

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th May, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table: -

Report on the Appointment of the Constituencies Development Fund Board Chief Executive Officer.

(By Mr. Ethuro)

NOTICE OF MOTION

ADOPTION OF REPORT ON APPOINTMENT OF CEO
CONSTITUENCIES DEVELOPMENT BOARD

Mr. Ethuro: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Section 27(4)(b) of the Constituencies Development Fund (Amendment) Act, 2007; this House adopts the Report of the Constituencies Development Fund Committee on the appointment of the Chief Executive Officer of the Constituencies Development Board laid on the Table of the House, Wednesday, 13th May, 2009.

QUESTION BY PRIVATE NOTICE

SECURITY OPERATION IN
SAMBURU EAST

Mr. Letimalo: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister explain what informed the security operations in Samburu East District in February 2009, and why only members of one community were targeted?

(b) Could he state the number of persons killed in the operation, the circumstances of the deaths and the identities of the victims?

(c) Could he confirm that a chemical was sprayed on herdsmen and explain what chemical it was as well as the effects on the victims?

(d) Could he further state the damage resulting from the operation and number of livestock confiscated during the operation, the owners thereof and when he will compensate the victims for the losses?

Mr. Speaker: Minister of State for Provincial Administration and Internal Security!

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, this Question should be answered next week.

Mr. Speaker: This is a Question by Private Notice.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, as you are aware, the Assistant Minister, Mr. Ojode, is a bit unwell and Prof. Saitoti is attending a critical security meeting.

Mr. Speaker: Order, hon. Members! The Chair did follow what transpired this morning and I am aware that a number of Ministers--- In fact, the majority of Ministers were not in the House this morning to answer Questions pertaining to their different portfolios. The new Standing Orders explicitly provide that it shall amount to disorderly conduct for a Minister to fail to answer a Question. Hon. Richard Onyonka, who is a Minister by virtue of being an Assistant Minister in the Government, has not offered any explanation that is tenable or plausible for that matter, as to why neither the substantive Minister nor his Assistants are here to answer this Question. So, I will be deemed to take action now.

Hon. Members, I direct that this House will not transact the business of the Ministry of State under the Office of the President in charge of Provincial Administration and Internal Security until such a time that an acceptable explanation is offered to the House as to why the Minister is not here. It is so ordered!

ORAL ANSWERS TO QUESTIONS

Question No.021

IMPROVEMENT OF CONDITIONS IN KATITO/ SONDU MARKETS

Mr. Ochieng asked the Deputy Prime Minister and Minister for Local Government: -

(a) what plans he has to provide clean water, toilet facilities and generally improve the conditions at Katito and Sondu markets, considering that the markets lack those facilities and become muddy during the rainy seasons; and,

(b) when the Ministry plans to construct a market at Kolweny Shopping Centre along the Kisumu-Kendu Bay Road.

Mr. Speaker, Sir, so far, I have not received a written answer to this Question.

Mr. Speaker: Order! With respect to Question No.021, I have just received communication, which I understand was availed to the Clerks-at-the-Table earlier on in the day, to explain why the Minister is not here to answer this Question. So, there is an explanation which, in my assessment, appears to be rational. At least, there was an attempt by the Minister to notify the Clerk of the position on 8th May, 2009. So, in those circumstances, therefore, I will defer this Question to Tuesday next week at 2.30 p.m.

Mr. Ochieng, please, note!

(Question deferred)

Next Question by hon. Mututho!

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

Mr. Speaker: What is it? If it relates to Question No.021, no! I have already called for Question No.007!

Mr. Ruto: Mr. Speaker, Sir, I thought it would be---

Mr. Speaker: Hon. Ruto, be careful! I have already called for Question No.007.

Question No.007

DISMISSAL OF MS. LUCY MAGURU BY
M/S CONSOLE BASE

Mr. Mututho asked the Minister for Labour: -

(a) why M/s Console Base (agents of Kenya Ports Authority) dismissed the only lady employee, Ms. Lucy Wambui Maguru from the motor vehicle section and paid her only Kshs15,000 in lieu of notice after working for two years with the firm; and,

(b) whether he could order her reinstatement or payment of her terminal dues.

The Minister for Labour (Mr. Munyes): Mr. Speaker, Sir, I beg to reply.

(a) Ms. Lucy Wambui Maguru's services were terminated by Console Base, an agent of the Kenya Ports Authority. She was paid on notice and two days worked, making a total of Kshs15,720 vide Barclays Cheque No.103025, which was legally due to her.

She was the only female employee in her section though the company has an overall workforce of 89 employees, of which 26 are women. Ms. Lucy Wambui Maguru was engaged as a driver on a renewable contract of six months. No other terminal dues were payable apart from the notice and the days worked. Her services were terminated due to reduction of work. She was paid what was due to her.

(b) In accordance with the Labour Laws, the Minister cannot order her reinstatement. However, the company has promised that, in case the business improves, she will be taken back.

Mr. Mututho: Mr. Speaker, Sir, that lady is now a widow. She was sacked because she went to look after her husband, who later died in hospital. She worked for two years and she was the best employee of that company. Therefore, she could not have

been a casual labourer, the way it has been put there. Could the Minister, please, investigate this case more thoroughly because it touches on humanity? She is the only lady employee!

Mr. Speaker: Order! This is Question Time! Mr. Minister, can you investigate?

Mr. Munyes: Mr. Speaker, Sir, the hon. Member contacted me this morning and gave contrary views about the sacking of Ms. Lucy. I promise to investigate this case.

Mr. Chanzu: Mr. Speaker, Sir, such kind of cases are prevalent in many organizations. I would like to hear from the Minister what measures he is going to put in place, through his labour officers in the various districts, to ensure that, that kind of information comes to him quickly and he is able to act, so that we can solve those kind of situations.

Mr. Munyes: Mr. Speaker, Sir, you will appreciate that there are so many such cases coming to my Ministry. I have told the labour officers to be alert on such cases and respond to them as they come. However, you must understand that the Minister's hands are tied. If there are cases that the Ministry is not able to solve through our officers, the advice has always been that you seek redress at the Industrial Court.

Mr. Mututho: Mr. Speaker, Sir, I have no further question. I am satisfied because the investigations will be carried out.

Mr. Speaker: Very well. Mr. Ruteere!

Question No.075

DESTRUCTION OF IMENTI FOREST

Mr. Ruteere asked the Minister for Forestry and Wildlife:-

(a) whether he could confirm that logging, charcoal burning and over-population of elephants that were trans-located to the lower Imenti Forest are posing serious threat to the forest; and,

(b) what urgent measures he is taking to address the above concerns and prevent further destruction.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I confirm that there have been occasional cases reported of illegal logging and charcoal burning in Lower Imenti Forest, and that those activities are posing a threat to the forest.

However, there has not been any trans-location of elephants to the lower Imenti Forest. The population of elephants in the forest consists of herds of elephants migrating from Isiolo area and the Mount Kenya Forest.

(b) My Ministry has been conducting patrols in lower Imenti Forest to address the problem of illegal logging and charcoal burning. The Ministry, through the Kenya Wildlife Service, is also conducting community education and awareness creation on sustainable natural resource management. Besides, the Ministry continues to sensitize *wananchi* to report incidents of illegal activities, including forest destruction, promptly.

Mr. Ruteere: Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, the communities which are involved in replanting the forest are the

ones who are reporting that the officers are hampering the afforestation programme. Could the Assistant Minister tell the House why the officers cannot co-operate with Community Based Organization's (CBOs) in the afforestation programme?

Mr. Nanok: Mr. Speaker, Sir, our field officers have a responsibility to co-operate with the community and all the stakeholders on the ground. If Mr. Ruteere has incidents on specific officers, could he provide us with that information so that we can investigate and take action?

Mr. Linturi: Mr. Speaker, Sir, logging in forests is a common phenomenon in all parts of this country. Nyambene Forest, which neighbours my constituency, is now completely depleted. Igembe South West District Officer has arrested people involved in logging and has taken them to the District Forest Officer for disciplinary action but he has completely done nothing. Instead, he colludes with people who are involved in logging in the forest.

