking the Attorney-General to specifically arrest these people, charge them in court and make the Government recover the stolen money. We will continue to be a poor nation at the expense of a few rich individuals who have plundered the economy of this nation. The responsibility of every tax collected in this nation rests with the ruling party KANU, which forms the Government and which has been in power since we got Independence, 36 years ago. We have never had any change in the Government. All the plunderers, whether during Kenyatta's time, or Moi's time, are answerable to the KANU Government.

It does not matter which individual was in power. That is why I am saying the KANU Government, must be answerable to Kenyans; to explain why we are nose-diving. People could afford a kilo of sugar yesterday, but today they cannot afford a packet of salt. Where do you want Kenyans to go to? If the Government has lost moral responsibility to rule, it has no reason to be in power, but to resign and let those people who can control the economy for the betterment of the masses take over. We do not want to allow the KANU Government to continue pulling back the Kenyan horse, and without feeding it, until it collapses.

Mr. Temporary Deputy Speaker, Sir, even when a donkey is carrying a heavy load, you have to remove some of the load, allow it to eat a bit and rest. The taxation the KANU Government has imposed on Kenyans, and which it is using corruptly, is too heavy for them to bear. I am requesting those in authority to think twice. Kenyans can be good and God-fearing, but for how long will they persevere carrying that heavy burden? The burden of feeding about 200 Kenyans at the expense of 30 million Kenyans. For how long will we allow those few to eat butter and bread while the rest of the Kenyans are dying of hunger?

Some of us are bitter because if the money which has been shown as having been corruptly looted from our Government funds was available today, those people dying of hunger in Eastern and North Eastern provinces would now be having food. The money was looted and it is in individuals' pockets and not in the Government coffers. Kenyans for the first time are facing famine with no relief food. They only get two kilograms of relief food per month. If you go to my Constituency, just look at those hospitals near Machakos Town and you will understand what I am saying. People are dying and the Government asks who is dying of hunger. When one is sick and has not eaten for three days, even if he is suffering from malaria, he will die. The doctor will diagnose the cause of death as malaria, but the weakness will have been caused by hunger. He will die because of hunger. Can the looters return this money so that we can save our people from dying? We will be able to buy them relief food, even if it means selling the

Presidential jet. After all, it was bought without Parliamentary consent and so you do not need Parliamentary consent. You can still sell it away and bring back the money. Kenyans are dying at the expense of one person flying in a Presidential jet worth Kshs4 billion. How do we continue in a country like this?

The KANU hon. Members are laughing. They want it to look as if famine is only in my Constituency, Machakos Town. I can see an hon. Member from a very dry area where people are dying laughing on the Government side. He thinks I am saying this because I am from the Opposition side. I am saying this on behalf of Kenyans, even Marakwets and Pokots are dying!

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious allegation. We are not aware of anyone dying of hunger. Is the hon. Member in order to mislead this House?

Mr. Kikuyu: Mr. Temporary Deputy Speaker, Sir, you must have listened to me keenly when I said that people are dying of hunger. I said that because of misuse of power and corruption, people are dying. If you were armed against the cattle rustlers from the other tribe, your people could not have died.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to be addressing another hon. Member? He should be addressing you.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kikuyu, please, address the Chair.

Mr. Kikuyu: Thank you, Mr. Temporary Deputy Speaker, Sir, for correcting me. When we say that Kenyans are suffering, whether because of famine or insecurity in cattle-rustling-prone-areas, it is the responsibility of KANU Government to make people comfortable. The first and foremost duty of any Head of State, or the party in power, is to protect the lives of the people. Whether people are dying through the gun, hunger, sickness or malnutrition, it is the work of the Government to make sure that people are comfortable. That is why I am saying that if we could teach Kenyans to be a bit more responsible, especially those in power to stop grabbing, and the taxes collected in this country be ploughed back to the economy, Kenya will not go begging. Kenya has enough potential.

We have corrupted the biggest industry in this country which is the coffee and tea industry. The street market value for *Mbuni*, which is the lowest grade of coffee, is Kshs20 per kilogramme. When we take this *Mbuni* to the Kenya Planters Co-operative Union (KPCU), at the end the farmer gets Kshs7 per kilogramme. Here is a woman moving in the streets and she knows where to sell her coffee at a better price than the Chairman of Coffee Board of Kenya. Why should we allow the Coffee Board of Kenya to continue looting from Kenyans? The KPCU is another looting organ!

Mr. Temporary Deputy Speaker, Sir, farmers in Mwea have gone up in arms against the National Irrigation Board because it is looting. We must have transparency and clarity in our Government. The Government must be told that we need clarity of its actions. The market price for Pishori Rice is about Kshs50 per kilogramme. A farmer from Mwea gets Kshs15 per kilo from the National Irrigation Board. We should let the farmer who sweats most to earn the profit and not the one who sits in the office. Kenyans are suffering countrywide, and even those who are defending the KANU Government know that this is not true. Nobody from Marakwet can come here and say that his people are not dying because of being shot. There is no security and nobody will deny this even if he comes from Baringo Central. Why should we allow a state of uncertainty where people are not sure of what will happen the next day? People do not know whether they will live tomorrow. I do not know whether from here, I will reach Machakos. Why should we allow such a state like that to continue because of corruption?

