

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 2nd November, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION UNDER STANDING ORDER 18

UNSATISFACTORY REPLY TO QUESTION ON INSECURITY IN SUBUKIA

Mr. Speaker: Hon. Members, I have received a written notice from the Member for Subukia, Mr. Koigi Wamwere, of his intention to move a Motion of Adjournment under Standing Order No.18(1) and (2) over a matter of unsatisfactory reply to Question No.2 by Private Notice, answered on Wednesday, 27th October, 2004, concerning insecurity in Subukia Constituency. I have considered the matter and acceded to his request. I will, therefore, call upon the hon. Member to move the Motion of Adjournment at the interruption of business on Thursday, 4th November, 2004.

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Preparatory Meeting of the Parliamentary Forum of the Nile Basin Countries, whose objective is to enhance co-operation among Parliaments of countries that are part of the Nile Basin initiative, held on 29th September, 2004, in Geneva, Switzerland.

*(By the Assistant Minister for Transport
(Mr. Ligale) on behalf of the Minister
for Water and Irrigation)*

NOTICES OF MOTIONS

ADOPTION OF PARLIAMENTARY FORUM OF NILE BASIN COUNTRIES REPORT

The Assistant Minister for Transport (Mr. Ligale): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Preparatory Meeting of the Parliamentary Forum of the Nile Basin Countries, laid on the Table on Tuesday, 2nd November, 2004.

ESTABLISHMENT OF BUDGET COMMITTEE

Mr. Oloo-Aringo: Mr. Speaker, Sir, on behalf of the Parliamentary Service Commission, I beg to give notice of the following Motion:-

- (i) THAT, this House resolves to establish a Select Committee to be designated Budget Committee, which shall consist of a Chairman and not less than 14 other Members, who shall be appointed at the commencement of every Parliament.
- (ii) The Select Committee shall examine Annual and Supplementary Estimates of the Expenditure presented to the House and shall report to the House what, if any, economies should be made consistent with the proper carrying into effect of the policies implied in or by such Estimates.
- (iii) The Select Committee shall examine draft annual and Supplementary Estimates of Expenditure, which the Minister responsible for Finance shall table before the Committee at least 30 days before the final Estimates are presented to the House.
- (iv) The Select Committee shall examine draft Annual and Supplementary Estimates of Expenditure, which the Minister responsible for Finance shall table before the Committee at least 30 days before the final Estimates are presented to the House.
- (v) The Committee shall evaluate tax expenditures, economic and budgetary policy programmes with direct budget outlays and report such results and recommendations to the House every quarter.
- (vi) The Committee shall select a Chairman and Vice-Chairman, and it shall elect one amongst the Members to take the Chair in the absence of the Chairman and the Vice-Chairman.
- (vii) A majority of Members shall constitute a quorum.
- (viii) The Commission shall establish a Budget Secretariat Office to be called Office for Fiscal Analysis with such officers that are necessary to facilitate the Committee discharge its functions.

(Applause)

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Mr. Korir's Question!

Question No.680

DISBURSEMENT OF FUEL LEVY FUNDS

Mr. Korir not here? We will come back to the Question.
Next Question, Mr. Owino!

Question No.813

SHOOTING OF MR. OCHIENG OMOLO

Mr. Speaker: Mr. Owino also not here? We will come back to the Question.

Next Question, Mr. Dahir!

Question No.526

REHABILITATION OF LIBOI/
MODOGASHE AIRSTRIPS

Mr. Speaker: Mr. Dahir is also not here? We will come back to the Question.
Next Question, Mr. Masanya!

Question No.221

DISTRIBUTION OF BURSARY FUNDS
TO NYAMIRA SECONDARY SCHOOLS

Mr. Masanya asked the Minister for Education, Science and Technology:-

- (a) whether he could table the distributed bursary funds to secondary schools in Nyamira District from the years 1998/99, 1999/2000, 2000/2001, 2001/2002 and 2002/2003; and,
(b) whether he could confirm that the money was properly utilised for the benefit of bright students from poor families.

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

(a) The distributed bursary funds to secondary schools in Nyamira District for the financial years mentioned were as follows:-

<u>Year</u>	<u>Amount in Kshs</u>
1998/1999	4,863,465
1999/2000	3,764,429
2000/2001	19,705,429
2001/2002	19,888,971
2002/2003	15,455,343

(b) Going by the information I have, I am satisfied that the money was properly utilised for the benefit of bright students from poor families. Once the bursary funds were sent to the respective schools, the schools' boards of governors, together with the teachers, were expected to sit and allocate the available funds.

Mr. Masanya: Mr. Speaker, Sir, having seen the figures given by the Assistant Minister, there was a general complaint that the beneficiaries of these bursaries were the wrong people. Could he table the list of the beneficiaries of these funds?

Dr. Mwiria: Mr. Speaker, Sir, that information was not required by the Question initially. Secondly, it is not so easy to mention every student who has benefitted from such a huge amount of money. However, it is possible to indicate which schools got how much. I have a list of the schools that benefitted in the year 2002/2003. We have accurate data on that, but it is not easy to list the beneficiaries. I know that there have been complaints that, sometimes, this money does not go to the most deserving cases, but we must have evidence to that effect. Also, with the change where hon. Members sit in their respective bursary committees deciding on the disbursement of these resources,

we hope that this kind of mistake has been corrected.

Mr. Karaba: Mr. Speaker, Sir, nowadays, we have a serious problem of students withdrawing from schools due to famine. Very many students go without food. Could the Ministry consider making a special provision to schools, in addition to the bursary allocations, to cater for students who leave school due to famine?

Dr. Mwiria: Mr. Speaker, Sir, there are already other programmes that deal with the problem of famine. We have realised that the Kshs700 million that was availed for bursaries is not adequate. There is a limit of the resources we can ask for the Ministry of Education, Science and Technology. There are other sectors that also deserve support.

Mr. Speaker, Sir, if hon. Members could decide that all the money available to the Government must go to education, well and good. But that must be a decision. So, certainly, depending on the views of hon. Members, we will be willing to consider.

Prof. Oniang'o: Mr. Speaker, Sir, there are some students who were caught up between the old and the new system of bursary disbursement. Could we be told by the Assistant Minister how students of the old system, who were not captured by the new system, will be catered for?

Dr. Mwiria: Mr. Speaker, Sir, I would require a little clarification from the hon. Member, in terms of the old and new system, unless she is talking about the new system where Members of Parliament are disbursing the money, compared to the previous system.

All I can say is that there may be a few irregularities. But I do not think that there is anything that has been done about that.

Mr. Masanya: Mr. Speaker, Sir, bursaries were given to bright students from poor families. At the moment, there are students who are not very bright, but they are orphans. Could the Assistant Minister consider aiding those students?

Dr. Mwiria: Mr. Speaker, Sir, the money that is available is given to the constituencies. The constituencies have committees which are led by Members of Parliament. The committees have the liberty to decide how the money is given out, so long as they go by the criteria of students who are bright and needy.

Any other modifications that are made, as long as they are agreed upon by the committees, we will have no objection.

Question No. 069

PASSION FRUIT PROCESSING
FACTORY FOR KITUTU MASABA

Mr. Mwanicha asked the Minister for Agriculture when a passion fruit factory will be constructed in Kitutu Masaba to save farmers from exploitation by middlemen who buy their products at throw-away prices.

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

The Government is making efforts to expand production of passion fruit in that region, in order to attract investors in fruit processing and more buyers of fresh fruit from markets in and outside the country. Indeed, my Ministry has been consulting with several development partners over the development of a passion fruit industry in Western Kenya.

Mr. Speaker, Sir, it is only last month, that is, in September, 2004, that the Ministry and United Nations Development Programme (UNDP) sent consultants to the greater Kisii to carry out feasibility studies on passion fruit processing. I expect to receive the report soon.

Mr. Mwanicha: Mr. Speaker, Sir, I do not know exactly what the UNDP consultants went

to check in Kisii because the area is good for passion fruits. I am not even aware of those consultants. But, anyhow, I urge the Assistant Minister to do everything possible to have the plant constructed in Kisii for passion fruits processing. Without it, farmers will really get impoverished. Otherwise that is a good answer.

Thank you.

Mr. Akaranga: Thank you, Mr. Speaker, Sir. There is nothing which I could answer because---

An hon. Member: Sit down!

Mr. Akaranga: Mr. Speaker, Sir, the hon. Member has agreed that the response was reasonable. Therefore, I will just sit down.

Mr. K. Kilonzo: Mr. Speaker, Sir, given that---

Mr. Speaker: Order! Who has given you the Floor?

(Laughter)

I am trying to figure out who you are? Mr. Kiema Kilonzo!

Mr. K. Kilonzo: Mr. Speaker, Sir, given that it is common practice for middlemen to exploit farmers, could the Ministry consider, especially in districts like Kitui where there is high production of fruits, to have similar plants to process those fruits? I would like the Assistant Minister to consider Kitui District. The farmers there are highly exploited by middlemen.

Mr. Akaranga: Mr. Speaker, Sir, I have agreed with hon. Members from Machakos District that we shall be visiting that area to assess the production of french beans and other fruits. I hope that we shall discuss more when we get there.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to talk about Machakos when he has been asked about Kitui? Does he know the difference?

(Laughter)

Mr. Speaker: Is Kitui, Machakos?

Mr. Akaranga: Mr. Speaker, Sir, they are all in Ukambani. We will attend to all of them.

Mr. Speaker: The last question on this issue. Mr. Mwancha, are you happy?

Mr. Mwancha: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! Next Question by Mr. Wamunyinyi!

Question No.352

REVENUE COLLECTION AT MOI/JKIA

Mr. Munya, on behalf of **Mr. Wamunyinyi**, asked the Minister for Transport:-

(a) how much money the Government has collected through the Kenya Airports Authority toll charges at the Jomo Kenyatta International Airport (JKIA) and Moi International Airport, Mombasa, during the 2002/2003 fiscal year;

(b) how many companies were contracted as collection agencies for KAA and how they were sourced; and,

(c) whether he could state the names of those agents, with a breakdown from the date they were contracted.

Mr. Speaker: Where is the Minister for Transport?

The Assistant Minister for Transport (Mr. Ligale): Mr. Speaker, Sir, before I answer, I wonder whether Mr. Wamunyinyi mandated Mr. Munya to ask the Question.

(Loud consultations)

Mr. Speaker: Order, hon. Members! In the absence of evidence to the contrary, I assume that, that is the case.

The Assistant Minister for Transport (Mr. Ligale): Mr. Speaker, Sir, I have my suspicions, but I beg to answer.

(a) The Kenya Airports Authority collected Kshs64,750,000 for both Jomo Kenyatta International Airport and Moi International Airport during the 2002/2003 fiscal year. An amount of Kshs46,500,000 was collected from Jomo Kenyatta International Airport and Kshs18,250,000 from Moi International Airport.

(b) Only one private firm, Kenya Airport Parking Services, was contracted as a collection agency for both airports. It was sourced after emerging the highest bidder out of the nine firms that had participated through an open tender process in Tender No.KAAA 18/99-2000. The firms that submitted the bids for the advertised open and competitive tender and their minimum quotation guarantees were as follows:-

Firm	Minimum Concession Guarantee
Koa Internation Trading Limited	24,000,000.00
Aludie Consortium	59,964,000.00
Aerospace Consortium	8,000,000.00
Parking Solutions	50,000,000.00
Avicon Engineering Limited (Kenya Airport Parking Services)	66,000,000.00
Kyalam Limited	3,600,000.00
Mt. Kenya Sundries Limited	35,000,000.00
Coast Car Park	1,800,000.00
Thrust and Engulf Limited	54,500,000.00

(c) Kenya Airports Parking Services was contracted with effect from 1st April, 2001, for a period of five years. Kenya Airports Parking Services is the sole party contracted to collect toll charges at both airports, and no agents have been contracted.

Mr. Munya: Mr. Speaker, Sir, from the money collected for parking services, how much went to the Government?

Mr. Ligale: Mr. Speaker, Sir, out of the money that was collected, Kshs64.7 million went to the Kenya Airport Authority.

Capt. Nakitare: Mr. Speaker, Sir, as an expert in aviation, I want to thank the Assistant Minister for answering that Question and stating that the Government received the money. We would like to know what that money was used for. The viewers at the international airports are not working. When you drive into the airport, the signs that are supposed to show you where Units 1, 2 and 3 are, which should show you the international airlines that you should board, are not there.

Mr. Speaker, Sir, could he tell this House what is the purpose of collecting that money?

Mr. Ligale: Mr. Speaker, Sir, that money became part of the revenue of the Kenya Airports Authority. I would like to inform the hon. Members that the KAA is currently involved in a major rehabilitation exercise, which will not only include the installation of the signs that the hon. Member

has referred to, but an actual refurbishment of the lounges and other facilities at the airports. This includes improving security at the Jomo Kenyatta and Moi International Airports, as well as at Wilson Airport.

Mr. Marende: Mr. Speaker, Sir, the Assistant Minister has indicated that they sourced the tenderer from several bidders. In order to dispel fears of favouritism, could he indicate the ownership of the Kenya Airport Parking Services Ltd. by indicating who are the shareholders and the directors?

Mr. Ligale: Mr. Speaker, Sir, I do not have those details. All I know is that this is a Kenyan company owned by Kenyans.

Mr. Speaker: Order! Hon. Members should know that public documents may not be tabled in the House. You can get them, including from the Registrar of Companies. That is the law.

Maj. Madoka: Mr. Speaker, Sir, the Assistant Minister has said that the total sum of Kshs64.7 million that was collected went into the Government kitty. Does this company offer services free of charge? Could he explain that?

Mr. Ligale: Mr. Speaker, Sir, the bidders were requested to bid what would be payable to the KAA less their expenses.

Mr. Munya: Mr. Speaker, Sir, since the Assistant Minister has said that he does not have information as to who the directors and the shareholders are, could he undertake to give that information to this House on a specific date?

Mr. Speaker: Have I not already made that ruling? Mr. Munya, I have already made that ruling!

Dr. Galgalo: On a point of order, Mr. Speaker, Sir. Maj. Madoka wanted to know how much the Kenya Airport Parking Services Ltd. gets. The Assistant Minister is hiding that information by saying that they remit the money to the Government after they have already paid themselves. How much do they pay themselves? That is the context of Maj. Madoka's question.

Mr. Speaker: Mr. Assistant Minister, that is a fair question, which is: Out of the total collection, how much goes to the KAA and how much goes to the private company? I think that is fair.

Mr. Ligale: Mr. Speaker, Sir, I agree that, that is a fair question. I can bring that information here on Tuesday next week.

Question No.550

EMPLOYMENT OF LABORATORY TECHNICIANS/TECHNOLOGISTS

Mr. M. Haji asked the Minister for Health:-

- (a) how many laboratory technicians and technologists have been employed by the Ministry since the year 2000;
- (b) whether she is aware that Takaba and Banisa Health Centres, the only health facilities in the constituency, have no laboratory staff;
- (c) whether she is also aware that patients are referred to Mandera District Hospital which is over 300 kilometres away for simple laboratory investigations; and,
- (d) whether she could urgently consider posting laboratory technologists to the above centres.

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

(a) The Ministry has not employed laboratory technicians and technologists since 1997, following the awkward World Bank embargo on employment that included the Ministry of Health employees.

(b) Yes, I am aware that Takaba and Banisa health facilities in Mandera West Constituency have no laboratory staff.

(c) Yes, I am also aware of the long distances between Mandera District Hospital and other health facilities.