Mr. Speaker: Order, Mr. Linturi! It is Question Time!

Mr. Linturi: Mr. Speaker, Sir, what is the Ministry doing to punish forest officers who collude with people who are continuing to log in the forest?

Mr. Nanok: Mr. Speaker, Sir, as I have said, if Mr. Linturi has details of specific cases, let him notify me. My office is open and I am also available in Parliament everyday so that we can investigate and make a follow-up. In cases where we have evidence of officers being involved in illegal logging, we have taken them to court.

Mr. Mututho: Mr. Speaker, Sir, this is one of the most sensitive water catchment areas that we have. Could the Assistant Minister be specific and tell us how they will manage the elephants if they cannot manage the charcoal burners?

Mr. Nanok: Mr. Speaker, Sir, the Questioner sought to know whether we have translocated the elephants. You will realize that we have migratory corridors that are used by the elephants. These corridors have already been occupied by human beings. So, we are taking all precautions to ensure that the conflict is minimized. Unless we do something on the issue of land use practices, then we may not completely avoid the increase in conflict between the elephants and human beings.

Mr. Ruteere: Mr. Speaker, Sir, I am satisfied by the assurance of the Assistant Minister, that if I take the names of the officers involved in the destruction of the forest, he will take action.

Mr. Speaker: That then brings us to the end of Question Time.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Speaker, Sir. I am ready to respond to this Question.

Mr. Speaker: Which Question?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On the first Question by Private Notice by Mr. Letimalo, I want to apologize for not being here on time. I was just here at the television room and some friends were telling me "pole" and inquiring about what happened. I am very sorry and I undertake that I will be here on time to respond to Questions.

Mr. Speaker: Hon. Members, in view of the circumstances surrounding Mr. Ojode's inability to be here on time, I lift the order that I had earlier made. You may proceed to respond to the Question by Private Notice.

QUESTION BY PRIVATE NOTICE

SECURITY OPERATION IN SAMBURU
EAST DISTRICT

Mr. Letimalo: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) What informed the security operation in Samburu East District in February, 2009 and why only members of one community were targeted?

(b) How many people were killed in the operation, what are the circumstances of the deaths and what are the identities of the victims?

(c) Could he confirm that a chemical was sprayed on herdsmen and also explain what chemical it was as well as the effects on victims?

(d) Could he further state the damage resulting from the operation and number of livestock confiscated during the operation, the owners thereof and when will he compensate the victims for the losses?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, this Question had already been answered. However, there was one part which was not elaborately dealt with. I wish to table the names of beneficiaries and I request the Questioner to peruse through the list and if there are any queries or clarifications, then I am free to give.

Mr. Letimalo: Mr. Speaker, Sir, it is okay if he has tabled the list. However, part “d” of the Question requires him to further state the damage resulting from the operation and the number of livestock confiscated during the operation. The Assistant Minister is supposed to provide the list of livestock owners.

Mr. Ojode: Mr. Speaker, Sir, I have the list here and I request the Questioner to first go through the list first and then later on ask me any question.

Mr. Speaker: Hon. Members, note that this Question had partially been dealt with earlier on and the Assistant Minister has now tabled the information as the House required.

Mr. Ruto: Mr. Speaker, Sir, could the Assistant Minister quote the relevant law that allows him to confiscate animals from persons against whom he has no evidence as to whether they participated in cattle rustling? This is a practice that has been going on in the Office of the President, where they confiscate animals from innocent people and then say that it is evidence of cattle rustling. Could he tell us the relevant laws that they use when they are confiscating animals from people when they have no evidence whether they participated in cattle rustling?

Mr. Ojode: Mr. Speaker, Sir, we normally use the community to identify them. Once the community identifies them, we take those animals and ask the owners to come and identify them.

Mr. Affey: Mr. Speaker, Sir, could the Assistant Minister tell us whether it is Government policy to undertake community punishment when they are looking for specific criminals who have committed specific crimes?

Mr. Ojode: Mr. Speaker, Sir, I do not think that we have punished any community. When a community reports that their animals have been taken by another

community, we only provide security in order to get those animals back. We normally ask the community to come and identify the animals. The Government has nothing to do with the animals. We do not even have time to keep those animals.

Mr. Letimalo: Mr. Speaker, Sir, when the Assistant Minister says that they use the community to identify the stolen animals, the question is: What was the use of military choppers that were used to round up animals while they were grazing in the fields? How did they determine that those animals that they were rounding up from the grazing fields belonged to the criminals – the cattle rustlers – or whether they belonged to the farmers?

(Applause)

How could they---

Mr. Speaker: That is fair enough, Mr. Letimalo! Mr. Letimalo, accept this before the Assistant Minister responds. You will also realize, and I want to persuade you to agree with me that, that was not a point of order. You merely asked two questions. So, I will treat those as the last questions on this matter and the Assistant Minister can respond.

Mr. Ojode: Mr. Speaker, Sir, it is true that we used military choppers to trace the animals. The terrain in that area is not very good. So, we could only use military choppers to trace the animals.

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

*(The Prime Minister was applauded as
he entered the Chamber)*

Mr. Speaker, Sir, is it in order for the Assistant Minister to purport to have answered the question when he has not? I asked him to give us the relevant section of the law that empowers them to confiscate animals. He only told us that they consult the community. But in real terms, they actually confiscate animals without talking to the communities. I am asking for the relevant section of the law that allows them to do that.

Mr. Speaker: Order! Order! Order! Yes, that is valid. Mr. Assistant Minister, what law have you invoked?

Mr. Ojode: Mr. Speaker, Sir, I have categorically stated that we have never confiscated any animals. We only assist the communities to identify the animals. We bring the animals to one particular area in order for those who have lost their cattle to come for identification purposes.

Mr. Speaker: That does it! That brings us to the end of Question Time. Are there any requests for Ministerial Statements? You had better do it now. Mr. Olago!

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

Mr. Speaker: Question Time is over!

POINTS OF ORDER

REDUCTION OF FINANCIAL ALLOCATION
TO SPORTS FUND

Mr. Olago: Thank you, Mr. Speaker, Sir. I seek a Ministerial Statement from the Minister for Youth Affairs and Sports in relation to the Sports Fund, so that her statement can address the following issues:-

- (i) In this year's Budget, this House approved a sum of Kshs1 million for each constituency to be utilized in accordance with the guidelines issued by the Ministry for the purposes of promoting sports, especially football in the constituencies.

The actual amount that has been disbursed by the Ministry to the constituencies is actually Kshs771,000 and not Kshs1 million. What are the reasons for the reduction of that allocation?

- (ii) Did the Ministry consult with the National Assembly or the Members of Parliament (MPs) on the decision to reduce the allocation?
- (iii) The amount retained by the Ministry throughout the country works out to Kshs48 million. What role do the MPs and their respective Constituency Sports Committees have in the way that money will be utilized?

Mr. Speaker: Fair enough! Madam Minister, when will that Statement be availed? Where is the Minister for Youth Affairs and Sports? Is there any Minister to hold brief for her?

The Minister for Education (Prof. Onger): Mr. Speaker, Sir, I will endeavor to transmit the message to the Minister, Mrs. Sambili, the Minister for Youth Affairs and Sports about the query raised. Maybe, it will be addressed by next week on Tuesday.

Mr. Speaker: This week or next week?

The Minister for Education (Prof. Onger): Next week, Mr. Speaker, Sir.

Mr. Speaker: It is so ordered; next week on Wednesday!

GOVERNMENT POSITION ON DEROGATORY REMARKS
BY PRESIDENT OF UGANDA

Mr. Ruto: Thank you, Mr. Speaker, Sir. I rise to request seek a Ministerial Statement from the Minister for Foreign Affairs in relation to the derogatory and belligerent statement issued by the Head of State of the friendly Republic of Uganda.