Mr. Temporary Deputy Speaker, Sir, we are not bitterly pleading, but we are asking for our rights. Somebody asked me over lunch hour when I will defect to KANU so that relief food can be increased in my area. The Kambas do not want relief food to be increased in their area out of sympathy. We are taxpayers and we have a right to that relief food. We have a right to the taxpayers money and we are not begging anybody. All I am saying is that we need services because we pay taxes. Kenyans must be given the services necessary regardless of their tribes. Let Kenyans get the services they are paying taxes for. This Government cannot explain how it uses even the Kshs180 billion which it collects from the taxpayers. There is no other explanation apart from corruption or plundering that money because Kenyans are not getting any services. I beg those in power to understand that time changes and one day, they will pay for the evils they have committed against this nation.

Thank you.

Mr. Munyao: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Motion. I am not a member of PAC, but I do thank the Chairman of PAC and his team because when they moved and seconded the Motion I was in the House. From what I have followed, this Committee has done a beautiful and wonderful job. It is upon this House to take this Report with the kind of weight it deserves and honestly discuss this Motion, being very sincere to the contents and recommendations. For those of us who have read this Report, it touches on the mainstream of problems in the country because every problem emanates from the

misappropriation and mismanagement of finances. There is nothing personal in this Report. It is true that when we talk and point out some issues affecting the PAC and the mismanagement of public finances, we should take ourselves as Kenyans. We should ask ourselves if these finances were properly utilised, how far would they have taken Kenyans? Kenya is ours and there is no question of the Opposition and the Government side. We should all be concerned because if Kenya runs properly it will be ours for years.

The PAC accounts that we are reading now are for the year 1995/96. It is now about 32 years since Independence. We have had this Parliament since 1963. There is not a single year that this Parliament has never had to discuss PAC Reports and the mismanagement of funds. I am sure it will continue for many years because this is a permanent feature. What is very crucial and what everybody ought to ask themselves is: What shall we do to make sure that actions and recommendations made by this House will be followed? Since 1963, it looks like this Parliament has become a toothless dog. We discussed what should be done about mismanagement for the 30 years we have been independent. It looks like at the end, when the debate ends and a vote is taken, the records end there.

I would support all the speakers who have said in the past, either in this session or the other sessions, that the recommendations by the PAC and the whole House must be backdated and we are told what has happened to recover all the mismanaged funds. I do not want us to just focus on the 1995/96 mismanagement and the Kshs580 billion we are now talking about. I would want to see it stretched right back so that everybody really pays for whatever he has already done. Mismanagement or corruption is a culture assumed in Kenya. If it is not properly handled, it will get us nowhere. You can even see a simple thing like the traffic regulations which are flouted day in, day out.

For example, Machakos is 40 miles away from Nairobi, I believe Meru is about 90 miles and Nakuru, Kisumu and Mombasa are further from Nairobi. If you go down to Machakos which is near here, there are more than four police barriers. You wonder because from the JKIA barrier you will find a barrier in Namanga, before you get to Daystar University, there is another barrier and another one before you turn off to Machakos. The biggest offenses are committed on these barriers. We would like to be told what the barriers are for. There has never been any report to say that: "Because of these barriers we have arrested so many people carrying this and that." In fact, the other time - and I congratulate the police from the western Kenya - we were told that a vehicle carrying bhang was arrested. We were shown on the TV a GK vehicle carrying the bhang.

There has never been anything illegal found to ascertain and confirm why these barriers were put there. Even at night you will find some vehicles which do not have headlight lamps, have a single lamp or at times dim lights passing through some of these barriers. I am told that during daytime most of the defective *matatus*, buses and other vehicles usually slow down and one can even throw a Kshs20 coin. Imagine how we have come to be so cheap in our own methods of being corrupt! If anything happens to a vehicle which is carrying passengers beyond its capacity, it will kill an excess of 20 or 30 people. Some of these vehicles have no tyres or brakes and they are still allowed to pass every barrier. Nothing is done about this and yet the policeman is paid out of taxpayers' money.

If it is a big vehicle which has exceeded its load capacity, then it is damaging Kenyan roads. Regulations are there which must be followed and the Minister for Public Works and Housing talks all the time about overloading. Despite that, all these *matatus* that have overloaded and some which are defective still pass through these barriers. If this can happen at this time and it cannot be detected, then what will happen? Where are we going? Almost everybody is talking about it, including the Commissioner of Police and the Head of the Traffic Department. To put a stop to some of these things is so easy because a policeman only needs to jump into a *matatu* with no uniform and sit there. He will be able to detect all these offenses like bribery and so on. I congratulate and commend the policeman who arrested three people in Kariakor because of such embezzlement. That happened because there was determination and somebody wanted to know the truth.

It does not take time to know the truth about what goes on, on these roads. It only needs commitment and people who can be depended upon. The whole thing can be stopped within a week, but it will need the right machinery. Issues spoken in this House for the years we have been here are enough. If the issues which have been pointed out would be followed, we would have no problem at all. This country has got enough laws to control whatever we do. The problem is to follow these laws. Action needs to be taken on the people or persons who have been embezzling public funds. By the turn of the Century the population of this country will be in excess of 30 million. The people who have really grounded this country are hardly 100. Even if they are more, they can be about 1000. Even if these people are hanged, Kenya would not suffer. We need to see somebody hanged - even if it is Munyao - on Uhuru Highway, 30 feet high, and we will be told that, that is the man who has embezzled the money. If I remain there for a week, people will see the way I am hanging there. I should not even be buried. I should remain there until my body is completely decomposed.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, it is time for the interruption of Business. The House stands adjourned until tomorrow Wednesday, 13th October, at 9.00 a.m.

The House rose at 6.30 p.m.