(d) Due to shortage of laboratory technicians, we were not able to employ some technicians for Tabaka and Banisa Health Centres, but we are now in the process of employing them. We will advertise the posts in the next seven days, and I expect to employ them immediately and send some to the Tabaka and Banisa health facilities.

Mr. H. Haji: Mr. Speaker, Sir, I wish to thank the Minister for that elaborate answer. The World Bank has placed an embargo on employment in every sector, especially in the fields of laboratory technicians and technologists because they think they are sufficient. Could the Minister confirm whether laboratory technicians and technologists are there, but the Ministry is not able to post them to the needy places? There are places where laboratory technicians and technologists are overstaffed, and yet in places like Takaba, we do not have even one.

Mrs. Ngilu: Mr. Speaker, Sir, when we advertise for these posts, we will state to which centres the officers will be posted. I would like to say that the World Bank embargo has been on. However, the Ministry has decided to employ laboratory technicians and technologists with or without the embargo.

Mr. Mwandawiro: Bw. Spika, Waziri ametueleza kwamba Benki ya Dunia inaathiri mipango ya maendeleo ya nchi hii. Je, Serikali inakubali kuwa tunatawalwa na Benki ya Dunia ama iko huru?

Mrs. Ngilu: Mr. Speaker, Sir, that has been the case in the past. I have said that with or without that embargo, I will advertise for laboratory technicians and technologists in the next seven days and I will employ them.

Dr. Manduku: Mr. Speaker, Sir, recently, the Minister scrapped the cost-sharing method in hospitals. Communities had employed laboratory technicians and some paramedicals. Does she have any plans to absorb these young men and women into the Ministry, who had been employed by the communities? She scrapped the cost-sharing method without giving any notice. These officers were offering good services to the communities.

Mrs. Ngilu: Mr. Speaker, Sir, the cost-sharing method in hospitals is not totally scrapped. We have the 10-20 policy; Kshs10 for dispensaries and Kshs20 for health centres. I know that there are many people who had been employed by communities and had to leave employment. However, there has been an increase of up to 300 per cent of people seeking medical assistance in our facilities since we put this policy in place. Most of these people could not access our facilities due to the cost and we decided to scrap the cost on malaria and tuberculosis treatments. Meanwhile, we will employ more health workers and post them to places where there is a shortage.

Mr. A.H.M. Mohamed: Mr. Speaker, Sir, laboratory technicians play a very important role in disease treatment and management. Doctors and nurses who deal with patients cannot treat all diseases without adequate diagnosis being done in laboratories. One of such diseases is tuberculosis (TB). It is common knowledge that TB is a killer disease in North Eastern Province. There are donors who are ready to put up *manyattas* for treating TB in Banisa and Takaba, but because laboratory technicians are not there, they are not able to move forward. The Minister says in the next seven days she will be advertising. I know advertisement, recruitment and posting will take a long time. So, could she consider sending laboratory technicians from Mandera District Hospital as a matter of urgency now?

Mrs. Ngilu: Mr. Speaker, Sir, as we advertise, I will check whether I can find one of the technicians and send him to Mandera District straightaway.

(Dr. Ali stood up in his place)

Mr. Speaker: Dr. Ali, is it really burning?

Dr. Ali: Yes, Mr. Speaker, Sir. I wish to request the Minister to consider those areas which are deprived of laboratory technicians and technologists, especially the marginalised areas. These areas should be considered when the Ministry will be doing the recruitment.

Mr. Speaker: Next Question by Mr. Kipchumba!

Question No.414

SHORTAGE OF MAGISTRATES IN
ELDORET LAW COURTS

Mr. Kipchumba asked the Minister for Justice and Constitutional Affairs:-

(a) whether he is aware that there are over 32,000 cases pending before the Eldoret Law Courts due to shortage of magistrates; and,

(b) what he is doing to alleviate this problem.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

(a) The figure of 32,000 is incorrect. The correct record of cases at Eldoret Magistrates Courts as at 17th May, 2004, is 8,022.

(b) Yes, it is conceded that there was a shortage of magistrates at Eldoret Court station, but the situation has since been redressed.

Mr. Kipchumba: Mr. Speaker, Sir, while the figure might have reduced, because I asked this Question a long time ago, I am not very sure of the correct status. However, 8,022 is still a very big figure, considering that justice delayed is justice denied. When the Assistant Minister says the situation is being addressed, how is he addressing it? He has not posted adequate magistrates and the cases are still very many, and yet, he says the situation is being addressed. How is he addressing it?

Mr. Githae: Mr. Speaker, Sir, the position before the pre-reforms was as follows: There are five courtrooms in Eldoret and there were five magistrates. After the purge in the Judiciary, Eldoret courts were left with five magistrates. As I speak today, we now have six magistrates with only five court rooms. So, in effect, one magistrate is actually using chambers as her office. Secondly, we now have two judges at Eldoret Law Courts. Even further, there is intention to post a Chief Magistrate in January, 2005.

In addition, the Court of Appeal has accepted Eldoret as a registry area. This means that, like Mombasa, Kisumu, Nakuru and Nyeri, Eldoret now will be part of the annual circuit of the Court of Appeal. So, the situation has since been redressed. In fact, we now have more magistrates than the pre-reform time. The magistrates have been asked to do all they can to make sure that the pending cases are dealt with as quickly as possible.

Mr. Muite: Mr. Speaker, Sir, this problem of too many cases and very few magistrates is not confined to Eldoret. Even in Mombasa, the lawyers are on strike. Could the Assistant Minister remind this House how many magistrates the Ministry sent home in the purge and what number they have recruited so as to send them round the magistrate courts in the whole Republic?

Mr. Githae: Mr. Speaker, Sir, it is true that after the purge, there were quite a number of courtrooms that were left without magistrates. However, the situation has since been addressed. We have only recently recruited 67 magistrates and they have been posted. The situation in Mombasa

will soon be rectified as soon as the next postings are done. Concerning the number of magistrates that were retired in public interest, I think they were about 80 in number.

Mr. Rotino: Mr. Speaker, Sir, the backlog of cases in various courts in this country is really a problem. Could the Ministry consider introducing mediation and arbitration in courts, so that some of these small cases could be arbitrated so as to reduce the backlog of cases? I am sure the Government will not be able to employ enough magistrates to deal with these cases. Some countries have employed mediation and arbitration and they have reduced a lot of backlogs of cases.

Mr. Githae: Mr. Speaker, Sir, that proposal has actually been put to the Chief Justice and he has appointed a special committee which is looking at ways of expediting these cases. One of the requirements will be that before a case is filed, it is, first of all, mediated and even arbitrated before it actually goes to court. This will reduce some of the pending cases. I am also glad to inform this House that we now have weekend courts in Nairobi at the Chief Magistrates courts at the High Court. The intention is that the weekend courts will start in all provincial headquarters and then trickle down even to the districts. So, I would like to assure this House that by January next year, most of these pending cases will have been sorted out.

Mr. Sambu: Mr. Speaker, Sir, when a batch of judges and magistrates were sent home because of certain alleged crimes which were never published, they had been presiding over cases which affect two parties; either the Republic versus somebody, or two individuals or companies in civil matters. When these people were sent home and they did not appeal against the action, it means they accepted their alleged crimes. If they committed crimes, then one of the parties must have suffered. Could the Assistant Minister publish the crime committed by each and every judge and magistrate who was sent home and has not petitioned, so that we know what crime they committed? They may have set free somebody who was guilty, or they may have given wrong judgment in a civil case because they were bribed.

Mr. Githae: Mr. Speaker, Sir, there will be no point of publishing that because the individual judges and magistrates know what they were accused of. Some of them defended themselves and the defence was accepted and they resumed their duties. So, each individual judge and magistrate knows what he or she was accused of. After the accusation, a special committee looked at all those submissions and defences. Those who were unable to explain the accusations against them were retired and those who were able to explain resumed their jobs. In addition, tribunals were established to look into the allegations made against those Judges who did accept the accusations against them. As a matter of fact, one tribunal has already cleared one Court of Appeal Judge and he has resumed his job. I think the rule of law has actually been observed even more because the President accepted the tribunal's recommendations and the judge has resumed his job. So, we need to commend both the Judiciary and President.

*(Several hon. Members stood up
in their places)*

Mr. Speaker: Order, Members! We have not even finished ordinary Questions. We are almost going to the end of Question Time! There are several hon. Members who want to seek Ministerial Statements. There are Ministers who also wish to issue Statements. So, please, we cannot spend all the time on one Question!

Last question, Mr. Kipchumba!

Mr. Kipchumba: Mr. Speaker, Sir, the Assistant Minister said that there are 8,022 cases with only five magistrates to hear them. It, therefore, means that each magistrate will hear 1,600 cases. Assuming that every magistrate is very hard-working and can dispense even five cases in a

day, it means it will take 300 days for all those cases to be dispensed. My feeling is that 300 days to get justice is still a lot of time, given that other cases will be piling up. Could the Assistant Minister consider expanding the court rooms and employing more magistrates as soon as possible, so that Kenyans can be given justice as quickly as possible?

Mr. Githae: Mr. Speaker, Sir, that would be the ideal situation. But, as of now, we have five court rooms in Eldoret and six magistrates. That means that one magistrate has no courtroom. To put up new courtrooms will take some time. The recommendation was that magistrates were to give the 3,012 criminal cases priority, so that they can be settled as soon as possible. For the judges, the Constitution has a maximum provision of 50 judges. At the moment, there are 46 judges manning our courtrooms and another four judges are working at the various tribunals. That means we have no vacancies for judges. Unless we increase the number of judges provided for in the Constitution, there is not much we can do. However, we would be glad to receive recommendations from the House to amend the Constitution to increase the number of judges.

Mr. Speaker: Very well. For the second time, Mr. Korir!

Question No.680

DISBURSEMENT FUEL LEVY FUNDS

Mr. Korir is not here? Question dropped!

(Question dropped)

For the second time, Mr. Owino Likowa!

Mr. Owino: Mr. Speaker, Sir, I am sorry that I came late!

Question No.813

SHOOTING OF MR. OCHIENG OMOLO

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

(a) whether he is aware that Julius Ochieng Omolo was shot dead on the night of 1st September, 2003, as he arrived home in Awendo Town;

(b) whether he is further aware that the gun that was used was among the four guns with 300 live ammunition that were stolen in May, 2003, from the Awendo DO's armoury; and,

(c) what steps the Government has taken to apprehend the culprits.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that, on 1st September, 2003, at about 9.30 p.m. Julius Ochieng Omolo, an employee of South Nyanza (SONY) Sugar Company was shot dead by armed gangsters at his home gate in Awendo Town.

(b) No, I am not aware that the gun that was used to kill the late Omolo was one of those stolen on the night between 2nd and 3rd June, 2003, at DO's Office, Awendo.

(c) Investigations are still ongoing. Police Case File No.664/89/03 is still open and any person with information that could assist the police will be appreciated. A number of 12 people have recorded statements. However, there is no concrete evidence so far, to warrant the arrest of any

person to be charged with the offence.

Mr. Owino: Mr. Speaker, Sir, I am wondering whether the same could be the case if a son of the Commissioner of Police was shot dead. Would the case stay for that long? It has taken over one year for the culprits to be arrested. If the culprits cannot be arrested, then what is the Government doing?

Prof. Kibwana: Mr. Speaker, Sir, unfortunately, sometimes it takes a long time to apprehend wrongdoers. In some occasions, wrong doers are not apprehended at all. That is a fact of life. But that does not mean that, in that particular case, the police are not doing what they can to apprehend the criminals. Indeed, one police officer who was on duty on the night that the arms were stolen from the DO's armoury was charged in court with failing to prevent a felony. The police are still investigating the matter with the hope that we will apprehend the culprit or culprits.

Mr. Salat: Mr. Speaker, Sir, just over the weekend, we buried a Mr. Sammy Laboso in my constituency. Mr. Laboso hailed from my constituency and he was working in Kisumu for the National Oil Corporation of Kenya (NOCK). This case reminds me of Sammy's case because he was a very young man. Before he was shot, he had gone to the police station to identify the killers. What is the Assistant Minister doing about insecurity in Kisumu Town and the whole of Nyanza Province?

Prof. Kibwana: Mr. Speaker, Sir, maybe, the hon. Member can bring a Question about Sammy Laboso. I think it needs proper treatment.

Mr. Speaker: Very well! Last question, Mr. Owino!

Mr. Owino: Mr. Speaker, Sir, cases of insecurity have become rampant in the country. As late as yesterday, people were demonstrating in Gilgil Town because of insecurity. The other day, people were demonstrating in Mr. Koigi Wamwere's constituency because of the same reasons. Could the Assistant Minister allow us to employ the services of vigilante groups in the villages to assist the conventional security system?

(Applause)

Prof. Kibwana: Mr. Speaker, Sir, the Ministry approves any legal way of dealing with insecurity. So, if hon. Members could come up with a legal way of dealing with insecurity, the Ministry would have no problems.

Mr. Speaker: For the second time, Mr. Dahir!

Mr. Bahari: Mr. Speaker, Sir, I wish to apologise on behalf of Mr. Dahir.

Question No.526

REHABILITATION OF LIBOI/
MODOGASHE AIRSTRIPS

Mr. Bahari, on behalf of **Mr. Dahir,** asked the Minister for Roads and Public Works:-

(a) whether he is aware that Liboi and Modogashe Division airstrips are in a deplorable state; and,

(b) what measures he is taking to repair those important airstrips.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, before I answer this Question, could I lodge a complaint if you allow me?

Mr. Speaker: Go ahead!

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, with regard to Question No.680, I do not know what games Mr. Korir is playing. That is because he was not here the first time. When he came, I gave him a list of the roads that had been done, and which I wanted to lay on the Table. When you called the Question for the second time, he had disappeared! I would like to know what is happening. It is very unfair for a Member of Parliament to disappear from the House when an answer is ready!

Mr. Speaker: I am equally baffled. So, could you, please, proceed to answer the Question at hand?

(Laughter)

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, can you not do something about that? I request that this Question should not be dropped. It was deferred on Thursday, last week because I had some specific information that hon. Members wanted---

Mr. Speaker: Order, Eng. Toro! What quarrel have you got against these airstrips? I have already punished the hon. Member by dropping his Question. Now, you proceed with the Question at hand.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, it is only that our officers do a lot of work when undertaking research and yet the Questions are not asked here in Parliament.

However, Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Liboi and Modogashe Divisions airstrips are in a deplorable state.

(b) My Ministry is intending to repair these airstrips as soon as funds are available to make them safe for landing and take-off of aircraft.

Mr. Bahari: Mr. Speaker, Sir, Liboi and Modogashe are some of the very remote places in this country and so air transport is very critical, particularly when we have donors who want to visit the areas on emergency calls. We all know that the roads leading to these areas are impassable. Could the Assistant Minister tell us the specific financial period during which he will make funds available for the repair of these airstrips?

Eng. Toro: Mr. Speaker, Sir, as the hon. Member is aware, during this financial year, the responsibility of maintaining airstrips was transferred from the Office of the President to my Ministry. We were, therefore, not able to give adequate provision for all the airstrips. These particular airstrips, substantially, require a lot of money because of their current bad condition. For example, to gravel the airstrip at Modogashe, the Ministry will require about Kshs8 million, while the one in Liboi requires Kshs7.1 million. We are arranging to have a provision for their repair in the next financial year.

Mr. Bifwoli: Mr. Speaker, Sir, you will realise that all airstrips in this country are in a very bad state. Given that sometime back when we were in Busia, we lost a colleague of ours, what plans is the Ministry doing to rehabilitate all the airstrips in this country?