(Applause)

That was done in a public forum at the University of Dar-es-Salaam and the international media covered it. I am sure that is not hearsay and I request for a Ministerial Statement.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, I think the matter that has been raised is quite weighty. I think we need to discuss and agree on what the reasonable approach will be in dealing with the matter because it is very sensitive and touches on---

Mr. Speaker: How long do you want to do that?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, most probably by tomorrow, if we get an answer.

Mr. Speaker: Are you able to give that Statement tomorrow?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Yes, Mr. Speaker, Sir. This is a weighty matter and I think it needs an urgent reply. It is possible. Yes, I will!

Mr. Speaker: Fair enough! It is directed that the Statement be availed to tomorrow at 2.30 p.m.!

What is it, Mr. Ethuro?

DEATH/INJURY OF KENYANS IN KAKUMA

Mr. Ethuro: Mr. Speaker, Sir, I had sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security last Wednesday, and the Speaker ordered that it be delivered today in the afternoon. I want to believe that, that is why hon. Ojode was rising.

Mr. Speaker: That may very well be so, but if you see the Order Paper, we are supposed to move on to the Prime Minister's Time now, at 3.00 p.m. It is supposed to be not later than 3.00 p.m. So, we will defer this Statement, I am afraid, to tomorrow at 2.30 p.m. Is that okay with you, Mr. Assistant Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): No, Mr. Speaker, Sir. It will not be possible tomorrow. I seek the indulgence of the Chair to defer it to next week on Tuesday.

Mr. Speaker: Tuesday, next week?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Speaker, Sir.

Mr. Speaker: Yes, it is so ordered!

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. We are talking about a matter that left two people dead and eight people injured by the police. The situation is tense and cannot wait until next week! I can show you photographs!

Mr. Speaker: Is the security situation deteriorating further?

Mr. Ethuro: Yes, Mr. Speaker, Sir, even as we speak now!

Mr. Speaker: Well, I will take your word to be truthful and, so, I will allow that Statement to be made and I will add time to the Prime Minister as may be necessary.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, his Statement is not ready with me. But I have another one. That is the reason I was asking for Tuesday, because we need to get the information from the ground.

Mr. Speaker: In that case then, my order will stand - Tuesday, next week, notwithstanding that it is a matter that is involving deaths! I hope you will find time to contain the situation.

(Mr. Ethuro stood up in his place)

Order, Mr. Ethuro! You have been here and you have heard the circumstances. Please, learn to be a bit tolerant and accommodative! Will you be accommodative?

(Laughter)

Mr. Ethuro: Mr. Speaker, Sir, of course, with your direction and my temperament, I would like to be accommodating. But we cannot accommodate more deaths and injuries! The Assistant Minister needs to make a categorical statement that will stop his officers from killing innocent people in Turkana by tomorrow!

Mr. Speaker: Mr. Assistant Minister, can you give an undertaking that you will discharge your duty?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, if, indeed, it is true that it is my officers who are killing innocent Kenyans, I would want to order for a stop to that immediately!

(Applause)

Mr. Speaker: Order, hon. Members! We will now proceed to the Prime Minister's Time, as per the Order Paper, and I wish to make this communication as we come to that business.

COMMUNICATION FROM THE CHAIR

PROCEDURE TO BE FOLLOWED FOR QUESTIONS AND STATEMENTS TO THE PRIME MINISTER

On Wednesday, 22nd April, 2009, I gave a communication on the procedure to follow for Questions and Statements to the Prime Minister, as provided for under Standing Order No.40. Last Wednesday, we had one Question directed to the Prime Minister and, thereafter, several hon. Members requested for clarification regarding the Prime Minister's Time. Standing Order No.40 has provision for 45 minutes to be utilized every Wednesday afternoon for Questions and Statements to the Prime Minister. In order to ensure that the time allocated is properly utilized, the Chair will allow three supplementary questions to every Question. Similarly, the Chair will allow three to four clarifications on every Statement made by the Prime Minister.

(Applause)

Hon. Members, the practice in some Commonwealth countries such as the United Kingdom, India and Canada, is that questions are put to the Prime Minister without notice. In the House of Commons, United Kingdom, the session starts with a routine questions from a Member of Parliament about the Prime Minister's engagements. The Prime Minister responds. Thereafter, the hon. Member puts a supplementary question about anything relating to the Prime Minister's duties or other aspects of government operations.

As regards questions and statements of urgent national character, the Chair appreciates the fact that such issues need to be dealt with urgently. In this regard, such questions and statements will be admissible without notice. Requests for answers to questions and statements of urgent national character will have to be received in the Speaker's office at or before 10.00 a.m. on Wednesday morning for approval. I

emphasize that the request should be written. The Clerk will be required to submit those requests to the Prime Minister's office on the same day, that is Wednesday, at or before 11.00 a.m. Such questions and statements will be responded to by the Prime Minister after Questions by Private Notice are over and not later than 3.30 p.m. May I state that we are still perfecting this procedure and with time we shall all be properly equipped.

Thank you.

First, we will take Question No.005 to the Prime Minister.

PRIME MINISTER'S TIME

QPM/No.005

PUBLIC INQUIRY INTO CONDUCT OF BRITISH COLONIAL ADMINISTRATION

Mr. Mututho asked the Prime Minister:-

- (a) if there has been any public inquiry into the conduct of the British Colonial Administration in Kenya during the 1950s emergency, particularly on torture and human rights abuses to citizens of Kenya;
- (b) whether the British Government has paid any compensation to victims of issued public apology for the atrocities;
- (c) when specifically the Government will implement the Motion passed by this House on 8th October, 2008 to give a minimum of 2.5 acres of arable land to every authenticated Mau Mau veteran;
- (d) if the Government could arrange urgent medical attention for the ten Mau Mau veterans who still have bullets lodged in their bodies since the Mau Mau uprising.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

(a) No, there has been no public inquiry about the conduct of the British administration in Kenya during the 1950s emergency period, particularly with regard to torture and human rights abuses. After Kenya attained Independence in 1963, the founding fathers of our nation followed a policy of reconciliation and nation building.

Hon. Members will remember that our founding father said that we should forgive, but not forget. That was done. At that time, the Kenyan leadership did not intend to open old wounds, which had been inflicted during the colonial period. A commission of inquiry, therefore, was considered to be unnecessary.

(b) The British Government has not paid any compensation to the victims of the atrocities during the 1950s, so far. The Mau Mau veterans, together with other Kenyan human rights activists, have instructed a firm of lawyers in London to commence proceedings against the British Government for compensation.

The British Government has also not issued any apology for their atrocities. Besides compensation the victims will also seek a formal apology from the British Government in the said suit.

(c) The Government has not set a time limit for implementation of the resolution passed by this House on 8th October, last year. The resolution required that a minimum of

2.5 acres of arable land be given to every authenticated Mau Mau veteran. The Government has not been able to implement the above Motion due to financial constraints. Large amounts of money would be required to purchase land to distribute to the Mau Mau freedom fighters.

The Ministry of State for National Heritage has finalized a policy on the criteria and modalities of honoring this country's heroes and heroines. A Cabinet memorandum on the same is awaiting Cabinet approval. Once the policy is approved, there will be a proper criteria of honouring our entire national heroes and heroines during our heroic achievements.

The honouring criteria will be a noble and humble way of appreciating the effects or good work done by national heroes and heroines in all spheres of life.

(d) The Government does not have full details of the affected Mau Mau veterans and the extent of the damage caused by the bullets. I will highly appreciate if the hon. Member will avail the full details of the affected veterans, so that the Government can make arrangements to have them thoroughly examined, investigated and appropriate treatment offered at the Kenyatta National Hospital.

Mr. Mututho: Mr. Speaker, Sir, I will provide full details of the people I am referring to. As regards part "a" of the Question, there was a question in the House of Commons in 2006. Indeed, they are still waiting for formal presentation by this Government. Could the Prime Minister, please, address that issue, so that they can make formal presentations in view of compensation?