Eng. Toro: Mr. Speaker, Sir we are taking stock of the repairs that are required for all airstrips so that we can be able to budget for them in the next financial year. However, since the amount of money required will be substantial, we might not be able to rehabilitate all of them in the next financial year. Therefore, we have to do a phased programme for their rehabilitation.

Ms. Abdalla: Mr. Speaker, Sir, Liboi is a border town and it is the one through which a small warlord walked past our security system. That means that without an airstrip, we are really jeopardising the security of the entire country. What is the Assistant Minister doing to come up with an inter-ministerial action on the Liboi airstrip?

Eng. Toro: Mr. Speaker, Sir, as I said, we shall deal with that in the next financial year. There is really nothing we can do this financial year since we had not budgeted for it.

Mr. Bahari: Mr. Speaker, Sir, I think the Assistant Minister is not taking this Question seriously. These airstrips were under another Ministry before being transferred to his own Ministry. Questions have been raised here before and the Ministry, at that particular time, had undertaken to make sure that sufficient provision is made in the budget for the repair of airstrips. What assurance do we have that the statement he is making now is a serious one, compared to what we have been told in this House before?

Eng. Toro: Mr. Speaker, Sir, the hon. Member is receiving the NARC Government's assurance.

QUESTIONS BY PRIVATE NOTICE CAUSE OF LATE HON. E.K. MAITHA'S DEATH

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

What caused the death of the late Minister for Tourism and Wildlife, hon. Emmanuel Karisa Maitha?

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

(a) The autopsy results to establish the cause of death of the late hon. Karisa Maitha were handed over to the immediate family members by the Government. The family chose not to make the results public. It is also our request and desire that the wishes of the family be respected.

Mr. L. Maitha: Mr. Speaker, Sir, first of all, I was not given a written response. Secondly, the late hon. Karisa Maitha was a public figure and a Minister in the Government, paid by public money. This is not a family affair. So, could the Assistant Minister tell Kenyans what killed the late hon. Karisa Maitha?

Mr. Mungatana: Mr. Speaker, Sir, there is something called doctor-client confidentiality. That same confidentiality extends by the same principle. If the family has requested that the matter remains a private affair, I plead with hon. Members to, please, respect the wishes of the family.

Mr. Sasura: Mr. Speaker, Sir, you remember that, last year, when one Mr. Lema Ayanu came to this country and the Government called him General Mathenge, they promised to bring the results of the DNA test they performed on him. Today, that has not happened. In this particular case, it is not Kenyans who wanted this report. It is the Government which undertook to disclose the cause of death of the late hon. Karisa Maitha.

Mr. Speaker, Sir, if this is a family affair, why then did the Government raise the expectation of Kenyans that they would disclose the cause of death and spent a lot of money on that?

Mr. Mungatana: Mr. Speaker, Sir, if the Government gave that undertaking, it was not given in the House, and if it was, we want to apologise for that because, maybe, at the time the assurances were being given, we had not consulted the family of the late Minister. However, I am asking hon. Members not to insist on this one.

Mr. Speaker: Mr. Maitha, last question!

*(Several hon. Members stood
up in their places)*

Order, Members! Order, Dr. Godana! Are you suggesting that there was foul play?

Hon. Members: Yes!

Mr. Speaker: So, could you, please, put it across if at all it was that way.

Dr. Godana: Mr. Speaker, Sir, there was foul play. However, the late hon. K. Maitha was a public figure. More than that, he died in the course of public duty. He was on an official trip to Germany. The nation is, therefore, justified to know what caused the death of the public figure outside this country. What is more, we are aware that certain Government Ministers issued statements which amounted to suggesting foul play. We were told that he was killed by hon. Lucas Maitha through witchcraft and other things. So, we cannot hide behind such explanations. Are we to take from the stance the Assistant Minister has taken that all causes of death will be kept secret until the family members of the person concerned consent publicly?

Mr. Mungatana: With a lot of respect to the Deputy Leader of the Opposition, in the first case, from today, it will be the Government policy that we must consider the wishes of the family. Secondly, we agree that the hon. Member died in the course of duty and he was a Government Minister. This is a request made by the family to the Government, and we have accepted it. We are requesting this House to understand and accommodate that wish.

Mr. L. Maitha: Mr. Speaker, Sir, the reason why I want to know is that there is so much rumour-mongering going on. This Government is doing a disservice to the same family it is talking about. Today, if you go around the country, there is speculation that he was killed by certain individuals, *viagra* or because he said Kikuyus will never rule again. So, why can you not tell us the truth?

Mr. Speaker: Order! I will say two things to you, Mr. L. Maitha. First, please, respect the dead. Secondly, do not be a source of rumour-mongering in the House. You must ask factual questions. Do not be a source of rumour-mongering. For heaven's sake, respect your departed colleagues.

HARASSMENT OF BUS PASSENGERS AT WITU ROADBLOCK

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

(a) Is the Minister aware that all bus passengers to and from Lamu are being subjected to oppressive and humiliating searches at Witu roadblock?

(b) Could he name other districts which undergo similar procedures?

(c) When will the Minister put a stop to this harassment?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that a roadblock is mounted at Witu for compelling security reasons. However, I am not aware that bus passengers using the road are subjected to oppressive searches. No such report has ever been made for investigations.

(b) Security roadblocks and checks are erected at various points countrywide, including Nairobi, to suit security objectives from time to time. The primary objective is to detect and curb crime.

(c) The searches are conducted professionally and with decency under the supervision of a senior officer. No report has ever been made of passengers' harassment at the roadblock. Any passenger who feels that they are indecently searched should not hesitate to make such a report to the police station.

Mr. Twaha: Mr. Speaker, Sir, this Government was elected on a platform of human rights, democracy and such things. The hon. Assistant Minister is a professor of law and he knows that this is a clear violation of human rights. Communal punishment is illegal. If the Government wants to fight crime, there is an intelligent way of doing it. In his answer, the Assistant Minister said that no one has complained. All the passengers who come to Lamu by bus have to alight from the bus and be strip-searched. I am complaining on behalf of all those passengers and I am demanding that the Ministry puts a stop to this.

Prof. Kibwana: Mr. Speaker, Sir, under our laws, people at a roadblock are not supposed to be strip-searched. Therefore, my Ministry is not aware of such procedures. As a result, it is important that if there is conduct of that nature, it should be brought forward to my Ministry and the appropriate action will be taken.

Mr. Twaha: Mr. Speaker, Sir, the Assistant Minister is misleading the House by saying that this matter has not been raised. I am raising it now that my people are being oppressed and humiliated. They resent it because the same buses are passing through Garsen, which is Mr. Mungatana's district, and the people there are not forced to alight and be searched. Why do people in Lamu have to be searched? There is bhang and guns coming from Migori and Central Province. These items pass through five districts before they reach Lamu. Please, put a stop to this; it is a violation of human rights.

Prof. Kibwana: Mr. Speaker, Sir, I think I have given the hon. Member the undertaking that under Kenyan law, people are not supposed to be strip-searched at a roadblock. Therefore, I have asked the hon. Member to come to our office with that information so that we will take appropriate action to protect Kenyans.

Mr. Billow: Mr. Speaker, Sir, I hope the Assistant Minister is not suggesting that after you have been strip-searched, you should walk to the police station without your clothes. The same search is taking place on the bridge between Garissa and Tana River District, when you are coming to Nairobi. It appears this search is meant to look for Osama bin Laden who is probably in Tora Bora or anywhere else in this world. Could the Assistant Minister take action to ensure that any search for aliens is carried out at the borders between Kenya and the neighbouring countries, and not inside the country?

Prof. Kibwana: What the hon. Member is suggesting makes sense. It is a matter that my Ministry will look into, so as to enhance the security of Kenyans.

Mr. Twaha: Mr. Speaker, Sir, there is no other district in Kenya which is subjected to this nonsense. Is it true that this Government has surreptitiously granted a base to Americans in Lamu, which is designed to protect the cowardly Americans who are based there?

Prof. Kibwana: Mr. Speaker, Sir, that is a substantive question which the hon. Member can raise and we will be happy to answer it.

DETERIORATION OF SERVICES AT MAKINDU HOSPITAL

Mr. Ndile: Bw. Spika, naomba kumuuliza Waziri wa Afya Swali Maalumu lifuatalo.

(a) Je, Waziri anaelewa ya kwamba wakaaji wengi wa Kibwezi wanazidi kupoteza maisha yao katika hospitali ya Makindu kutokana na huduma duni na ukosefu wa vyumba vya kulaza wagonjwa?

(b) Waziri ametenga pesa ngapi mwaka huu za kurekebisha na kuboresha huduma katika hospitali hiyo?

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

(a) There have been no reported deaths in Makindu Sub-District Hospital due to poor-quality services or professional negligence. However, the hospital serves a wide catchment area, inclusive of southern parts of Makueni, Kajiado and Taita-Taveta. This has brought about an in-patient bed occupancy of over 200 per cent, which has put a lot of pressure on the services offered in this facility.

(b) The Ministry of Health has set aside Kshs30 million for the rehabilitation and construction of health facilities in Makueni District. Of this amount, about Kshs15 million is earmarked for the rehabilitation works of Makindu Sub-District Hospital. The Ministry of Health, in collaboration with Belgium Technical Co-operation, have also put in place a rural health project which includes construction of maternity child health and family planning block, laundry, labour ward and HIV/AIDS treatment centre. All these have been put in place with the aim of alleviating congestion and improving the services being offered at this hospital.

Mr. Ndile: Bw. Spika, ninamshukuru Waziri kwa kusema kuwa ameweka Kshs15 milioni kwa matumizi ya hospitali katika wilaya yangu. Siku nyingine akija kwangu, nitamtafutia jeshi la kina mama. Hatakuja kufanya kazi kwa sababu anafanya kazi nzuri. Lakini kwa sasa hali ni mbaya. Tulienda huko na kamati yetu ya afya na mambo ya Makindu si mazuri kwa sababu hospitali hii ilijengwa miaka 40 iliyopita. Huu mradi utanza lini?

Mrs. Ngilu: Mr. Speaker, Sir, since the funds are available, work will begin immediately.

Mr. Chepkitony: Thank you very much, Mr. Speaker, Sir. The problem facing public hospitals is not confined only to Makindu Hospital alone. Even my district hospital is unable to provide good and effective health services because of poor administration by the Medical Officer of Health (MOH). What is the Ministry doing to ensure that administration in our hospitals is effective, so that they can provide the required health services?

Mrs. Ngilu: Mr. Speaker, Sir, the Ministry of Health is in the process of reforming the health sector as a whole. I am aware of some negative attitudes by our health workers in some of our health care facilities. This is being looked into.

Mr. Ndile: Bw. Spika, ninafikiri ili Waziri atende yale yote aliyoyasema, ni lazima atume madaktari kuhudumu katika Hospitali ya Makindu. Je, Waziri atawatuma madaktari katika hospitali hii ili wawatibu wagonjwa hata kama haijakamilika? Nina hakika Waziri atafanya haya kwa sababu watu wameanza kumwita "he" badala ya "she" kwa sababu ya kazi yake nzuri!

(Laughter)

Mr. Sasura: On a point of order, Mr. Speaker, Sir. Did you hear Mr. Ndile tell the Minister that because of her good performance, people are now referring to her as "he" instead of "she"? He is signifying that "she" is lesser than "he". Does the Minister accept that? Is the hon. Member in order to say that?

Mrs. Ngilu: Mr. Speaker, Sir, I beg to reply to the question the hon. Member has asked.

A year ago, the Ministry of Health had about 600 doctors, but, today, we have increased that number to 1,500. We will continuously post doctors where they are required. We are in the process of increasing their number further. I am aware of all the problems and difficulties being experienced in our health facilities. I would like to assure hon. Members that we are looking into this. I am a "she" and not a "he".

(Applause)

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

(a) How many hospitals have commenced the pilot National Social Health Insurance Fund (NSHIF) in anticipation of the conversion of the National Hospital Insurance Fund (NHIF) to a social insurance scheme?

(b) What improvements have been carried out in those hospitals to make the pilot project a success?

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

(a) Ten hospitals have been contracted by NHIF to receive rebates within the provisions of the NHIF Act; to provide services consistent with the proposed NSHIF Scheme.

(b) Out of the ten hospitals, five are public sector hospitals, three are private sector hospitals and two are mission hospitals. Since the inception of the pilot project in July, 2004 by the NHIF, the following improvements have been observed in the private and mission hospitals. Bed occupancy has increased from an average of 20 per cent to 70 per cent. A notable increase in the debt portfolio has also been recorded. The average length of stay has decreased from seven days to five days partly due to the fact that there is no co-payment. Patients in the pilot scheme no longer pay when they seek services. Government hospitals in the pilot scheme have improved their revenue and hired more nurses and other medical workers. The same hospitals are now able to buy more drugs and laboratory reagents to supplement the supply from the Kenya Medical Supplies Agency (KEMSA).

Dr. Khalwale: Thank you, Mr. Speaker, Sir. Kenyans had expected that, to signal the seriousness of the pilot scheme, they would witness an improvement in the physical infrastructure of hospitals affected by the scheme. Secondly, they expected improvement in the equipment, rationalization of staff and computerization of those hospitals. Could the Minister tell us in which one of those private hospitals this exercise has been done?

Mrs. Ngilu: Mr. Speaker, Sir, as I have said, it is only three months since we started the pilot scheme. The scheme has been implemented in some private, mission and Government hospitals. One of the public hospitals is Machakos District Hospital, which I visited recently. The others are Thika and Migori district hospitals. Good work is going on in these hospitals compared to what has been happening in the past.

Mr. Abdirahman: Thank you, Mr. Speaker, Sir. Many times pilot programmes which have been tried in certain areas may not work in other areas. I would like to know from the Minister the rationale used in determining the hospitals where the pilot scheme has been implemented. What is practical in one area today may not be practical in another area.

Mrs. Ngilu: Mr. Speaker, Sir, in determining those three Government hospitals, we looked at the catchment area or the number of patients who visited them. When the proposed Bill will be passed, this will be introduced in all the hospitals.

(Loud consultations)

Mr. Speaker: Order! Hon. Members at that corner, you are disrupting the proceedings of the House! Consult quietly!

Proceed, Madam Minister!

Mr. Abdirahman: On a point of order, Mr. Speaker, Sir. There are factors in this country beyond population. We have poverty indices and other parameters which she could use to determine the hospitals which should benefit from the pilot scheme. What the Minister has told us is

insufficient. I would like to hear more from her!

Mrs. Ngilu: Mr. Speaker, Sir, this has been taken care of in the Bill to be brought before the House. We will determine where and how this will be effected. Quite honestly, apart from one or two provinces in this country, all the other provinces are very poor and far away. May I also say that there are many dispensaries and health centres which have been completed by communities, but we have been unable to post medical staff there. So, these are some of the things which we will look into. We will ensure that we post medical staff to some of those health facilities and open them.

*(Several hon. Members stood up
in their places)*

Mr. Speaker: Dr. Khalwale, ask your last question! I am sorry, I have to finish Question Time now!

Dr. Khalwale: Thank you, Mr. Speaker, Sir. In the copy of the written answer I was given, the Minister has indicated that, in the last five months, already millions of shillings have been paid to these hospitals. Is it by chance that the private hospitals which have been put under this scheme include two private hospitals, one owned by a Minister and another one owned by an hon. Member of Parliament? Is it an opportunity to give those hospitals a windfall of cash?

Mrs. Ngilu: Mr. Speaker, Sir, I was not aware of that fact, but I will look into it to find out who these are.

Mr. Weya: On a point of order, Mr. Speaker, Sir. Dr. Khalwale has said that the Ministry is paying one of the private hospitals money because it belongs to a certain Minister. Could he substantiate his remarks?

Mr. Speaker: Dr. Khalwale, did you say that?

Dr. Khalwale: Mr. Speaker, Sir, I asked the Minister whether it is by chance that the private hospitals which have been included in the pilot scheme include two hospitals, one which belongs to a Minister and another one which belongs to an hon. Member of Parliament. The names of those hospitals are in her earlier answer.

Mr. Speaker: Mrs. Ngilu, do you have an idea of what he is alleging?

Mrs. Ngilu: Mr. Speaker, Sir, I have no idea, because when I look at hospitals, I do not ask who they belong to; I check on how they are serving the people.

Mr. Keter: On a point of order, Mr. Speaker, Sir. I think it is important that this matter be taken seriously, because Dr. Khalwale seems to know the Minister and the Member of Parliament who own the hospitals. Could he name them?

Mr. Speaker: Order! I think the appetite for throwing mud at others must be reduced in this House, and I will not abet it.

Next Question!

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

Mr. Speaker: Sorry, Mr. Weya! Could we now make progress?

ACUTE WATER SHORTAGE
IN MUMIAS TOWN

(Mr. Osundwa) to ask the Minister for Water and Irrigation:-

(a) Is the Minister aware that Mumias Town is currently undergoing an acute water shortage?

(b) Is she further aware that the supply system, which was constructed in 1972 to supply water to 5,000 people, is unable to service the demand of over 50,000 town residents?

(c) What budgetary provisions has she made to rehabilitate the entire system?

Mr. Speaker: Is Mr. Osundwa not here? His Question is dropped.

(Question dropped)

ARREST OF NYANDARUA
COUNTY COUNCIL CLERK

Eng. Muriuki: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that the High Court has issued an order for the arrest of the Clerk to Nyandarua County Council for opening a disputed road which was actually done by the Lands Department and not the county council?

(b) What action is he taking to ensure that the matter is handled transparently?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

(a) The Attorney-General is not aware as the Government is not a party to the suit.

(b) It is up to the advocate acting for the Clerk to Nyandarua County Council to file an appropriate application to set aside or vary the order on the grounds as alleged and/or to enjoin the Government in the suit.

Eng. Muriuki: Mr. Speaker, Sir, this is a most unfortunate answer for the people of Nyandarua District. The circumstances are that a gentleman by the name Muchiri Njuguna, closed a public road. Then, the residents of the area went to the Registrar of Lands to complain and the Registrar, in his capacity as the person concerned, went and opened the road. But Mr. Muchiri Njuguna went ahead to obtain an order against the county council who were not involved at all in the opening of the road.

Mr. Speaker: Order! Order, Members! I think the Assistant Minister is saying that the matter in court is a civil matter between the county council and an individual, and that the Government is not party to it.

Eng. Muriuki: Very well. But Mr. Speaker, Sir, the Attorney-General, and I stand to be corrected, is the custodian of the rights of all citizens. The citizens went to the person who they thought is the custodian of those kind of rights. So, what is the Attorney-General, therefore, doing to ensure that the public road is opened?

Mr. Githae: Mr. Speaker, Sir, I want to reiterate that the Government is not a party to this dispute. If they want the Attorney-General to take action, then they first of all need to enjoin the Government as a party. Otherwise, we would be "strangers" to the suit. So, my advice to the Clerk to Nyandarua County Council is to enjoin the Government first, and then the Attorney-General can take action.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that unless the Attorney-General is, first, made a party to the suit, he cannot look after public interest? He knows that the Attorney-General is permanently an *amicus curiae* in any proceedings. He can just walk in and advance the public cause!

Mr. Githae: That is correct, Mr. Speaker, Sir. But since there are very many cases of this nature, it is not possible for the Attorney-General to be a party to any suit.

Mr. Khamasi: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Muite to use a

language in this House which we do not understand?

Mr. Speaker: Which one? What are you complaining about?

(Laughter)

Mr. Muite: Mr. Speaker, Sir, the Attorney-General can go into any court without any notice, as "a friend of the court" and act in promotion of public interest.

Mr. Waithaka: Mr. Speaker, Sir, will the Attorney-General wait until members of the public in that region take the law into their hands and, maybe, harm somebody for him to take action? The Assistant Minister is saying that he is not aware. There is a tendency to wait until people lose their lives for action to be taken. Is that what the Government is waiting for?

Mr. Githae: Mr. Speaker, Sir, as matters stand to date, this is a civil case between Mr. Muchiri Njuguna and Nyandarua County Council.

The Government has not been made a party, and unless and until that is done, and in view of the many cases of this nature, it is not possible for the Attorney-General to be dealing with each and every case.

Mr. Speaker: On a practical note, Mr. Githae, is there anything the Attorney-General can do to sort out the mess, now that you know it exists?

Mr. Githae: Mr. Speaker, Sir, we would be glad to intervene in this case. But we cannot do that since this is a matter which is already in court. The moment they make the Government a party, then we will be in a position to intervene. Even the Registrar of Lands has not even requested for assistance from the Attorney-General.

So, we are thinking it is more of a local issue which does not involve the Attorney-General as such.

Eng. Muriuki: Mr. Speaker, Sir, this road connects two important areas in Ol Kalou Constituency called Kasuku and Matura. The residents of these areas did not go to the county council; they went to the Registrar of Lands who is a Government officer. Therefore, the Attorney-General should intervene, otherwise he should tell the House who the residents of the area should go to! This person has now filed a suit against the county council, which the residents have not complained to. They have complained to the right Government official.

Mr. Githae: Mr. Speaker, Sir, the Clerk to Nyandarua County Council has been asked to file an application to set aside the order that was obtained by Mr. Muchiri Njuguna. Until and unless he does that, we are "strangers" to this suit.

Mr. Speaker: Order! That is the end of Question Time! There are a few hon. Members wishing to seek Ministerial Statements. We will begin with Mr. Serut followed by Mr. Angwenyi and Mr. Rai.

POINTS OF ORDER

GOVERNMENT POSITION ON SHYLOCKS

Mr. Serut: Mr. Speaker, Sir, I rise to request for a Ministerial Statement from the Minister for Finance with regard to money lenders commonly known as Shylocks. The Statement should state under what law they operate and whether they are licensed and paying taxes to the Government. If so, who regulates this particular financial sector? The Minister should tell us why these Shylocks are using courts and the police to get their money from their customers when they fail to pay. Since when did the police and courts become debt collectors for Shylocks?

MEASURES TO CURB ESCALATING
PRICES OF PETROLEUM PRODUCTS

Mr. Angwenyi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Energy with regard to the escalating prices of petroleum products in this country. I would like the Minister to inform this House by how much these prices have risen since March last year. He should also inform the House what immediate measures he is undertaking to deal with the price increase of these products.

COMPILATION OF REPORT BY
PSC ON CONSTITUTIONAL REVIEW

Mr. Speaker, Sir, I also would like to seek a Ministerial Statement from the Minister of Justice and Constitutional Affairs with regard to the work of the Parliamentary Select Committee on Constitutional Review. About three or four months ago, this House set up a Committee to deliberate on matters of the constitutional review. We all know that the Committee has not laid a report of their work on the Table of this House. However, we read from the media, funerals and *barazas* statements emanating from that Committee. Some statements are giving ultimatums to Parliament and the Attorney-General. Other hon. Members of that Committee are blackmailing Parliament before the report is tabled before this House. I would like to know if that is the procedure to be used by a Select Committee of the House.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Mr. Angwenyi, I have not followed that last bit. Could you, please, repeat?

Mr. Angwenyi: Mr. Speaker, Sir, I will repeat. I would like to seek a Ministerial Statement from the Minister for Justice and Constitutional Affairs with regard to the Parliamentary Select Committee on Constitutional Review. Three months ago, a Select Committee was established by this House. We assigned them work to do. They are yet to lay a report on the Table of this House. However, in the last few days we have read statements giving ultimatums and blackmail from hon. Members, including the Chairman, of that Committee, in funerals, *barazas* and even dancing halls. I would like to seek clarification from the Minister as to whether that is the way that Committee will report to this House.

Mr. Speaker: Order, hon. Members! It is clearly stated in the Standing Orders that a matter pending before a Committee of this House cannot be discussed by any hon. Member until it has been tabled in the House. Hon. Members of the Committees and their Chairmen must understand one thing clearly; that they are servants of the House; they have the mandate of the House and they must report to the House for the House to decide one way or the other. They cannot and should not purport to decide for the House. That is the legal position. I hope everybody listens. I hope that is how it goes. Bring your report to the House, let the House debate it and let the House accept or refuse it. That is the mandate given by the House.

PUBLICATION OF REPORT ON BOMBOLULU GIRLS SCHOOL FIRE DISASTER

Mr. Rai: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Education, Science and Technology with regard to the release of Bombululu School fire probe

report. Bombolulu Girls Secondary School went on fire on 25th March, 1998. A public inquiry was made by a 13-member commission which sat for 30 days; and 90 people gave evidence. Unfortunately, to date, the findings have not been made public. If the Minister could just tell us when these findings will be made public.

ESCALATION OF INSECURITY
ALONG MOMBASA-MAZERAS ROAD

Mr. Speaker, Sir, secondly, I seek a Ministerial Statement from Minister of State, Office of the President in charge of internal security. Lately, there have been a lot of insecurity cases along the Mombasa-Mazeras Highway. Many unsuspecting passengers have been robbed of their money along the Mombasa-Mariakani, Mombasa-Kaloleni and Mazeras-Kinango roads. Of concern is the section between Miritini and Mazeras, especially Gonje where unsuspecting passengers are being robbed of their money and other valuables by people who pose as passengers travelling in public service vehicles.

In fact, these people like any other passengers board *matatus* from Mombasa, especially between 7.00 p.m. and 8.00 p.m. They then alight at Gonje or any other point along this section---

Mr. Speaker: Order! Mr. Rai, you have to finish. You are now making a statement! Please, just make it short!

Mr. Rai: Mr. Speaker, Sir, the Minister should tell us what action he is taking to avert this unpleasant situation of insecurity.

Mr. Munya: On a point of order, Mr. Speaker, Sir. I sought a Ministerial Statement from the Office of the Vice-President and Ministry of Home Affairs about the cause of deaths of inmates in Meru Prison more than three weeks ago. Unfortunately, I have not seen any indication that the Ministerial Statement is coming to the House.

Mr. Speaker: Mr. Munya, I hope they will respond. However, I have, on numerous occasions, advised hon. Members to put in Questions because they force Ministers to come to the House; they cannot escape when the Question is there. So, please, take my advice seriously. I hope the concerned Minister has heard.

COMMUNICATION FROM THE CHAIR

FELICITATION OF PROF. MAATHAI

Mr. Speaker: Hon. Members, just before we continue, as I see a lot of hon. Members withdrawing from the Chamber, I would like to bring to the attention of the House that this evening, the Speaker, on your behalf, in conjunction with the lady Parliamentarians of this House, will be felicitating Prof. Maathai. All hon. Members are invited to that felicitation.

(Applause)

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir, Mr. Angwenyi has requested for a Ministerial Statement on the issue of the escalating cost of petroleum products in the country. The Ministry is so concerned about this issue. It is already in sympathy with the rest of the Kenyans, on the way the dealers have become oppressive to the nation. We undertake to give a comprehensive Ministerial Statement on Thursday afternoon.

Mr. Speaker: Very well! Let us move to Ministerial Statements.

Mr. Githae!

MINISTERIAL STATEMENTS

SUSPENSION OF PROCEEDINGS OF COMMISSION INTO THE GODLENBERG AFFAIR

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, the hon. Member for Subukia, Mr. Wamwere asked the Minister for Justice and Constitutional Affairs to give a Ministerial Statement on the circumstances that led to the suspension of the proceedings of the Commission of Inquiry into the Goldenberg Affair. I beg to make the following Ministerial Statement.

On Tuesday, 26th October, 2004, the Commission took the decision to exclude the two Assisting Counsels for disorderly conduct during the proceedings. The Commission was of the view that the proceedings could not proceed at that time in the continued presence of the said Assisting Counsels. The two Counsels, Dr. Khaminwa and Dr. Kuria, then moved to the High Court seeking leave to apply for an order of *mandamus satiori* and an order for prohibition against the Commission, following the action to exclude them from the proceedings. The application was heard ex-parte and conditional orders to the applicants. The conditional orders allowed the learned counsels to attend and continue with their usual duties at the Commission's sittings. Consequently, the Commission Chairman, Justice Bosire, halted the proceedings of the Judicial Commission of Inquiry into the Goldenberg Affair.

One of the conditions of the ruling was that the main application should be filed within 21 days and be served upon the Commission within eight days failing which, this part of the order would automatically lapse. The decision of the Commission was made pending the next course of action taken by both counsels. The Commission specifically waited to determine whether the learned counsels would proceed to file the main application, failing which the order would lapse.

The other option would be for the High Court to vacate the order. Further, the Commission was of the view that the High Court interpretation of Section 3 of the Commissions Act of Inquiry, which deals with maintaining order in the inquiry was necessary. However, I wish to inform the hon. Member that the Commission and counsels have worked out an amicable solution to the matter and resumed its sitting this morning, Tuesday, 2nd November, 2004.

Mr. Speaker, Sir, I would also like to put it on record that the Commission has been asked to finalise and conclude its inquiry as soon as possible.

Mr. Wamwere: On a point of order, Mr. Speaker, Sir. I want a clarification on---

Mr. Speaker: What is it Mr. Wamwere? Do you want to seek a clarification?

Mr. Wamwere: Bw. Spika, ningependa kumuomba Waziri alifafanulie Bunge hili ni hatua gani Serikali inachukua kuhakikisha kwamba baada ya amani kupatikana, mtafaruku uliokuwepo hautatokea tena?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I think the Commission and the counsel have seen the importance Kenyans attach to this Commission. It is good that the disagreements will come to an end. However, the Commission has been asked to conclude its inquiry as soon as possible.

Therefore, I do not think that the question of disagreement will arise again now that the counsel have seen the importance of this Commission.

SKIRMISHES AT THE THARAKA/
MERU NORTH BORDER

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, on 26th October, 2004, Mr. Peter Munya, MP for Tigania, stood on a point of order to request a Ministerial Statement on boundary disputes between Tharaka and Meru North Districts. Consequently, I want to say the following.

The boundary which was fixed by the Government during the creation of a Tharaka District in 1999 is along Thura and Tanantu Rivers. There has been subsequent disagreement, but the Government is using local administration officers on the ground and *Njuri Ncheke* leaders in the two districts to come up with lasting solution. It should also be noted that when the Government creates administrative units, it does so as to take services closer to the people. Boundaries are, therefore, not created on the basis of clanism.

On the issue of an administration police post at Gatithini Market, the Administration Police post is in Kanjuru Location, Tharaka District. Therefore, administratively, it is supervised by the District Commissioner in Tharaka.

On 21st October, 2004, people from Tharaka District attacked Meru North. They were joined by Tharakas of Meru North, Igembe South West Division. Several names have been submitted to Maua Police Station, and investigations are still going on to identify the actual attackers. Once the investigations are complete, the suspects will be apprehended and charged with the respective offences. The following people were injured and one was shot dead: Michael Kirima Mwambia, Paul Mtarabi, Henry Kanyi, Joseph Mutonga and Murunguru Muuri suffered a fatal wound.