Mr. Speaker: Order, hon. Members. From the Communication that I made earlier on this afternoon, we feel that it would be tidier for the Prime Minister to respond at once to all supplementary questions relating to answers that he gives to questions directed to him. Then he moves on to issue a Statement. Prime Minister, please, note the first question from Mr. Mututho and note the second one now by Mr. Mungatana.

Mr. Mungatana: Mr. Speaker, Sir, I want to thank the Prime Minister for the answer he has given to this House. It looked more historical than forward looking. We have precedents from governments like the Government of Japan which has sought and obtained apology for the sex slaves that were enslaved during the Second World War.

We have heard that there has been no formal attempt by the Kenya Government to even obtain an apology. When will the Prime Minister formally seek an apology for the heinous atrocities that were committed against the Mau Mau by the British colonizers.

Mr. Wamalwa: Mr. Speaker, Sir, in other parts of the Commonwealth apologies have been given, including in Australia, where there was an apology to the Aborigines. Is it not correct that, indeed, it is because of lack of interest and not seeking an apology on the part of the Government that it has not been given, so far?

Finally, the---

(Several hon. Members stood up in their places)

Mr. Speaker: One supplementary question per hon. Member!

Mr. Wamalwa: Thank you, Mr. Speaker, Sir.

Ms. Karua: Mr. Speaker, Sir, it is very sad that we are talking about the Mau Mau almost half a century after they accomplished their task, along with other Kenyans, of liberating the country. Could the Government consider not just looking after their

welfare in terms of land and medical attention but also, urgently, documenting the history from those who are living, or else they will die with it, so that we, as Kenyans, can read history from a Kenyan perspective? The Mau Mau history we read is from the colonialists themselves.

Mr. Speaker: Hon. Members, please, note the Communication - the Questioner, that is the hon. Member speaking, the answers from the Prime Minister and three interjections, which we have already covered.

Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, again, the Questions fall into three categories – compensation, apology and documentation. I do not want to apologise for those who were here before me. I want the House to be aware that this issue was discussed very extensively in this House in the 1960s. In fact, the nationalist movement that brought Independence to this country split purely because of this particular issue.

The issue of land was very critical. It cost the late Hon. Bildad Kagia his job when he stood firm and said: “Those who sacrificed most for the Independence of this country were cheated. The loyalists and the homeguards became the major beneficiaries of Independence”. Hon. Kagia was ostracized as being a sellout. Consequently, he lived most of his life in misery.

Mr. Speaker, Sir, I want to say that I fully subscribe to the school of thought that we wanted to see that those who sacrificed for the Independence of this country were properly compensated and rewarded. I share the sentiments that apology is in order. I know, for example, that the Japanese Government apologized to the Chinese people for atrocities committed during the Nazi period. I also know that Germany has also apologized to the victims of the Nazi oppression.

So, there is still no reason as to why these issues cannot be explored by this Government. So, what I can do is to undertake to forward this matter to the Cabinet for consideration.

(Applause)

Mr. Speaker, Sir, I also agree with Ms. Karua that there has not been proper official documentation of what actually happened, and that it is important and necessary that this documentation is done for posterity. I know that a lot of books have been written by individuals over this period. Very many historians have actually chronicled the events during that particular period, but I think more resources can still be spent in this particular exercise, so that we can properly document what happened to our people during that time for posterity purposes.

This is something that can be done through the Ministry of State for National Heritage. Resources can be made available for this exercise. Again, I undertake to have this matter fully discussed in the Cabinet.

Thank you, Mr. Speaker, Sir.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. About two weeks ago, I did forward three Questions to the Prime Minister’s Office. One was answered while he was away. Two other Questions – one concerning the issue of retirement age and the another one concerning the Kenya Railway line – were never answered. I would like to

know from the Chair how long it should take for Questions forwarded to the Prime Minister's Office to be answered.

Mr. Speaker: Order! Order! I am sure the Prime Minister will clarify that. But the position is that when Questions are directed to the Office of the Prime Minister, he verifies them to see if they qualify to fall under his docket, and in terms of the provisions of the Standing Orders as they are. If they do not fall within his portfolio, then the Prime Minister passes on those Questions to the relevant Ministry or Government Department.

Indeed, we have received copies of letters from the Prime Minister's Office, redirecting some of those Questions to relevant Ministries. However, I will allow the Prime Minister to have the last word on this one.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir. You are, indeed, right that there have been some Questions directed to my Office, which were not cross-cutting. They are Questions that should have been directed to the line Ministries. What my Office has done is to refer those Questions to the relevant Ministries for answers. If the hon. Member has not seen the Question on the Order Paper, he must know that, that is not the end of it. That Question is going to be answered by the relevant Minister.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. In particular, on the Question about the railway line, you will recall very well that when the Minister for Transport was answering it during the last Session, the Prime Minister stood and intervened. I have now brought the Question directly to the Prime Minister's Office. How come that now it belongs to the Ministry of Transport?

Ms. Karua: On a point of order, Mr. Speaker, Sir. The Prime Minister, being the supervisor and co-coordinator of all functions of Government Ministries and Departments, is it not fit that he answers Questions, even those relating to other dockets? If the Questioner considers a Question to be of such importance that the Prime Minister should respond to it with the authority of higher levels of Government---

Mr. Speaker: Order! Order! Let us listen to the last point of order on this matter!
Mr. Isaac Ruto!

Mr. Ruto: Mr. Speaker, Sir, since this is still the Prime Minister's Time, I believe that I can still ask if the answer to part "a" of the Question is still not satisfactory, notwithstanding the practice on the public Statements---

Mr. Speaker: Order! Order, Mr. Ruto! You will have to live within the Communication that I made, because that Communication was very carefully considered even before we made it. We may suggest improvements in the future but, for the moment, we must comply and live within that Communication.

Mr. Prime Minister, would you like to respond to the issues raised by Mr. C. Kilonzo and Ms. Karua?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, it is true that the last time Mr. C. Kilonzo's Question came up, I intervened and provided some more information and asked that the matter be deferred. However, by doing so, I did not take over the responsibility of running the Ministry of Transport.

Regarding the question raised by Ms. Karua, it is true that the Prime Minister has higher authority. However, the Prime Minister co-ordinates and supervises functions of other Ministries. The Prime Minister does not run all the Ministries. If the Prime Minister is going to be answering Questions that should be answered by Ministers, then what would the Ministers be doing here?

(Applause)

I do not want to take over the responsibilities of the line Ministries, but I will answer Questions that cut across more than one Ministry.

PRIME MINISTERIAL STATEMENT

CLARIFICATION ON ALLEGED SALE OF CONTAMINATED MAIZE

Mr. Speaker, Sir, yesterday, a Member of Parliament requested for a Statement - before you made your Statement this afternoon to clarify on how the Prime Minister's Time is supposed to be utilized - regarding the issue of maize or, to be more precise, contaminated maize which is lying somewhere in Mombasa. I would like to take this opportunity to clarify once and for all the issues about the importation of maize by the Government.

At the very first meeting of the Grand Coalition Cabinet held on 19th May, this year, a Report was submitted by the Ministry of Agriculture together with the Ministry of State for Special Programmes to the effect that there was an acute shortage of maize in the country. The Report indicated that the Strategic Grain Reserve (SGR) of the country had only two million bags against a monthly consumption of three million bags. It was also reported that there was scarcity of the commodity all over the country and that the country was still away from harvesting. It was then decided that the Government should immediately import five million bags of maize. Because this matter was cross-cutting, that is, involving the Ministry of Agriculture, the Ministry of State for Special Programmes and the Ministry of Finance, an *ad hoc* Committee of the Cabinet to be chaired by the Prime Minister was constituted. That Committee was supposed to deal with policy issues on behalf of the Cabinet.