Mr. Munya: Mr. Speaker, Sir, I am very disappointed with the statement given by the Assistant Minister, because it displays total ignorance of what is happening on the ground. I would like the Ministry to take this problem more seriously. As we speak now, three people are admitted in Meru Hospital, recuperating from injuries inflicted through use of arrows. When Tharaka District was created, Tharaka area already existed. Therefore, the Government was not creating a district that did not have boundaries. The area was in existence as a constituency and was transformed into a district. How did the boundaries change to include Gathithini Market where we have a polling station?

Mr. Speaker: What clarification are you looking for?

Mr. Munya: Mr. Speaker, Sir, I am saying that the Assistant Minister does not know what he is talking about! The statement he has given is useless and is not going to help solve the problem! Right now, there is a war at the border. We are asking the Assistant Minister to mobilise the Provincial Administration to go and solve the problem and come up with the actual boundary. Maps exist and the boundaries are known. The only problem is that the Provincial Administration is not willing to go and show people the boundary.

Mr. Muriungi: Thank you, Mr. Speaker, Sir. The Assistant Minister does not realise that I demanded the Ministerial Statement earlier than the date he mentioned; on 21st October. Igembe is the most attacked community by the Tharaka. On 19th October, I went to consult the people in the company of the OCPD and the District Commissioner (DC). We were given a list of known assailants, which we gave to the DC. Could the Assistant Minister tell us why action has not been taken because the assailants are known? This issue has become perennial. Every year, around this time, Tharaka invaders cross over to Meru North District. Why can the Office of the President not send permanent security personnel to Kiana Market Centre, where the community has already provided housing for security officers? One of the persons who were killed, Mr. Ndonja, has not

been buried. Is the Government going to do something to assist his family, because it has been unable to carry out the burial? There is also a case of someone else who was shot with an arrow, Mr. Kanyi. He is still admitted in hospital and has already incurred a bill of over Kshs30,000. What is the Government going to do to assist his family?

Mr. M'Mukindia: Mr. Speaker, Sir, I have a lot of respect for Mr. Mungatana. But, there is no excuse for ignorance! Could the Assistant Minister tell us if in effecting boundary alterations he followed recommendations by the traditional council of elders, the *Njuri Ncheke*? It is unfortunate that what the Assistant Minister has said might cause war! That is why I am saying it contains ignorance. It is very important for the Assistant Minister to retract what he has said. It might cause war! Let me give an example of the situation. If the Kisiis and the Trans Mara Maasais were told that their boundary has been moved from point "A" to point "B", nobody would get sleep tonight. I said that I have a lot of respect for hon. Mungatana. However, he has made a terrible blunder to announce publicly that a boundary, which is traditionally known by the *Njuri Ncheke*, has moved from point "A" to point "B". That is bound to cause war. Could he please retract the statement and go and have a look at it again?

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, the decision to fix the boundary, as I have said, was made in 1999. As I said, there was consultation between the Government---

Mr. Munya: On a point of order, Mr. Speaker, Sir. This Assistant Minister does not know what he is talking about! He is continuing to cause more problems. The boundary could not have been created because, before Tharaka was made a district, it already existed! The Assistant Minister is now saying that he moved a boundary from where it was to the middle of my constituency! And he thinks that is a simple matter!

Mr. Speaker: Order, hon. Members! These are sensitive issues. As we understand, there have already been skirmishes there. Some lives have been lost. These matters are very sensitive. I encourage the Assistant Minister, and the hon. Members concerned, to go to the ground and consult with the locals, so as to find an amicable solution to the problem. We may ignite more skirmishes. I believe that is what hon. Members want.

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, a proper administrative unit was drawn up. The map that shows the way this district was created is here and I table it before the House.

(Mr. Mungatana laid the map on the Table)

(Mr. Munya stood up in his place)

Mr. Speaker: Order, Mr. Munya! Could we hear what he has to say?

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, in this Ministerial Statement, I have said that when this boundary was created in consultation with the local leadership after the Government made the decision to create that boundary, there were subsequent disagreements. However, the Government is currently using the local administration on the ground and *Njuri Ncheke* leaders, together with leaders of both sides to try and find an amicable settlement of any dispute on the boundary we have drawn administratively.

Mr. Speaker: Are we going to debate this matter?

(Mr. Munya stood up in his place)

Order, all of you! I will not have skirmishes in the House! Therefore, could we please keep our tempers cool? Mr. Mungatana, I still encourage you to do what I had said. Please go to the ground and speak to the locals and the the *Njuri Ncheke*. These communities have lived together forever, and each one of them knows where their boundaries are. They can actually be located without having recourse to a map. That is what we should do!

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, we have not refused to do that. However, a decision was made and a map was drawn, but it brewed some disagreements. We are, therefore, saying that we are involving local leadership to come up with a lasting solution. Have I said anything bad? I do not understand why emotions are running high here on this issue! The Government must have a decision and a stand! I do not apologise for the maps that we have drawn. If there is a dispute, we are willing to discuss it. That is the position we have taken, as the Government!

(Mr. Munya stood up in his place)

Mr. Speaker: Order! I will not have a skirmish here! I will finish with this matter!
Next Order!

MOTION

ADOPTION OF PAC SPECIAL REPORT
ON PROCUREMENT OF PASSPORT
ISSUING EQUIPMENT

THAT, this House adopts the Report of the Public Accounts Committee on Special Audit Report on Procurement of Passport Issuing Equipment by the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs, laid on the Table of the House on Tuesday, 6th July, 2004, subject to deletion of all the words after the word "behalf" on page 26, line 5, paragraph 3, to the end.

(Mr. Omingo on 4.8.2004)

*(Resumption of Debate interrupted on
28.10.2004)*

Mr. Speaker: Who was on the Floor on this issue?

(Mr. Kipchumba moved to the Dispatch Box)

Have you not contributed before to this matter?

Mr. Kipchumba: No, Mr. Speaker, Sir!

Mr. Speaker: I have on record a Mr. P. Lagat, who is shown as having contributed to the Motion. Do we have somebody like that here who contributed to the Motion on 28th october, 2004?

Mr. Kipchumba: Mr. Speaker, Sir, I contributed to the amendment!

Mr. Speaker: All right! Then you can contribute to the main Motion.

Mr. Kipchumba: Mr. Speaker, Sir, I want to contribute to the Motion that is just before us. This Report of the Public Accounts Committee (PAC), of which I was a Member seeks to do the

following, it is unfortunate that it has been amended. It seeks authority for the Committee to proceed and prepare a report on the forensic laboratory project. This Report also seeks the recovery of lost funds, especially the loss of foreign exchange that resulted from payment for the project. This country lost up to Kshs1.99 million!

It also seeks to re-look at procurement rules and regulations, because it is as a result of weaknesses in of the same that this problem arose in the Office of the Vice-President and Ministry of Home Affairs. This report also seeks to ensure that those who committed the said crimes do not hold any public office in the Republic of Kenya.

I want to justify why we had to reach those conclusions. First, I want to talk about the M/s Anglo Leasing and Finance Company. According to our report, this company is not registered in the Republic of Kenya. However, it has an address in the United Kingdom (UK) but further investigations have established that it is not registered in Switzerland. Therefore, for our officials and the Government to have dealt with a company that is not registered anywhere leaves a lot to be desired. That is why further investigations should be done by the Kenya Anti-Corruption Commission (KACC).

Mr. Speaker, Sir, according to our investigations, no due diligence was employed in dealing with this company. The Attorney-General of the Republic of Kenya instructed the Permanent Secretary in the Office of the Vice-President and Ministry of Home Affairs to ensure that due diligence was used to establish the physical location, profile, legal status and the credit rating of the company. He further instructed that the Ministry should establish names of the directors of the company. However, that was not done in respect of this very company thus making it mysterious. The Committee was surprised that the Government dealt with a company that does not exist.

We were further surprised that the Accounting Officers were unable to even tell us whom they dealt with in the first place That is why we also recommended that this company should never do any business in the Republic of Kenya.

I want to go to the Ministry of Finance and show why this Committee was concerned that a lot of errors were committed by it. The PAC Report indicates that the Government entered into some financing arrangement, referred to as "lease financing". To the best of my knowledge, this lease financing refers to an agreement with another party which gives goods or services for which you are allowed over a period of time while you are in possession of the same. The Government of the Republic of Kenya paid money to M/s Anglo Leasing and Finance Company yet we got no service, goods or possession of anything. This renders "lease financing" null and void. Therefore, in our view, regulations that govern lease financing were not followed. We fault the Ministry of Finance for not advising the Office of the Vice-President and Ministry of Home Affairs accordingly.

The Minister for Finance gave authority for single-sourcing. If you read through the report, you will see that, initially, the project had been tendered under restricted tendering. Unfortunately, when authority was given to expand the scope of the project, the Ministry of Finance gave authority for single-sourcing knowing very well that, initially, they had allowed it under restricted tendering. That is why we fault the Ministry of Finance.

Mr. Speaker, Sir, single-sourcing should not be allowed in this country. We have established that single-sourcing is a way by which people steal money from the Government. Government officials use single-sourcing to award tenders to their friends and relatives to supply goods and services to the Government. That is why we must look afresh at the rules and regulations that govern single-sourcing.

The Committee went ahead and established that the credit that had been given under this lease finance was finally converted into long-term debt. That was in total violation of the regulations governing the External Loans Act, Cap.422, which requires that a report be tabled in Parliament.

That is why we fault the Ministry of Finance. The credit was converted into a long-term debt without any consultations taking place between the External Resources Department of the Ministry of Finance and the Office of the Vice-President and Ministry of Home Affairs, as to whether funding had been sourced and received by the Office of the Vice-President and Ministry of Home Affairs. That is why the Committee was surprised as to whether there is co-ordination between the various departments of the Government. On that, we would also like to fault the Ministry of Finance.

(Mr. Speaker left the Chair)
[The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair]

Mr. Temporary Deputy Speaker, Sir, there was no performance bond under this contract. Without appropriate security arrangements, the Government of Kenya was at the risk of losing up to Kshs2.7 billion. While we agree that the Attorney-General looked at the contract and gave a positive opinion, the Ministry of Finance must always ensure that there is a performance bond and that the Government is adequately covered in all the contracts entered into by the various departments.

I will now move the Office of the Vice-President and Ministry of Home Affairs. The Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs committed most of the crimes that led to the Ministry of Finance giving authority for single-sourcing. We have analyzed what transpired between the Ministry of Finance and the Office of the Vice-President and Ministry of Home Affairs. We established that the Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs wrote a letter, seeking authority for single-sourcing from the Ministry of Finance, which was given. The Accounting Officer knew very well that, initially, they were allowed to go for restricted tendering. There were other companies which could offer similar services, but he did not bother to invite tenders from those companies. So, we squarely blame the Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs for writing that letter to the Ministry of Finance.

The same Accounting Officer wrote a letter classifying this project as a security item, and it was on that basis that single-sourcing was allowed. While we agree that matters that deal with immigration are of a security nature, we do not believe that the project was a top security item and that it must only be implemented through single-sourcing. We believe that the project should have been down-graded to normal security and, therefore, restricted tendering should have applied in the purchase of the equipment.

We would further want to fault the Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs because, when the Principal Immigration Officer requested to know more about the project, he declined to divulge the information. He also signed the voucher. As an Accounting Officer, he could have delegated the Authority to Incur Expenditure (AIE) to another officer. We were surprised that all the vouchers that were prepared by the Immigration Department were signed by the Principal Immigration Officer except this particular voucher. It looked very strange. The Principal Immigration Officer was not consulted. That led us to believe that the Accounting Officer knew more about the project, and formed the opinion that he should have been jailed.

Mr. Temporary Deputy Speaker, Sir, we are also aware that the Attorney-General requested the Accounting Officer to do a due diligence test, but the Accounting Officer did not do so. In fact, he informed the Attorney-General that a due diligence test had been done. The Accounting Officer could not even give the Committee the particulars of the company, and that made us to suspect the

whole process. By paying a commitment fee of 3 per cent to Anglo Leasing and Finance Company, the Government lost Kshs1.9 million. We believe that the Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs should pay back that money to the Government, because he hurried the payment without considering the necessary regulations.

Anglo Leasing and Finance Company submitted a technical proposal even before the Director of Government Information Technology Services (GITS) was asked to prepare his technical specifications. The fact that the Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs dealt directly with this company without informing the consumer department made us very suspicious. We were wondering how the consumer department was going to use an equipment it was not involved in its procurement. The Accounting Officer unilaterally wrote a letter to the suppliers requesting them to submit a cost proposal for the project without consulting the consumer department, namely, the Department of Immigration. The Committee was also concerned that the acceptance test of the equipment would have been very difficult because the consumer department was not fully involved or briefed by the Accounting Officer.

Mr. Temporary Deputy Speaker, Sir, the proposal to enhance the project from a very small one costing Kshs600 million to Kshs2.7 billion, was given by Anglo Leasing Company and Finance. When a supplier gives the Government a proposal on how to enhance a project and how much it will cost, then it makes us a very foolish Government. That is why the Committee was concerned that the Permanent Secretary in that Ministry acted as if there were no other departments and persons. He acted as if it was his own private company. That is why, as much as we are happy that they were sent on leave, we want further action to be taken against those people.

Mr. Temporary Deputy Speaker, Sir, I do not want to dwell so much on what the Government has done. But I would like to say that Parliament must be seen to adopt its own report. It must stand the test of time. When a Committee of Parliament is given a report, it must be trusted to do a report for this House to adopt. Therefore, I request hon. Members to adopt this Report. It will allow us to conduct further investigations into the Forensic Laboratory and Equipment Project, which was also a white elephant. The project was not done. It was during our course of investigations that we discovered that, that company had done another project worth over Kshs3.7 billion! We directed the then Financial Secretary to ensure that the funds were returned back to the country. That was done and this country received all the money that was paid to Anglo Leasing and Finance Company over a different project of building a forensic laboratory.

Mr. Temporary Deputy Speaker, Sir, initially, when we asked the Permanent Secretary, Treasury, why they could not provide a performance bond for that project, his answer was that the same company had undertaken another project under the Office of the President and, therefore, they owed them a lot of money. Later on, we established that, indeed, that company was owed nothing by the Government. If anything, they were supposed to refund back the money that was paid to them for a job that was not done. Therefore, if projects of such magnitude are allowed, the Government is going to lose credibility. Right now, it has lost credibility by the way it has handled this Report. That has been noted by Kenyans. When we delete names of our own and leave others who are not in this House, it puts our credibility at stake.

With those few remarks, I beg to support.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the debate on the Report of the Public Accounts Committee (PAC) on the procurement of passport issuing equipment.

Mr. Temporary Deputy Speaker, Sir, I was a Member of the PAC and I must say that, that was a job well done. Members of the Committee, led by our able Chairman did a fantastic job. They investigated in detail all the fraudulent activities that were involved in the Anglo Leasing project.

Special thanks also go to the Treasury officials and the Controller and Auditor-General. They assisted the Committee to unearth all the fraudulent activities.

Mr. Temporary Deputy Speaker, Sir, the project was started in June 2000. At that time, the KANU Government was in power. The intentions were very good. At that time, the department was under the Office of the President. The intention was to create an efficient system to curtail loss of revenue and forgery in the Immigration Department. Along the way, several undertakings were done and a project, which started with a budget of Kshs600 million, later grew to Kshs2.7 billion.

When you look at the way the costs were exaggerated along the way, there were so many key players who exactly knew that they were undertaking a fraudulent activity. Initially, the project was to cost Kshs600 million. What happened is that even in the budgetary estimates, there was no provision for those funds. When the time for the implementation of the project reached, tenders were submitted and a firm by the name M/S AIT International Plc met all the tender specifications and requirements. When the time for undertaking the project came, there were no funds and the tender was cancelled on 5th August, 2002 due to lack of budgetary allocations. Thereafter, in the year 2003, the project was again re-designed and expanded to cover other operations including border controls and immigration monitoring. That was at an added cost to the Government.

Mr. Temporary Deputy Speaker, Sir, due to the expanded nature of the project, the Treasury was asked to seek for funds elsewhere. That is where real corruption started. That was 2003. Since the Government could not finance the project, Treasury was allowed to source for a donor. Who is the donor that came into the picture? On 1st August, 2003, the Anglo Leasing and Finance Company Limited appeared in the picture with certain conditions. The company came with specifications and said that it was prepared to finance the whole project. Along the way, the Permanent Secretaries in the Treasury, Ministry of Home Affairs and the Director of Government Information Technology Services (GITS) held several meetings. In those meetings, they were plotting to defraud the Government of Kshs2.7 billion. When we interviewed the two Permanent Secretaries and the Financial Secretary, they were unwilling to reveal information. We had to go through so many documents to find out that, indeed, the Government, through the Permanent Secretaries in the Office of the the Vice President and Ministry of Home Affairs, Treasury and the Director of GITS were all involved in the project from the word go.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the Attorney-General and the Principal Immigration Officer. The Attorney-General tried to advise the Permanent Secretary (PS), Office of the Vice-President and Ministry of Home Affairs to perform a due diligence test on Anglo Leasing and Finance Company. The Government did not heed the advice of the Attorney-General. If the Government had performed the due diligence test, it would have found out the location of Anglo Leasing and Finance Company, its capacity to undertake a project of this magnitude and the previous projects it had undertaken here in Kenya and elsewhere. The PS, Office of the Vice-President and Ministry of Home Affairs ignored the Attorney-General's advice and went ahead and implemented this project at a very fast speed.

The PS, Office of the Vice-President and Ministry of Home Affairs and the PS, Treasury, on behalf of the Government, signed the supplies services and financing credit agreement, which is contract No.GOK/HA0301. This was between the Government and the directors of Anglo Leasing and Finance Company. In this agreement, there are some clauses where the Government was going to lose a lot of money, which the signatories ignored. There are some clauses in the agreement which provide that in case the Government defaulted in one way or another, even if Anglo Leasing and Finance Company would have used even Kshs3, the Government was going to repay to Anglo Leasing and Finance Company the total amount of the money that would have been borrowed. This is the Kshs2.7 billion! A clause was included, intentionally, to defraud the Government, and the PS,

Treasury, and the PS, Office of the Vice-President and Ministry of Home Affairs, knew this!

I want to thank the Minister for Finance for having taken action against these two people. He terminated their services. However, he should have gone ahead, because this was a criminal offence, and put them behind bars. I want to appeal to him to initiate legal proceedings against these two officials. The fact that we have recovered the money, they should not be walking scot free. The fact remains that they participated in a criminal activity. We have recovered the money, but the fact remains that they undertook an activity of a criminal nature and they should be behind bars by now.

Mr. Temporary Deputy Speaker, Sir, I now want to talk about the Principal Immigration Officer. This officer has been very loyal to the Government. All along, from the word go, he refused to sign the vouchers. He kept on prodding his own PS to give him the supplies and finance contract, so that he could see what was inside there; regarding Anglo Leasing and Finance Company. This House should know that the PS, Office of the Vice-President and Ministry of Home Affairs ignored all this and went ahead. Despite the fact that the Principal Immigration Officer wrote four letters to him, on different dates, requesting him to have the contents of the contract between the Government and Anglo Leasing and Finance Company revealed, the PS ignored all this and went ahead to implement the project. He even molested his own accountant, the signatory to the voucher which paid out the Kshs91 million. According to our investigations, the PS summoned top Immigration Department officials from Nyayo House to Jogoo House, put them in a Board Room, gave them tea, came with a voucher and asked them to sign. Then he told them to go out. The top officers did not know what they were signing. This was a case of a senior officer harassing his juniors. In fact, forcing them to sign the agreement was criminal and it goes against the Public Officer Ethics Act, which provides that senior officers are not supposed to molest, harass or intimidate their juniors.

The greatest culprit in this project, who knew everything from the word go, is the then PS, Office of the Vice-President and Ministry of Home Affairs. This PS, together with the Director of GITS, went ahead and shopped for Anglo Leasing and Finance Company, gave them all the specifications and when the stakeholders' meeting was convened, Anglo Leasing and Finance Company presented a tailor-made deal to suit what the Department of Immigration needed.

In conclusion, I want to say that this project was a fraud. It had good intentions initially, but later on, it became a fraud. It is very unfortunate that even after this, the Government went ahead and awarded Anglo Leasing and Finance Company other projects. I agree with the recommendation of the Public Accounts Committee (PAC) that Anglo Leasing and Finance Company be blacklisted and should not undertake any dealings with the Government. I also agree with the recommendation of the PAC that the officers who have been found to have been involved in this project should not hold any public office in the Republic of Kenya. I, therefore, ask the House to adopt the Report of the PAC.

With those few remarks, I beg to support.

Mr. Rotino: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to say something about Anglo Leasing and Finance Company. If I do not say something about Anglo Leasing and Finance Company, I will not be doing justice to my people, who suffer day and night trying to raise taxes to enable the Government to operate. I will not have done any justice to the people who elected me to this Parliament.

This is a question of morality. We should not spend a lot of this House's time discussing something that should have been resolved a long time ago. The PAC spent valuable time discussing something that should have been solved by arresting the culprits. This is a question of conscience. Out there, Kenya is ridiculed because of what the NARC Government and the former Government have done.

Our President and his Ministers are going round begging for money in different countries,

and yet we misappropriate the same money that we are borrowing. We are taxing our people heavily. Even before God, those who are in power are accountable. They should be ashamed of themselves. They have been given the responsibility of running the Government and yet they have no morals. Their consciences are not clear. Kenyans are not being respected in the world and they walk with their heads down when people talk about Anglo Leasing and Finance Company.

It is a shame that those people who were involved in the scandal were left to go scot-free. They were supposed to have been apprehended a long time ago. We are known to be a hardworking nation, but our leaders go round the world begging. It is a pity that we lose money to people who have no moral standing. Even the Bible says: "Blessed is a nation that gives than a nation that receives." Even we, as individuals, should be ashamed of begging all the time. God must save this nation and give us leaders with morality!

We spend a lot time talking about the Anglo Leasing scam. We know people who were involved in it, but we leave them to roam around scot-free and yet, we come here and change situations. We say "let us implement this and that" We should be ashamed of ourselves! Whoever is concerned, must resign for him or her to be consciously right before God.

We are heavily taxing our people. If you walk around the streets, you hear our people who run small businesses complaining about the Value Added Tax (VAT). Our people are toiling day and night. Farmers, for example, are suffering trying to make some little money. When they take their produce to the National Cereals and Produce Board (NCPB), for example, they are heavily taxed. Our people in the transport sector, especially those who transport relief food, are also subjected to road levy tolls and income tax. In addition, the police are harassing them day and night. If you go to the Times Tower, you see long queues of Kenyans paying taxes to this Government. It is unfortunate that some few people misappropriate this money and their conscience cannot even be pricked. These are acts of shame! If any international organisation, which lends money to this Government reads the special PAC Report on Anglo Leasing scandal, it will say the Government is confused. They will think that the country is led by confused leaders who are not morally upright. God must save this nation! There are men and women of God who are praying for this nation. They plead with God to change their wicked ways of doing things.

We have to create systems that will curb corruption in this country. If you read the PAC Report, from the word go, you can see nothing else, but a case of a tailored corruption. A thief is out to steal certain amount of money from the public coffers, then tailors everything towards that stealing.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Rotino!

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I am sorry for using the word "stealing," but it is true! I may be using the word wrongly, but it is the right word.

Mr. Temporary Deputy Speaker, Sir, when the tender was advertised, it was for Kshs600 million. But, later on, it was changed to Kshs2.7 billion. Even a Class One pupil in primary school would tell that there was something wrong. When there is a gang of thieves who are planning to go and steal something, and they have been doing so always, a time comes when they do not agree, or one person is treated unfairly. As a result, that person would leak the information. This is the same case. There was a bunch of people who were planning to rob the Government, but one person in the group was not treated fairly. I think that is why that person leaked the information to Mr. Maore.

If we ask all Ministers, Permanent Secretaries and senior civil servants to swear by the Holy Bible or Koran, that they have not stolen or thought of stealing from the Government, how many of them would hold it and sincerely say the truth? We should be morally right because our people are paying taxes. It is a pity that the Minister for Finance is subject to ridicule all the time when he sits in the World Bank or the International Monetary Fund (IMF) meetings. I was fortunate to attend

one of the World Bank meetings, but what they talk about our Government in Washington DC, is shameful! Therefore, we should not waste a lot of time, but arrest those behind the Anglo Leasing scam, so that we ensure that this Government treats its taxpayers fairly. This country can raise enough money to run all the Government departments. The officers who were involved in this scandal must be apprehended immediately and taken to court, so that the taxpayers, and the world at large, will have confidence in the Government. When you drive on our roads, you ask yourself why you continue to pay for road licences and insurance. Why are we paying the amount of money we pay as taxes if the roads we drive on cannot be tarmacked?

Mr. Temporary Deputy Speaker, Sir, if you look at the report, the Attorney-General who is the Chief Advisor of the Government, gave them the right advice, but it was ignored. There was enough time to study the tender. What can one say other than tell the Government that the Anglo Leasing scam is an eye-opener of many things to come? Every Minister and Permanent Secretary should be able to re-look at the tendering procedures in his or her Ministry. These tendering procedures are channels for stealing Government money.

We should not say that Anglo Leasing and Finance Company should be blacklisted. It should have been blacklisted a long time ago and the people involved brought to book. We all know that, if you become rich overnight, even when you are eating, your conscience will betray you. If you go to church, and many of us pretend to go to church, and then you come to sit in the Ministry's office and---

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to assume that people who go to church pretend? Could he substantiate?

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I think that is an irrelevant point of order and the hon. Member knows it! But, maybe, he is one of them!

Mr. Temporary Deputy Speaker, Sir, I am happy that most Ministries, in their budgets, allocated some money for enhancing their Information Technology (IT) systems. As much as we blame the Ministers and Permanent Secretaries, there are no systems which enable them to seriously check the people who work under them. So, as much as we spend this money, let us spend it wisely and get the right people to provide these systems. The tendering procedures for acquiring the IT systems should also be transparent. Why can the Ministers not be honest enough to even resign if there is a problem with the tendering procedures? Let us see that happening. We should put systems in place so that any other person holding that office will be morally upright.

In conclusion, I want to say that the Anglo Leasing scandal is an eye-opener and this Government should learn---

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since this debate has been going on for so long, would I be in order to call upon the Mover to respond?

(Applause)

(Question, that the Mover be now called upon to reply, put and agreed to)

(Several hon. Members stood up in their places)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Could the Clerk take the count?

Order, hon. Members! You are only 12 and you do not meet the requisite number for a division! So, we cannot go into a division.

(Applause)

Mr. Billow: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have given notice of an amendment. It is appropriate and in public interest to dispose of that amendment, before we ask the Mover to reply.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Billow, I think you are just a little too late. In any case, the amendment was brought by Mr. Angwenyi. It is the same amendment. The Chair looked at it, discussed it with the hon. Member, thought that it was superfluous to the Motion and declined. Further to that, I have already put the question for the Mover to reply! So, I will now call upon the Mover to reply.

(Applause)

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

The Temporary Deputy Speaker (Mr. Khamasi): Do you want to challenge my ruling?

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I do not want to challenge your ruling. But I want a clarification. Under Standing Order No.45, this Motion does not require a notice. We are merely seeking an amendment to forward this report to the Kenya Anti-Corruption Commission (KACC). The KACC would be required to report back in 30 days.

Could you kindly give us your clarification of that Standing Order?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Billow, can you read the Standing Order you are referring to?

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, Standing Order No.45 reads:-

"The following Motions may be moved without notice:

(a) A Motion by way of amendment to a question already proposed from the Chair."

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Billow, you are doing the wrong thing because I have already put the question for the Mover to reply. What you are literally doing is challenging my ruling by referring to another Standing Order. I have already applied Standing Order No.80 and called upon the Mover to reply. So, that would be it!

Mr. Omingo, please, proceed!

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I want to start my response by saying the following: There has been a deliberate conspiracy to stifle justice and apply partisan justice. It is partisan in the sense that, even the Chair has not ruled on fundamental issues regarding this Motion. One such decision is that---

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to draw your attention to the remarks made by Mr. Omingo that the Chair is part of a conspiracy. Is that in order?

The Temporary Deputy Speaker (Mr. Khamasi): You are quite right, Mr. Katuku!

Mr. Omingo, please, do not aim at the Chair again. Continue with your debate, but remove the Chair from those comments.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I apologise for invoking the name of the

Chair. But, there might have been a mere over-sight on the side of the Chair by failing to make a ruling on a fundamental issue that actually caused an amendment to this Motion. That is what I am saying. But I apologise for highlighting the Chair in bad light. I must say on record that it is not right to bring an amendment that expunged the name of the Minister for the second time in the history of this country, when the reason was the ruling from the Chair as to whether or not the summoning was properly done.

The Temporary Deputy Speaker (Mr. Khamasi): Order, again, Mr. Omingo! That amendment was brought before this House and dealt with. I would request you not to go back to that debate!

Please, proceed!

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, the conspiracy on the side of the Government is portrayed by giving Kenyans lip service to fight graft. The Government side has been saying things and not meaning them. An issue was raised that the Committee was holding improper proceedings. As one speaker said, I was accused of summoning witnesses through funerals and public *barazas* in my rural home. I think, as an hon. Member of this House, I demand to be on record that I do not do *ad hoc* business on serious matters pertaining to Parliamentary issues. I want to refer this House to the issues raised.

On the claims by the Minister that he was not summoned, it is true that our Minister of Finance, who I have tremendous respect for, was summoned to Parliament. The letter summoning the Minister was dated 17th June, 2004. I must say for purposes of record that, I do not intend to be a witch-hunter or a rumour-monger. The letters are all here. The good Minister, in contempt of the whole House and the mandate given to the Committee---

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omingo! What is it, Mr. Minister?

The Minister for Finance (Mr. Mwiraria): Is the hon. Member in order to allege that I denied receiving one letter when, standing here, I even read and quoted the letter? The only point I made is that I was invited through a letter only once. That is a fact.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, we are in concurrence. The only thing that the hon. Minister forgets, and I will excuse him for that, is that, he has already been on record saying that he was not properly summoned. That is why he was whipping his troops to expunge his name. In response, the Minister for Finance refused to appear before the Committee.

(Applause)

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that I whipped any troops? I did not even know that anybody was coming to amend the Motion here. Is he in order to make allegations that he cannot substantiate?

An hon. Member: That is not a point of order!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omingo! It is for the Chair to decide whether that is an argument or a correct point of order. I think the Minister has a valid point. He is arguing that you are alleging he whipped some troops and he says he did not. Can you substantiate that he did?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, he may not have done it directly. I am sorry if I said that. Even though, by expressing feelings that would amount to hitting one below the

belt, he was actually calling for sympathy from his troop to gang around him so that he can purge his name.