Mr. Speaker, Sir, after that decision was made, the first Committee meeting was held under my chairmanship. The Ministry of Agriculture petitioned that although the country needed five million bags, the harvesting season was almost starting. It stated that if we tied all the money that the Government had in the importation of five million bags, there would be no money to buy maize from the farmers when they begin to harvest. It was, therefore, decided that instead of importing five million bags, the Government would import three million bags and allow the private sector to import the balance of two million bags.

Once that decision was reached, I reported it to the Cabinet in a subsequent meeting and it was agreed. A committee of technocrats chaired by the Permanent Secretary, Ministry of Agriculture; co-chaired by the Permanent Secretary, Ministry of State for Special Programmes; the Permanent Secretary, Treasury as a member and an officer from the National Cereals and Produce Board (NCPB) was constituted to go and handle the issue of procurement. That committee went ahead and contracted the NCPB to spearhead the process.

The NCPB prepared and submitted to the Government the funding requirements for the importation of maize. There is a letter to that effect which I would like to lay on the Table.

(The Prime Minister laid the letter on the Table)

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. According to what is on the Order Paper, today, we have a Motion under Order No.9. I have read the Report and I strongly feel that the same things the Right hon. Prime Minister is talking about should well be said during the debate on the Report of the Departmental Committee on Agriculture, Lands and Natural Resources on food security and maize shortage in the country.

I, therefore, rise on a point of order under Standing Order No.77 to seek a clarification as to whether the Prime Minister is not out of order to anticipate debate. Furthermore, are we not breaching the Standing Orders on account of being repetitive? Let us get to order. Let us wait for the debate. Let us discuss this matter when the Motion has been moved on the Floor for debate.

Mr. Speaker: Order, Mr. Mungatana! As much as you want to suggest that what the Right hon. Prime Minister may be addressing will be covered by the Motion which is under Order No.9, you have bordered on breaching the rules with respect to anticipating debate. This is because the Prime Minister, in the Statement that he is making now, is limiting himself to the request which was made by an hon. Member in this House in relation to the maize that is supposed to have been disposed of, but was not. So, you, yourself, in your observation will be anticipating debate because we cannot assume that what the Prime Minister is going to say finally will be covering aspects that have been covered by the Report fully, or even for that matter, in part.

You better hear the Prime Minister. I am glad you have raised that matter. The hon. Members who will be seeking clarifications will have to bear in mind that we still have Order No.9 to deal with matters pertaining to maize generally and fully.

Mr. Prime Minister, also observe those restrictions.

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

Mr. Speaker: I have just given direction on this matter!

Mr. Linturi: Mr. Speaker, Sir, it is not related to this matter?

Mr. Speaker: How then will it be relevant if it is not related to that matter?

(Laughter)

Mr. Linturi: Mr. Speaker, Sir, I rise on a point of order with a lot of reluctance. With all due respect to the Prime Minister, it has been the practice of this House that whenever a Minister stands to answer a Question or give a Ministerial Statement, the Minister starts by saying "a Member of Parliament from this and that constituency sought the Statement" and so on. However, when the Prime Minister rose, he said, "a Member of Parliament". I would like to know from him who "a Member of Parliament" in this case is.

Mr. Speaker: Mr. Prime Minister, on the face of it, that is a genuine clarification being sought!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I was not in the House then, but I was told that Mr. Kiema Kilonzo sought the Statement. I am sure the hon. Member wanted the audience to know that he is the one who raised this matter!

(Laughter)

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. Although I did not want to interrupt the Prime Minister, you will agree with me that it was condescending on his part not to follow the practice and actually acknowledge the person who has asked the Question. I just want the Prime Minister to appreciate that we are hon. Members!

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

Mr. Speaker: Order, Mr. Ruto! This matter must come to an end. The Prime Minister's Time must come to an end at 3.45 p.m. Allow the Prime Minister to finish making his Statement so that you can seek clarifications.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I wish hon. Members paid attention to what I am saying here because this is a very serious issue. Allegations have been made that some contaminated maize has been sold to Kenyans and that people are dying.

Mr. Speaker: Proceed, Mr. Raila!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, Kenyans are entitled to get the information that I want to give. I also wish to lay on the Table other documents which show how this matter was processed by the National Cereals and Produce Board (NCPB), how the tender was issued and the companies that became successful, as exhibits. That is exhibit Nos.2, 3 and 4! The total consignment of maize that was imported was 163,000 tonnes plus or minus 10 per cent.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, on 17th November, 2008, the ship MV Fonarun Naree loaded with 20,810 metric tonnes of South African white maize in bulk was inspected at the Port of Maputo in Mozambique and issued with a certificate of conformity, of pre-export verification of conformity (PVOC) in the name of the Kenya Bureau of Standards (KEBS) for the Kenya Standards EAS2 of 2005 for maize. I will lay that certificate on Table. It is exhibit No.5!

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, a bill of lading was also issued for the cargo in apparent good order and condition. I will also table the bill of lading.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, on 27th November, 2008, at the Port of Mombasa, the Kenya Plants Health Inspectorate (KEPHIS) inspected the four hatches of the ship and issued a certificate of inspection with remarks “passed for discharged”. I will lay that certificate of inspection on the Table.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the KEPHIS inspected the cargo for insects, pests, offensive odours, grain infection and moisture content. The KEPHIS reported that the maize was analyzed for moisture content and found to be 11 per cent. The top of layer maize in Hatch No.3 indicated grey to black deposits due to explosion of the hatch cover when the ship was on its way to the port. Following the inspection, the grain samples drawn from four feet deep from the top of the hatch, which indicated no deposits, the ship’s agents were advised to remove the top discoloured layer and only discharge the clean bottom layer. I lay on the Table the findings of KEPHIS as exhibit No.7.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, on 4th December, 2008, the KEBS vide their letter informed the NCPB that a cargo aboard the ship was tested with the result that the maize in hatches Nos. 1, 2 and 4 did not meet the moisture content requirement while the maize in Hatch No.3 did not conform to both moisture content and discolouration requirements. Again, I will lay on the Table that letter from the KEBS.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

However on 16th December 2008, the KEBS informed the NCPB that maize in hatches Nos. 1, 2 and 4 should be discharged from the vessel and dried to reduce the moisture content from 13.98 per cent to the Kenyan standard of 13.5 per cent. While the KEBS put the moisture content at 13.98 per cent, the KEPHIS had put the same at 11 per cent. The KEBS further informed the NCPB that the maize in Hatch No.3 should be

discharged from the vessel and used as raw materials for processing of animal feeds. I now lay on the Table the letter from the KEBS to that effect.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, on 19th December, 2008, the NCPB informed the Grain Bulk Handlers Limited (GBHL) of the KEBS decision. That is exhibit No.8.

(Mr. Raila stretched his hand and Mr. Khangati placed the document in his hand)

(Mr. Raila laid the document on the Table)

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. We have been having a very serious problem as Assistant Ministers whenever we travel abroad because we are considered to be actually assistants to the Ministers. Now you can see how the Prime Minister is behaving towards his Assistant Minister! This confirms clearly to the international community that we are really Assistant Ministers! He is just reading and stretching his hand out to his Assistant Minister even without looking at him! Is it really in order for the Prime Minister to behave that way?

(Laughter)

Mr. Speaker: Order! Order, hon. Members! There have been many rulings on this matter. Indeed, one can say there is a plethora of rulings on the matter as to whether or not an Assistant Minister is a Minister. As a matter of fact, the latest position is that, if you go to the Standing Orders, the Constitution as amended or to the National Accord and Reconciliation Act, “Minister” includes the President, Prime Minister, Deputy Prime Ministers, Ministers and Assistant Ministers so that Mr. Khangati, the Member for Kanduyi, is, in fact, a Minister. But by coincidence, he is assisting in the Prime Minister’s Office. But, of course, I expect that the Prime Minister will treat his Assistant Minister with respect and decorum!

(Laughter)

Please, proceed, Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, for the general information of hon. Members, I did not consider the task that Mr. Khangati is doing to be dishonourable. I would very gladly do the same thing to him if he were doing what I am doing right now!