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order, all of you! Hon. Omingo, debate on that amendment ended last week and I want to implore upon you to steer clear of that debate any more lest you have no time to respond.

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): I hope it is not on the same issue. If it is on the same issue, please, do not proceed!

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, you know, for sure that we can have troops outside the House, for example, if there is any---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kiunjuri! I have already made a ruling on that. I have advised Mr. Omingo to steer clear of that line of debate. If he has to respond, then, he should do so with regard to the Motion as amended. Please, do not go back to the debate that has already been concluded.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I wish to beg your indulgence. When this House's integrity is put to question, even the Chair does not exonerate itself from blame. When somebody says that Parliamentary Committees transact business in funerals, I am obliged to put the record right for the interest of the House and that of the Chair.

(Applause)

What I am striving to correct is that we summoned the Minister for purpose of record lest the name of this august House gets tainted. The manner in which the Minister responded to the Committee was contemptuous. The Minister summoned a Committee of Parliament to sit in his office! That was a big discrepancy and a blow to the integrity of this august House.

Mr. Temporary Deputy Speaker, Sir, I want it to be corrected that I transact business diligently and in a straightforward way. Even the Bible says that - I do not know whether the Koran says that too - the way to the Kingdom of God is narrow and thorny. The few who followed the thorny way last Thursday when I was thrown out, are the testimony that the truth will always be fought, but nonetheless, you will never distort the truth.

There was an issue about an imaginary company in this Report. The company actually defrauded the Government and we lost a lot of money only for it to be returned after investigations were launched. I have a testimony here to confirm the fact that the money that had been paid out illegally had the sanction of all the Government's machinery including the office of the Ministry of Finance. The money, I am glad to say, was brought back. That confirms the fact that other than the international community, the Kenyan taxpayers are watching our Government. The money was brought back and it only proves that there was intention to defraud the Kenyan taxpayers.

I want to reiterate what I have always said in the past. I was a tax collector before just like the the popular, biblical Zaccheus. After the collection of taxes, you forward them to Treasury for purposes of service delivery to our people. When I was not a Member of Parliament, it was unfortunate to find that the Government's resources were finding their way into pockets of individuals at the expense of service delivery. That would make any sensible Kenya to take a rope and hang himself. Nonetheless, I still beg for God's indulgence to sympathise with those who

forward taxes to people's pockets instead of using the money on service delivery. It is for that reason that this Parliament must and should stand the test of time. I want to be on record that, as a proposer of this Motion, I was away when the amendment was made. It is gone, and gone forever, at the expense of the credibility of this Government. Even though I was away, my vote could have gone to the Noes.

Mr. Temporary Deputy Speaker, Sir, when you hold a public office accountable for the mistakes and other things it has done, it means that conducting corruption business in this country has been and still is a very lucrative business with minimal risks. When you take part in stealing, and there is protection all round you by the powers that be, then, the returns are high and the risks minimal. So, what happens in the end is that you are protected for being a criminal who steals from the Government.

(Applause)

Let me make a small illustration. If you go through the Report, you will realise that there is a chronology of events that were transacted between the Ministry of Finance and the Liverpool Company Ltd. in UK. It was with terrific speed that a letter could be written from Treasury on 30th of April. It was not delivered by ordinary mail, fax or telegraphic transfer, but physically delivered. The letter landed in Liverpool on 2nd May and on 3rd of the next month, the hard copy of the letter was found in Treasury. What does that mean? It means that the conspiracy within the hierarchy of power today is such that you can have Liverpool Street Company on the top of the desk and the "Treasury" in the drawer so that when you write a letter to Liverpool Street Company you can at the same time put in the drawer, which is the Treasury.

(Applause)

That is the conspiracy I am talking about and it is a shame that the Government did what it did on Thursday, last week.

Mr. Temporary Deputy Speaker, Sir, in this Report, we have recommended far reaching implications on the people involved in graft. This House will never be respected if it does not stand the test of time by standing against graft by deed and not just by word of mouth. We said that Forensic Science Laboratories should also be investigated. In our investigations we trampled on this element of Forensic Sciences Laboratories. As a result, the promissory notes that had been given over time were returned to the Committee in their original state and cancelled in our presence. This required further detailed investigations, which I am sure, after the Report has been adopted, will be the case. Forensic Science Laboratories must be investigated. It is upon this basis that the Ministry of Finance gave Anglo-Leasing and Finance Company Ltd. a clean bill of health. They said that we cannot do any diligent test simply because Anglo-Leasing and Finance Company, popularly known as "Anglo-Fleecing", was in the Government's records. Even the initial probe on the Forensic Science Laboratories that introduced the Anglo-Leasing and Finance Company Ltd., was also a fraud. We have a chain of frauds in this Government and Parliament must stand out to be counted and reclaim our supremacy as the most superior organ of the State. We should also not allow to be summoned in anybody's office because Parliament cannot sit and fit in anybody's office.

Mr. Temporary Deputy Speaker, Sir, this element of single-sourcing has been a cancerous thing. What happens is that a company is registered and put on the tender list. An emergency such as the El nino one is created and several companies are asked to submit there bids and yet only one is picked because they deem it an emergency that requires single-sourcing.

Today, forensic science laboratory project is still a white elephant despite the fact that there

was a serious impending emergency; that Kenya was going to sink if that deal was not approved. Today, it is still a false cry. In the interests of those hon. Members here who are accountants by profession like my colleague Mr. Kimunya, a finance lease is an arrangement between two parties, one giving a service or an asset and the other one wanting to use the asset on consideration of rent. Anybody mentioning this fraud should not be living in this country. This finance lease was signed as if there was a service or an asset for the country to use. Even today there is no asset. Ordinarily, you will get an asset to use for a period of say ten years. Upon completion of the lease period you are given a token price to pay to take the asset into your possession. In the case of Anglo-Leasing, being special as it was, there was no asset---

The Minister for Lands and Housing (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to display his ignorance of accounting knowledge by confusing an operating lease with a financing lease?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Minister! That is the sort of language we have avoided using here. If you want to raise a point of order, use decent language.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the hon. Member has just given this House a lecture on a lease. Unfortunately, he is confusing between an operating lease and a financing lease. Is he in order to continue misleading this House on the nature of the lease?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I sympathise with my professional colleague. He is actually a certified public accountant and a one time vice-chairman of the Institute of Certified Public Accountants of Kenya. What happens when people cross to the other side of the House is that even their wisdom disappears under wraps. I can avail to the Minister the agreement signed between the Kenya Government---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Magara. The Minister has never crossed from any side of the House.

Mr. Omingo: Sorry, Mr. Temporary Deputy Speaker, Sir. When people go to the Government side, they behave the same way my good friend Prof. Kibwana behaves.

(Laughter)

They behave the same way the Attorney-General who was a leading counsel in the world behaves.

The Assistant Minister, Office of the President (Prof. Kibwana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Omingo is really amusing himself. How do I behave?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Omingo, do not respond to that. That is not a point of order.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, in the interest of professionalism that my colleague is trying to display who has actually lost it since joining the Government, in the finance lease here, the Republic of Kenya was to pay for a service in terms of a lease agreement. What happens in that context is that the buyer takes possession of an asset and uses it on consideration of rent for a period of time. You buy it as you use it. At the end of the lease period you pay a token appreciation to own the asset.

Today, Kenya Government owns nothing and it had already paid so much. It is amazing how we behave sometimes as hon. Members of Parliament on the Floor of the House. It beats all logic when, despite the reports presented on the Floor of the House, some hon. Members who played leading roles in the Anglo-Leasing scandal actually behave like "political turncoats" and say that we made recommendations which are pedestal. They are saying this despite the fact that they participated in giving information which may have been wrong. They know themselves. It is a

shame to this House! We must stand the test of time.

When you say something as a gentleman or a lady, please stick to it. In the interests of this country and this House, when we declared total war against graft, we forgot the fact that this graft would also touch on your own mother, brother. It is good to fight it if it is touching on the Chair who is not my brother, for example. But when it is biting close to myself, I vibrate and seek protection.

When you go to war, you have to be prepared to lose some soldiers on the warpath. You should be prepared to take some stray bullets. You have to be prepared to sacrifice even the closest people in State House in the interests of the nation. So long as you are a good boy, you cannot live on. In the interests of this country we will not allow the application of partisan justice in the fight against graft. I am too sure that if those who are very critical about this issue were among those who were caught in this cross fire, they would be serving a sentence in Kamiti and not even seeing a television like some of them.

The President said that there is zero tolerance to corruption, but the example that has been displayed here today and on Thursday, is a dark day for this country. I wish these were the days when Mr. Mirugi Kariuki was sitting on this side of the House because this country would be on fire today. Articulate Members of Parliament, brave Kenyans---

The Assistant Minister, Office of the President (Mr. Kibwana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mention names of people without any purpose instead of debating substantively?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, in the interest of trying to push the knowledge of wisdom to my good friend, it is a wishful thinking that cannot be real. If wishes were horses I would also be riding on their side.

This country requires a straight and firm legal framework to fight graft. When recommendations like these are made, they will land on the doorsteps of the Attorney-General, Mr. Amos Wako. I have tremendous respect for my good friend Mr. Wako. He is a very good man and he has actually served two Governments; Moi's and Kibaki's currently. We require to strengthen that office and if possible bring in some fresh blood.

Mr. Temporary Deputy Speaker, Sir, recently, this House gave the Attorney-General power to fight cases like this. It is amazing that, that office has let Kenyans down. In as much as we recommend surcharge, Parliament being what it is today, we shall be a talking shop as long as it takes, unless we actually criminalise corruption and give these people the punishment they deserve by locking them up, however close they are to our hearts and houses.

Mr. Temporary Deputy Speaker, Sir, a serious cancer is developing even as we write this report. When we took over office there was a pledge from the Committee which I was chairing that we must do things differently. Indeed, we tried to do things differently. But that was not without a lot of fight and resistance in terms of doing business. If Parliament is to be taken to be a serious organ, we must remove ourselves from the participation of issues that touch on graft and distance ourselves by dealing with graft with the firmness it deserves. This cannot be done without a proper legal framework and implementation programme. I would like to propose that Parliament should establish an implementation committee to follow up what the Attorney-General does. It is unfortunate that we make some recommendations here but, ordinarily, they are not taken seriously and nobody implements them.

Mr. Temporary Deputy Speaker, Sir, I want to say something with regard to the so-called "popular note", which made our good Minister to sign something he never knew. One of the speakers here said that, indeed, we must stand for our cause and justify the cause we die for. It is true that if you die for nothing, then you are not worth living. In the agency theory, the

responsibility of the agent rests solely on the principal. It does not matter how pretentious we want to be; it does not matter what time you signed the agreement; it does not matter how much information you have. The truth of the matter is that you take responsibility as a gentleman, own up and ask for forgiveness.

This country has been mortgaged. If the Anglo Leasing and Finance Company scandal was not brought to the Floor of this House, our Kenyan children would be paying for a finance lease for over 30 years or 40 years without getting services. It is in this context that we require the Attorney-General's Chambers to be refined so that it can, for example, look into the serious matters pertaining to agreements. For instance, in the agreement signed between the Kenyan Government and the Anglo Leasing and Finance Company, we do not have any recourse to claim any loss. We were also subjected to the United Kingdom (UK) laws. If the contract was not honoured as per the agreement, the Government officials would have to fly to the UK to sue the company for damages. The Government should be honourable enough and make the Attorney-General's Chambers do a better job than it is doing. This is because we lose billions of shillings through fraudulent deals which have been okayed by the Government. Some of these deals have been exposed by the Public Accounts Committee (PAC). Some of the recommendations made by this Committee have not been implemented in full.

To recount on what had happened, on page four, there is a recommendation which actually ties everybody, including those who have been pretending not to know what they were doing. I would like to read out Recommendation No.4.1 so that when we adopt this Report, we will do it with the full knowledge of what we are doing. That recommendation says:-

"The supply of services and financing credit agreements for immigration, security and document control system/project is in order. Questions and issues on the various legal, technical, financial and other matters have been addressed and revisions have been made accordingly."

About four gentlemen and one lady signed this document which committed the Government. The underlying point is that everything, including what the Minister raised, was clarified, and yet he signed the agreement.

Hon. Members: Shame!

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, it is true that they can run away from the truth, but they cannot hide. This country has come of age. We must live to our word and support the President to fight graft.

*(Mr. Salat gave Mr. Omingo a
glass of water)*

(Applause)

What we should address here is making corrupt business as risky as possible. How can we make that business risky? Could we have those people who have been involved in graft being held accountable and pay back to the Government what they have actually stolen?

In the course of our investigations, we established that there was serious conspiracy, again, within the technical bench of the Ministry of Finance and the consumer Ministry. Is it by miracle that Anglo Leasing and Finance Company knows the item we want to tender for, it gives us a proposal of what we want and it fits in our system before it sees what our needs are? To get to the root cause of the Anglo Leasing and Finance Company scandal, this Report should be referred back to the Committee for further investigations.

I want to thank the hon. Members who put up a spirited fight last Thursday when I was out of this Chamber, made a point and lost honourably. I want to single out great men who must live to see this country into great heights of prosperity; those who stood between the power of darkness and the power of light.

(Applause)

The hon. Members who stood by the truth would be judged with time. I also want to pray for those ones who reluctantly joined the bandwagon for fear or anticipation of reward to change their mind. May God help them!

On the socio-economic impact of corruption, we are looking at a Kenyan child, who is actually paying the debt that Anglo Leasing and Finance Company has made us accrue for over 40 years. That child will service a debt that he or she does not know, and yet we are the custodians of the resources of this country. I brought a Motion before this House and it was defeated by those who fear the truth and partook in the scandals of the past by committing the country into fraud. We should look into this and open up our mind so that we can know exactly what Kenyans are paying for.

Had the Anglo Leasing and Finance Company scandal not come out, the Kenyan taxpayers would be paying for the debt until 40 years lapse. Our Kenyan children have been sent into poverty. Today, a child pays a debt of Kshs40,000 regardless of whether he or she knew it or not. It is high time we stood to be counted. It is high time we separated the wheat from the chaff; it is high time we reflected and looked into the affairs of the nation in recognition of our future children. Fifty percent of Kenyans live below the poverty line because these thefts are the order of the day. We should reflect back, as hon. Members of Parliament and justify our existence. It is in that line that Parliament must assert itself, reclaim its independence lest it perishes like it is about to perish. Parliament should get back the independence that it deserves and tell the world or Kenyans that we are fighting for their rights. It is criminal that we take loans which we do not service, or service them when the people who took the money never rendered any services. This Government came to power on the platform of fighting corruption. But what happened? They also went out and became partakers of this particular "animal" called corruption.

I have plenty of materials. In case hon. Katuku is worried, I am just about to get to where it hurts most. There are some recommendations that were made. On page 23 of this Report, we did say that:

"The Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs be held responsible for failing to perform a due diligence test before concluding a contract with Anglo-Leasing Finance Ltd despite advice from the office of the Attorney-General. This made it possible for the Government to discover the shareholders and directors of Anglo-Leasing Finance Ltd. The Committee concluded that the said Permanent Secretary was an interested party."

Now, I am getting to the body of the Report. If we are sharing an apple that is infected--- The Permanent Secretary, Ministry of Home Affairs, ate the apple and he got stomach upsets. The Permanent Secretary, Ministry of Finance, ate the apple and got he constipated.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Mover was called upon to reply, but instead, he is actually moving the Motion.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I respect my good friend, hon. Githae. I am just touching on the office of the Attorney-General where his docket falls and that is why he is

getting jittery.

If three people shared an apple and got constipation, you would be a miracle gentleman or lady if you were the third person who never got constipation after eating the same apple.

(Applause)

Mr. Temporary Deputy Speaker, Sir, Kenyans are watching. It is critical that we address the issues as they are. Why am I so passionate about this plea I am making? It is the perception of the public about Members of Parliament. We have been called names and sometimes, justifiably so, by the press and the public. We behave sometimes in a way that leaves a lot to be desired in the conduct of business in this House. I want this Parliament to reclaim its position and justify its existence and service to the people.

Mr. Temporary Deputy Speaker, the following recommendation, if not adopted, will raise question marks on the entire Report, because the issues that run around this Report are inter-twined. I do not know how we are going to justify exclusion. Nonetheless, this selective exclusion is an issue that Parliamentarians are going to grapple with for a long time.

I now move to the Treasury. The Committee recommended that the Permanent Secretary, Treasury is also part---

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Omingo, who has really contributed to this debate in a very diligent and intelligent manner, not to read the mood of the Members and now bring the matter to a halt?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Kiunjuri! Hon. Omingo is within his rights. I would only advise him to concentrate on replying to the issues that were raised on the Floor of the House.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, why this issue looks a little too dry is because immediately the Motion was proposed, an amendment came and changed the whole Motion. Therefore, I do not have much to respond to, except to highlight to the Members the burning issues in this Report. It was only two Members who contributed. So, I am now the only authority to throw some light on this issue for Members who may not have had a chance to interrogate this Report as much. With those sympathies, I beg the Members' indulgence to listen. Hon. Kiunjuri could also take a break and go for a cup of tea if he does not want to listen.

Mr. Temporary Deputy Speaker, Sir, the Treasury in this report was the "big animal" which started the entire machinations. Did you also know that had the investigations not started, US\$3.7 million was going to exit out of this country? I am saying that the Treasury had a hand in this matter. Now, where does the buck stop? I do not want to change the debate. It is only those who were affected who can tell.

The next recommendation reads:

"The Committee noted that there was a mutual relationship between the Treasury and officers of the Ministry of Home Affairs and Anglo-Leasing Finance Company in view of the way they handled the agreement and the entire transaction."

This brings me back to the point again. Selective punishment!

Mr. Temporary Deputy Speaker, Sir, there were recommendations made in terms of punishing the officers who hold public office. It is unfortunate that some went home before we could punish them. But we further made a recommendation that they should never hold public office. I am not too sure then how the Attorney-General is going to proceed in dissecting the infected apple by excluding other partakers in the loot.

On the issue that we raised regarding the handling of the transaction on the side of the Immigration Department, I must state that the Immigration Department officer stood his ground. Parliament should note that even in the confusion of power struggle and money making, some few Kenyans can still stand the test of time. The Immigration Department refused to be drawn into this scandal. As a result, there was a bit of leakage that caused this scam to be exposed. There is this popular story that officers sometimes act under duress or harassment. I believe in one thing. If you are a competent officer, it does not matter which Government office you serve; you live through the test of time and stand your ground. The Immigration Department deserves a part on its back, because some of its officers refused to sign the transactions. When some people were signing without knowing what they were signing, the Immigration Department refused to sign. We are being told that some of them were signing these documents without knowing. Why is it that others refused to sign those documents?

Mr. Temporary Deputy Speaker, Sir, on adopting this Report, I am not sure what the Attorney-General will do with it now that this background information has come to the fore. Some of us have confessed ignorance of the conduct of this team. I also sympathise with the Attorney-General on the action he will take out of these confessions that have come to the Floor of the House. The confessions of innocence and lack of information. I am also not too sure whether he will have the capacity to take on this fight to the full stretch that it deserves. There is confession---

[The Temporary Deputy Speaker

(Mr. Khamasi) left the Chair]

[The Temporary Deputy Speaker

(Mr. Poghsio) took the Chair]

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is clear that nobody is listening to the debate. The Mover is just repeating himself and quoting arguments of hon. Members who had spoken before him. Under Standing Order No.1, would I be in order to call upon the Chair to call upon him to move?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that my friend is a new hon. Member of this House. I would like to remind him that this response does not have a time limit. In any case, even if he does not want to listen or if he has heard and does not want to take up this issue, the option left is for him to walk out and let us proceed. Kenyans are serious and would like to fight graft.

Mr. Billow: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform my colleague that there is an aspect of Anglo Leasing Finance that has not been addressed. I would like him to address the issue that Parliament never approved the loan and the project financed. He still has time to talk on those areas.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, when points of information are really true, you take them with the pleasure they deserve. I would like to thank Mr. Billow for that point of information.

This ugly animal was born out of wedlock. This is because it would have been shown in the Development Vote. However, it was initiated through the Recurrent Vote and, later on, it was shown as a Head under the Development Vote. Again, this was an illegality. It is evident that these people had bad intentions because it was quickly converted into a public debt to be paid even before Parliament approved the expenditure. Again, this makes us look as if we are not sure of our work, or we have lost grip of what we are doing.

Mr. Temporary Deputy Speaker, Sir, let me recount, also in terms of debate and participation of this Motion on the Floor of the House, there have been spirited efforts to kind of strangle the Anglo Leasing baby because it is a golden baby to some people and a demon to others. Parliament has been taken round in circles for a long time. This Motion was supposed to be brought to the Floor of this House as a matter of urgency. However, it was brought when it had lost flavour and after we had been taken round in circles. Even when it was brought to the Floor of the House, there were other issues that needed to be addressed. It is unfortunate that these issues were never addressed, including what I mentioned earlier. I am not too sure if we are not all getting into confusion of Anglo Leasing scam. This is because we are concluding this debate without some critical decisions being made by the Chair. At the end of the day, this Parliament will be a laughing stock.

Mr. Temporary Deputy Speaker, Sir, when this Motion was sneaked into the Order Paper, there were serious urgent matters which were being debated. When I was moving this Motion, about four or five hon. Members were on the Floor of this House. When this Motion was finally moved, it was deferred. The seconding of an amendment was also done illegally. The Chair has not made a crucial ruling in which case I am not too sure what adoption will mean without that crucial ruling which actually punctured the Report of this Committee.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to question the wisdom of the House? A decision taken by this House is binding even upon the hon. Member himself. It is this House, in its wisdom, which decided to expunge those names. So, he cannot come here today and question it.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, with all due respect, Mr. Ndwiga is a senior hon. Member of this House. In fact, senior than me. However, he also knows that democracy is a confusion of all things. That is why I am saying we would rather go with the minority taking the lead because more often than not, they are correct. However, democracy dictates *wengi wape*, even if they are confused!

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): On a point of order, Mr. Temporary Deputy Speaker, Sir. I take exception, but my friend, Mr. Omingo cannot say that hon. Members of this House are confused. Did you hear that? That is what he said. I think you have the duty to defend this House.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Ndwiga! I did not hear Mr. Omingo say the House was confused.

Mr. Omingo, proceed and keep clear of anything that might look like you are doing that.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, we come from various dialects. The dialects might have misled my colleague to think otherwise because these dialects sometimes cause confusion.

In the interest of the hon. Minister, the confusion I was talking about is that democracy is not always just. You can make a ruling that is not suitable, but it is arrived at, because of numbers. It is not always true that numbers are correct. That is why I cited the Bible when I stated that the way to the kingdom of heaven is narrow and thorny and that only a few will get there.

There are several issues that we need to look into as we reclaim the sanctity and supremacy of Parliament. One, we must also live to the point that Kenyans expect us to be; that of not saying I was misquoted. Even when you are quoted and with your consent, you say you were not quoted properly because it is now time to tie the other way.

At one time when we were sitting as a Committee, the Permanent Secretary, Ethics and Governance told us that there was some bit of conspiracy that he could not trace in this matter. He

could not understand how somebody would be paid money in the United Kingdom, where his physical address was imaginary, known to some mysterious people, the signature was taken on a physical address and the money returned, yet Treasury did not know where the money came from.

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to keep on giving us stories which are not correct, when I have already given names of the banks from which payments were made?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I agree with the Minister. However, some of this information, as he said last week, came to him much later. That means that he may not have known about it. We should re-examine ourselves and justify what we say. Let us stick to our words.

I want to enlighten hon. Members. Some people were saying that they did not know who Anglo Leasing and Finance Company was. At one time, an officer from the Treasury, walked to the Public Accounts Committee (PAC) meeting room with the original company documents signed by the parties concerned. Hon. Members should read this report and know about the conspiracy. We saw the original documents and they are here with me. I do not know whether they came from heaven or hell. The physical address of the company is not known. Even when there is a chemical reaction, we can do some chemical analysis and know the source of the reaction. Those involved in the scandal are claiming not to know where the documents had come from. Are we really serious? I want Kenyans to know what we stand for as a Committee. We should not be slapped on the face and told that we did not do a good job, and that we served the interests of a few individuals in this country. I am making a point to justify the actions we took when we tabled this report. The documents I have are originals, and were signed by somebody at the Treasury, who is not known. I look forward to a day when I will cross over to the other side of this House and work with people who are serious, committed, and who say what they mean and do what they say.

Mr. Temporary Deputy Speaker, Sir, that is how dishonest we are. That is how this House has been taken for a ride. That is how Kenyan taxpayers have been cheated and this House ridiculed. If I were some of those who were involved in the scandal, I would have committed suicide by now. Some officers who were involved in the scandal have lost their jobs, while some of them are still in office. This can be compared to the story in the book titled, "Animal Farm" where we read about all animals being equal but some being more equal than others.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I need your protection. Hon. Members should bear with me because I still have a few more days to speak on this issue.

I want us to go back to the chronology of events that led to this scandal. At one time, stakeholders from the Office of the Vice-President and Ministry of Home Affairs, the Attorney-General's Office and the Ministry for Finance met on 17th August and agreed to form a technical team that was going to evaluate the requirements of an enhanced system of issuing new passports. The report never came to us, but the person who was supposed to supply the passports came with a replica of what he was supposed to supply. One wonders why we are holding on to this conspiracy. Time will come when we shall start investigating those who were involved.

On page 19 of our report, the Committee observed that the Ministry of Finance and the Office of the Vice-President and Ministry of Home Affairs acted against all the procurement procedures. The Accounting Officer in the Office of the Vice-President and Ministry of Home Affairs, after the meeting of 17th August, chose to ignore the Immigration Department and started dealing with Anglo Leasing and Finance Company and other interested parties, perhaps for a bigger

cut. The Accounting Officer acted dishonestly by requesting single-sourcing while the project required competitive bidding. The Committee, therefore, recommended that the Accounting Officer be held responsible for time wasted and that lost funds be recovered from him.

Why should we call people to a committee meeting at the Treasury and pay them a salary to do a paper that is not going to be put into good use? I suggest that further investigations be done on into this issue. This meeting was a way of covering up something. The officers in the Attorney-General's Office tried to do their bit. Unfortunately, technical advice was not made use of, and, therefore, there was a lot of embarrassment and loss of revenue by this country. According to some Government officers, the due diligence was not exercised because owners of the Anglo Leasing and Finance Company were familiar to them. Time has come when Parliament must stand its ground. Time has come when we must stand the test of time and do what it takes to correct the situation in this country.

Junior Government Officers who were involved have been sacked or suspended from their jobs. They have been hit below the belt. They have suffered on the instructions of officers who do not want to address the issue. When this scandal started, the Government denied knowledge of any wrong doing. As we got closer to knowing about the scandal, everyone started denying involvement for the purpose of keeping their jobs. Let us not legitimise corruption.

Today, Kenyans, are poorer than they were during the reign of the former regime. Kenyans got to know of how much they had been impoverished during the 23rd year of the former President's rule. Kenyans see the deceit, misery and corruption within one year of the rule of the NARC Government. We must change course! The time of scapegoating has gone!

Mr. Billow: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform Mr. Omingo that, indeed, a study done by experts from universities indicates that poverty levels will increase to 65 per cent, five years down the road.

(Applause)

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, that is a grim picture! I have due respect for him and I know that he is a renowned scholar and a Member of this House who has not lost his focus.

It is true that Kenyans are going to be poorer, as Mr. Billow has said. However, why are we poor? Do we also know that the socio-economic impact of corruption is what has reduced us to beggars? We are begging from the donor community an amount of money equivalent to what we gave M/s Anglo Leasing and Finance Company. We must stand up to be counted and change things in this country. One wonders about what went wrong and where we went wrong. It is interesting to note that we keep on shifting goal posts and thinking differently because of where we are seated. I would love to have a country and hon. Members of Parliament who will stand the test of time, and know that it does not matter where you sit, where you are or which powers you have. I am begging hon. Members who go to church to increase numbers to own up. When the time comes, God help, these church goers, who profess christianity or whatever other religion, will become firewood for burning others.

I want to say the following. What can the Government do to help Kenyans to improve their living standards? Kenyans are living in hopelessness! If you look at poverty levels and compare them to the level of riches of individuals, you will see where the problem lies. There is a big problem and we must say it for the record. Even if we protect ourselves with barbed or electrified fences, we are not safe in the streets of Nairobi. The other day I saw Mr. Murungaru's house at his home town being vandalised. I am sorry for my colleague. It does not matter who you are or where

you are. We must protect Kenyans by fighting graft and improving their well-being.

(Applause)

His house was vandalised as was mine at one time and we, therefore, sail in the same boat. This country belongs to us and we are not going to run away from it. We must stand up to be counted. When we are looking for security, we must realise that ten bodyguards cannot take us to our bedrooms. They will sleep out there. Chase cars do not help; it is a mere waste. We must transform our economy by fighting graft and adopting reports recommended to the House without amendments.

Mr. Temporary Deputy Speaker, Sir, things must change because this country belongs to us. Kenyans believe that when you steal a lot of money and you are seen driving a big car, you are reputable. It is better to eat dry bread than a buttered one in misery and fear that makes you want somebody to watch over you from next to your bedroom door. This happens because we deny our people access to economic empowerment. We steal a lot, yet at the end of the day, we do not enjoy the money.

There is the donor-dependency syndrome that is a sub-set of corruption. When our good Minister for Finance said that we had been given over Kshs3 billion he was happy. In fact, I too was excited but to my surprise and that of Kenyans, we are borrowing to service M/s Anglo Leasing and Finance Company. We are borrowing to service debts because we live beyond our means! We do not budget for corruption, but because it exists we must borrow to finance the Budget deficit it creates.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Omingo is repeating himself and using the arguments of hon. Members who have debated in this House. Would I be in order to request you, under Standing Order No.87, to discontinue his contribution?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I am just starting! If my contribution is not palatable to my good friend, I request him to treat me to a rat meal after this.

We must face these issues. If I am irritating anybody, I request them to walk out of the Chamber, because the truth will always be told. You cannot distort facts! I heard one hon. Member saying that Mr. Omingo is witch-hunting me because I do not come from a particular community. You can dance to the *ndombolo* tune, or say that it is tribalism but facts will remain as facts.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omingo! I need to draw your attention to the point raised under Standing Order No.87. It requires the Chair to warn the person on the Floor. Therefore, it cannot be used now!

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for your protection. It is the wearer of a shoe who knows where it pitches most. I am just about to go to my brother's Ministry of Justice and Constitutional Affairs. I am sure that, that is what is worrying him.

The donor-dependency syndrome, which has a bearing on corruption, is what I was addressing before I was interrupted by my friend, Mr. Githae.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omingo!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 3rd November, at 9.00 a.m.

The House rose at 6.30 p.m.