Mr. Speaker: Proceed, Mr. Prime Minister!

(Mr. Bifwoli stood up in his place)

Order, Mr. Bifwoli! Proceed, Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I know that hon. Members would like to ask a number of questions and, therefore, I have several documents that I want to lay on the Table. I just want to summarize the contents of those documents that I have. I have with me three different documents from the KEBS giving contradictory test results. One is saying that the cargo is unfit for human consumption but fit as animal feeds. The other one says that it is unfit for both. There is also another one that says it is fit for both. There is another test result from another company called Protecting and Indemnity (P & I) Kenya, Limited, which was hired. It is an independent testing authority, which has also produced a report saying “the maize is fit for human consumption”.

Mr. Speaker, Sir, faced with all these contradictions--- I need to add that I also received a letter from the Minister for Public Health and Sanitation accompanied by a certificate from the Government Chemist which was saying that this particular cargo was unfit for both human and animal consumption.

Mr. Speaker, Sir, faced with these facts, I convened a meeting in my office which was attended by the Permanent Secretary, Ministry of Agriculture with the head of the Kenya Plant Health Inspection Service (KEPHIS), Permanent Secretary, Ministry of Industrialization with the head of Kenya Bureau of Standards (KEBS) and the Permanent Secretary, Ministry of Public Health and Sanitation accompanied by the Chief Government Chemist. At that meeting, we discussed these differing test results collectively.

Mr. Speaker, Sir, I said that the credibility of our testing authorities was at stake. At that meeting, we said that since doubt had already been cast over this particular consignment, irrespective of the other test results that come out, this particular cargo should never be used for human consumption. We resolved that we send each Permanent Secretary and an officer from the respective testing authorities to the Port of Mombasa so that the truth could actually come out. These three Permanent Secretaries with their officials proceeded to Mombasa. We also appointed an independent testing authority, Intertek.

Mr. Speaker, Sir, when they arrived at the Port of Mombasa, they found this cargo which had been discharged. This cargo was discharged because the ship had stayed at the Port for 35 days. The owner of the ship said he wanted the ship to move out. At that time, the National Cereals and Produce Board (NCPB) went to court and got an order to have the ship arrested and detained. The insurance company then went to court and eventually issued an indemnity so that the cargo could be discharged, for the ship to leave.

Mr. Speaker, Sir, it was agreed that the cargo in the three compartments which had been certified to be okay should be discharged and released. But the others over which there was still some dispute were to be stored in a particular silo. This cargo was stored in that silo. We sent those officers to go and verify and have another test done. When they went there, samples were taken, but the Intertek tested and found that this cargo was fit for both human and animal consumption.

Mr. Speaker, Sir, the SGS also carried out a test. I have all the results here and they show that this cargo was fit for human consumption. We had already passed a

resolution that irrespective of the outcome of those tests, this cargo would not be released for consumption by our people. We said that we wanted the truth to come out because we are talking of 6,000 metric tones of cargo.

Mr. Speaker, Sir, eventually, the matter went to court. The court made a ruling that this cargo should be released and removed. However, the insurance company, which had gone to court, had undertaken to pay the NCPB. Upon the insurance paying them, this cargo becomes that of the insurance company.

Mr. Speaker, Sir---

The Assistant Minister for Lands (Mr. Bifwoli): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Bifwoli, before I allow your point of order, I would want you to comply with the provisions of Standing Order No.75. I demand of you to indicate which Standing Order you are standing up pursuant to. You will then have to proceed and indicate what is out of order in accordance with the Standing Order that you cite. Note that, if you make a false point of order, you will be out of order!

So, start from number one; which Standing Order.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Speaker, Sir, I am standing on the Standing Order which defines a Minister, the Prime Minister and an Assistant Minister. From that point, I can raise my issues.

Mr. Speaker: Proceed!

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Speaker, Sir, the Prime Minister has two Deputy Prime Ministers. It is very demeaning to use Assistant Ministers, as if they are there to carry papers. In your ruling, I want you to give us direction. Is that the type of work we are appointed to do? Are we appointed to carry papers?

(Laughter)

Mr. Speaker: Order, Mr. Bifwoli! That is not a matter for the Speaker to resolve! That is a matter for you to resolve in the Executive. So, you are addressing the wrong authority!

Please, proceed, Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I want to confirm to the House that this cargo is being kept at the silos of Grain Bulk Handlers in Mombasa and is under the custody of the Customs Department.

Mr. Speaker, Sir, I here table the certificate from the Customs which states clearly that they have this cargo of 6,254.5852 metric tonnes of white maize in silos numbers 10, 11 and 20.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, in conclusion, I wish to say the following: -

1. That the *ad hoc* committee chaired by the Prime Minister does not handle the modalities and logistics of procurement of maize.

2. That the NCPB is responsible for managing all procurement aspects of maize importation.
3. That the maize in dispute, which is 6,350 tones out of the total import of 153,000 tones is under safe custody by the Kenya Revenue Authority (KRA) jointly with the Grain Bulk Handling Ltd.
4. The said maize has not been released to the public, millers or any other third party.
5. The KEBS issued contradictory opinions on this matter.
6. That, other testing organizations such as KEPHIS, Polycon, Intertek and SGS have contradicted the findings of the KEBS.
7. The public confidence in quality assurance institutions has been shaken by these events. This House may consider, on its own Motion, to undertake an independent analysis of the maize in dispute to make its own judgement.
8. The Government does not stand to lose any money since the NCPB is sufficiently covered by appropriate insurance for any damaged maize import.
9. Upon the NCPB being paid by the insurance company, the maize in dispute shall become the property of the insurer and shall be dealt with in accordance with the health and safety laws of Kenya.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! Hon. Members, particularly the Rt. Hon. Prime Minister, you realize that you have taken 30 minutes to issue that Statement. That, obviously, is very long and hardly leaves any time for Members to seek clarifications. I, therefore, want to direct the Rt. Hon. Prime Minister that in future, you try to issue your Statement within, at most, quarter of an hour so that there is room for interrogation. As it is, you have passed your time by ten minutes.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, you remember, we did not start exactly at 3.00 p.m.

Mr. Speaker: We started at three minutes past three. Where are we now?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, you remember there was the Question Time, Points of Order, Statements and there were a lot of unnecessary interruptions.

Mr. Speaker: Rt. Hon. Prime Minister, I am only urging you to be fair, so that we utilize this time productively. Now, we will take clarifications, beginning with Mr. K. Kilonzo!

The Assistant Minister, Office of the Prime Minister (Mr. Khangati): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Khangati!

Mr. K. Kilonzo: Thank you, Mr. Speaker, Sir. The Rt. Hon. Prime Minister, Raila Amolo Odinga has stood here today to mislead the House and Kenyans at large. He has conveniently taken documents, which will support or exonerate his personal and office involvement in this maize scam, as I will demonstrate now.

Mr. Speaker, Sir, with me is a letter from a Committee, which was appointed by none other than the hon. Prime Minister to investigate this scam of contaminated maize on 2d February, 2009. I want to table this letter.

(Mr. C. Kilonzo laid the document on the Table)

It is actually from a member who chairs the Committee. Allow me to read its content as I give a copy to the Speaker. In this letter, the Prime Minister appointed the Chair to be Mr. Mohamed Isahakia, Permanent Secretary in his Ministry, Ali Daud Mohamed, Permanent Secretary, Ministry of State for Special Programmes; Mark Bor, Permanent Secretary, Ministry of Public Health and Sanitation; Prof. John Lonyangapuo, Permanent Secretary, Ministry of Industrialization; Prof. Gideon K. Misoi, Managing Director, National Cereals and Produce Board, to travel to Mombasa to verify the allegation of the content of this maize. They were accompanied by Government agencies, namely the Kenya Bureau of Standards (KEBS), Kenya Plant Health Inspectorate Service and the Chief Government Chemist. This letter in summary says that after they visited---

Mr. Speaker: Come to the gist of that letter.

Mr. C. Kilonzo: I want to get to deal with the gist. This is very important---

Mr. Speaker: Yes, I appreciate it is important, but come to the gist of the letter.

Mr. C. Kilonzo: Mr. Speaker, Sir, this Committee says that after they reached Mombasa, they were taken through the relevant Government agencies who had tested the imported maize and by the end of business, were convinced that the maize was not fit for human consumption.

Mr. Speaker, Sir, when this team went there, they realized that there was a private company, which had been appointed by the Prime Minister's Office called Inter-Tech. They are saying the presence of the Inter-Tech at the Port seemed to have been deliberately and prearranged to appear like they were part of the sub-committee. So, this team objected and was even ready to go back to Nairobi. The team, therefore, visited silos. In the course, they had the privilege to see the silos purported to have been holding the rejected maize. They said: -

“The physical appearance of the maize sample from the particular silo was very clean compared to the earlier discolored sample provided by the Government agencies when we met at the Prime Minister's Office on 26th February, 2009. The team was very surprised at the variance and was, therefore, not in a position to tell whether the maize they were seeing was the same as they saw when they were with the Prime Minister.”

Mr. Speaker, Sir, in conclusion---

Mr. Speaker: Yes, move to conclude and seek your clarification.

Mr. C. Kilonzo: They said in the conclusion:-

- “ Given the above scenario our conclusion, as a sub-committee is that: -
- (i) It was a big mistake to off-load and remove the maize from the ship in the absence of all Government agencies responsible for the inspections of the goods, including Government security forces before off-loading of the maize from the ship;
 - (ii) If it was found necessary to have the disputed maize from the ship then it should have been taken to the Government warehouse under heavy security surveillance, but not a private warehouse as the position is currently;
 - (iii) At the time of the removal of the maize from the ship, all Government agencies should have been involved to bear witness on the condition of maize at the time to rule out any doubt. Handling the maize under dispute

was very casual as there was no trace of Government authority presence at the warehouse during our visit, casting doubt whether what was being presented to us was the same maize; the one which was contaminated.

In their conclusion, they said: - "This maize was not the one, which was first tested and found to have been contaminated".

The contention of this letter which the Prime Minister has not presented here is that the maize he is alleging to be at the Port is a different consignment from this letter. Poisonous maize is circulating in Kenya. Could he prove that is not so? If he is unable to prove that the maize in Mombasa is not the maize, which was shipped, then this House has a right to name him.

Thank you.

Mr. Speaker: That is one clarification sought, rather long widened but all the same, you came to it eventually.

Mr. Nyambati!

Ms. Odhiambo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Under which order!

Ms. Odhiambo: Mr. Speaker, Sir, under Standing Order No.77; the one on repetitiveness. Is it Standing Order No. 77 or 79?

Mr. Speaker: You stand when you are sure!

Ms. Odhiambo: Mr. Speaker, Sir, going by your earlier guidance to---

Mr. Speaker: Order, Ms. Odhiambo! Standing Order No.77 talks about anticipation of debate. It does not talk about repetition!

Ms. Odhiambo: Thank you, Mr. Speaker, Sir. That is actually what I want.

Mr. Speaker: That is what you wanted, but you have cited the wrong Order!

Ms. Odhiambo: Standing Order No. 79, Mr. Speaker, Sir!

Mr. Speaker: Standing Order No.79 is not 77! You are out of order!

Ms. Odhiambo: Sorry! Could I stand under Standing Order No.79?

Mr. Speaker: Okay, proceed!

Ms. Odhiambo: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I know that this has been raised. I want to raise it again. From the clarification that hon. C. Kilonzo sought, he has heavily relied upon a letter by one Dr. Mang'eli who is quoted---

Mr. Speaker: Order! Order! Do you know what you are talking about?

Ms. Odhiambo: Yes, Mr. Speaker, Sir, I know what I am talking about!

Mr. Speaker: Have you looked at those documents?

Ms. Odhiambo: Mr. Speaker, Sir, who is quoted very extensively in the Report of the Departmental Committee on Agriculture, Livestock and Co-operative---

Mr. Speaker: Order, hon. Odhiambo! I should verify. You are treading on dangerous grounds!

Mr. Nyambati: May I continue, Mr. Speaker, Sir.

Mr. Speaker: Hold your horse!

Order! Order! Ms. Odhiambo, the letter that Mr. K. Kilonzo read out is authored by the Permanent Secretary, Ministry of Industrialization. His name is Prof. John Lonyangapuo. So, Dr. Mang'eli is not the author of this letter. His name does not appear anywhere in this letter. To that extent, Ms. Odhiambo, you will have to apologize and withdraw. That has to go off the record!

Ms. Odhiambo: Mr. Speaker, Sir, I was actually interrupted before I finished. Can I finish?

Mr. Speaker: I heard you clearly, Ms. Odhiambo!

Ms. Odhiambo: Yes, Mr. Speaker, Sir, what I meant was this: When I am wrong--

Mr. Speaker: Order! It is not about what you meant. It is about what I heard and the rest of the House heard. You must withdraw and apologize!

Ms. Odhiambo: Yes, I will withdraw and apologize. Can I raise my point of order now?

Mr. Speaker: No, you are out of order, Ms. Odhiambo! Do you really want to persist in this line?

Ms. Odhiambo: Mr. Speaker, Sir, what I meant was this:

Mr. Speaker: No, I heard you!

Order, Ms. Odhiambo! Do you want to leave the matter at withdrawing and apologizing or do you want to pursue that line?

An hon. Member: She has already apologized!

Ms. Odhiambo: Mr. Speaker, Sir, I have already apologized!

Mr. Speaker: Very well! Let the matter rest there.

Mr. Nyambati: Thank you, Mr. Speaker, Sir, it is very clear that the Prime Minister is misleading this House. First of all, he is confusing us by laying on the Table very many documents. However, he failed to lay on the Table the most sensual letter, which has just been laid on the Table by Mr. K. Kilonzo.

Mr. Speaker, Sir, the lives of Kenyans are at stake---

Mr. Speaker: Order, Mr. Nyambati! What clarification are you seeking? We gave latitude to Mr. K. Kilonzo because he was the sponsor of that request. However, we will not extend that latitude to every other Member.

Mr. Nyambati: Thank you, Mr. Speaker, Sir. I need a clarification from the Prime Minister because he told us last time that the maize would be destroyed. I want a clarification as to whether that maize was destroyed so that we do not endanger the lives of Kenyans.

Mr. Speaker: Very well! Anybody else who is interested?

Mr. Twaha: Mr. Speaker, Sir, the Prime Minister told us that various agencies came up with different conclusions of the tests regarding the quality of the maize. What action has the Prime Minister taken against the pseudo-scientists who have been coming here with subjective conclusions to the tests, particularly with regard to what Justice Omondi was talking about last week in relation to liars for hire and expert witnesses? There are also pseudo-environmentalists and pseudo-scientists who are swindling people throughout the country.

Mr. Abdirahman: Mr. Speaker, Sir, after listening to the Prime Minister, we realized that there was evidence of contradiction in the results we got either from the KEBS or the Government Chemist. As far as I understand it, Intertek is a private agency. Could the Prime Minister confirm why we were not able to reconfirm those results before releasing that maize to the silos we are talking about? Were all the agencies involved because there are a number of players representing the Government with regard to that maize as it was being transferred into the silos?

Mr. Speaker: Fair enough!

Mr. Midiwo: Mr. Speaker, Sir, I believe this matter needs to be put to rest, given that lives of Kenyans are said to be at risk and many hon. Members are playing politics with the issue. A couple of days ago, a Minister told us that contaminated maize was being sold to Kenyans particularly in Eldoret. The maize was shown on television and it appeared to be yellow. I would like to know if this maize was yellow or white. I also want the Prime Minister to comment about the statements made by Minister of State for Special Programmes, Dr. Shaban, which were contradicting statements that had been made by another Minister. Which one of them is telling Kenyans the truth and which one of them was playing cheap politics?

Mr. Speaker: Very well!

Mr. J.I. Kamau: Thank you, Mr. Speaker, Sir, I want to know from the Prime Minister whether Kenya Bureau of Standards (KEBS), indeed, condemned the maize and ordered its reshipment to the country of origin or whether his office, in any way, interfered with the investigations done by the KEBS? I want to lay on the Table an affidavit, sworn and signed by the Managing Director of KEBS that clearly says that the Office of the Prime Minister used threats and coerced the KEBS to, indeed, accept this maize to be used in this country.

(Mr. Mungatana and Dr. Nuh stood up in their places)

Mr. Speaker: Order, Mr. Mungatana! Order, Dr. Nuh! I made a Communication this afternoon. In that Communication, I laid out how we would conduct business of the House in relation to Statements made by the Prime Minister. I, among other things, said that we would take five clarifications utmost and we have already done that. As much as we are in the formative stage and as much as I know that this matter attracts a lot of interest, it is a matter that is in the public interest; I think we must live within those rules. If hon. Members feel that they want to pursue this matter further, the Standing Orders have provisions that will enable you to do so. However, let us now take the responses from the Prime Minister. I am afraid that the matter will have to rest there.

Dr. Nuh: On a point of information Mr. Speaker, Sir.

(Mr. Mungatana stood up in his place)

Mr. Speaker: Order! I have given orders, Mr. Mungatana, which I think it is important that we comply with.

Mr. Mungatana: Mr. Speaker, Sir, I want to say that I admire the way the Prime Minister has sought to defend himself and explain to the country what is happening. However, in the process, he has given a bulky explanation and laid on the Table bulky documents. I am a very bright chap and I have not been able to go through these documents. I am requesting, genuinely, that the Speaker defers this matter to next week, Wednesday, so as to give the House time to scrutinize these documents and the Prime Minister to get further clarifications on this matter. This is not enough time.

Mr. Speaker: Order, hon. Members! That, on the face of it, is a genuine request. However, hon. Members will note that this matter is coming up for the second time. It was deferred from last week to today. I am not about to defer this matter further. We will

take the Prime Minister's responses. Hon. Members, as I have intimated, the Standing Orders provide enabling provisions for you to pursue this matter further if you are not satisfied with the responses of the Prime Minister.

Dr. Nuh: On a point of information, Mr. Speaker, Sir!

Mr. Speaker: Is it a point of order? If you look at your Standing Orders, you will see that you cannot raise a point of information as a matter of course. You can only raise a point of information if an hon. Member contributing or who has immediately made a contribution, before you stood on that point of information, agrees to be informed. So, whom do you want to inform?

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

Mr. Speaker: Who do you want to inform?

Mr. Nuh: I want to inform Mr. J.I. Kamau.

Mr. Speaker: Mr. J.I. Kamau, do you want to be informed?

Mr. J.I. Kamau: No, Mr. Speaker, Sir!

Mr. Speaker: Mr. J.I. Kamau does not want to be informed! He does not even know what you are talking about!

Proceed, Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, indeed, I take the work of this House very seriously. I know that hon. Members are genuinely concerned about the safety of our people. That shows the love that they have for the people of Kenya, but I want to assure hon. Members that they do not love Kenyans more than I do.

Mr. K. Kilonzo is talking about maize having been released from the Port of Mombasa to the market. It is not easy to release quantities like 6,000 tonnes of maize. That is 50,000 bags of maize. More importantly, I have a letter from the Commissioner General of Kenya Revenue Authority (KRA), Mr. Waweru, which is dated 13th May, 2009 confirming that this cargo is still at the Port of Mombasa. I really want hon. Members to be honest to the people of Kenya and not to play politics.

Mr. Nyambati talked about destroying maize. I have explained the reason why we cannot destroy this maize because it is now the property of the insurance company. I have also said that it will be destroyed in accordance with the health regulations of our country and it will be public.

Mr. Speaker, Sir, Mr. Twaha, wanted to know what action has been taken. I said that the credibility of our testing authorities is in question and that, this is an issue that we must take very seriously. We should not play politics with this. When it comes to the Kenya Bureau of Standards (KEBS), I know something because I was one of the first professional officers who joined the KEBS. I know that they cannot issue more than one certificate. Once they have issued a certificate saying that it is unfit for human consumption but fit for animal consumption, somebody would remove it and go and supply it to animals. There is nothing like a provisional certificate and another one issued later. That is why I was surprised by KEBS and I asked what they had come to because I know how we used to do those things when I was working there. The KEBS must be like Caesar's wife. We cannot afford to have a situation where the quality of a consignment of 6,000 tonnes is in doubt.

Mr. J.I. Kamau produced an affidavit and in my view, it is similar to the letter from Prof. ole Lanyangapuo. These are people who are trying to defend themselves. I am pleading with this House to take this matter very seriously because I know what I am

trying to talk about. Let us not try to play politics with this issue because it is so important. Somebody expected to make some money and it did not happen. That is why we are having these problems.

Mr. Midiwo talked about yellow maize in Eldoret. The maize that came from South Africa was white and not yellow. If some yellow maize is being sold in Eldoret, then it is not the consignment that we are talking about which is under dispute.

Mr. Speaker, Sir, I plead with the hon. Members that if they really have the health of our people at heart, let them not play politics. Let them not try to use this House to try and settle some other scores which have nothing to do with the cargo in question.

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

Mr. Speaker: Order, hon. Members! From the Communication that I made earlier, this matter must come to rest. If hon. Members have further interest in the matter, the Standing Orders give you room to revisit it and the House will deal with it accordingly.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. He has not responded to my clarification!

Mr. Speaker: Okay! What has not been responded to will be valid.

Mr. K. Kilonzo: Mr. Speaker, Sir, the Prime Minister is doing his level best not to address the contents of this letter from the sub-committee. He has now started character-assassinating some of the people who were appointed to this sub-committee. You should not allow any hon. Member, under the privilege of this House, to intimidate civil servants. Prof. John Lonyangapuo a person I do not know, is a gallant son of this country. He has the guts to write such a report but there are many others who know what is happening but cannot talk because they fear being intimidated by politicians. That is why we have seen them going to court and the politicians are going home scot-free.

Mr. Speaker: Order! Order, Mr. K. Kilonzo! You have stood on a valid point of order and I appreciate it. What issues did you seek clarification on, that the Prime Minister has not covered? Just be precise, indicate and then the Prime Minister will respond.

Mr. K. Kilonzo: Mr. Speaker, Sir, I want the Prime Minister to give consent to this letter; that he is aware of this sub-committee and that these findings were brought to him and in view of the findings that he has contradicted here, would he consider, as the Prime Minister of the country, allowing an independent body of Kenyans to go and look at this matter further because it touches on the lives of Kenyans?

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

Mr. Speaker: Order, Mr. Ogindo! Mr. K. Kilonzo is on a point of order and you cannot rise on a point of order when another point of order is current!

Mr. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I thought that I had answered the issue that the hon. Member is raising. This is with regard to a letter which was written by the Permanent Secretary, Ministry of Industrialization. That I am the one who appointed the committee but this letter is not even copied to me. It was addressed to Mr. Muthaura who was not even concerned.

Mr. Speaker, Sir, I had said that the team went to Mombasa and took samples. What I did not say is that when the team went to the Port of Mombasa, they were asked to take samples of maize but the representatives of the KEBS refused to take samples claiming that, that was not the consignment from which they had taken samples earlier. They claimed that it was a different consignment but it was exactly the same one. It had not been removed. It had been stored in the silos and I have explained how and why it was offloaded from the ship. It was offloaded after the court order because the ship owners needed the ship to move on. Since KEBS knew what was happening, they refused to take samples. At that time, samples were taken by Intertek and SGS and tested. That is the reason why there is this kind of clandestine correspondence. I have not received it and yet I am the one who sent the committee to Mombasa. It shows some kind of collusion.

Mr. Speaker: Order hon. Members! This matter must rest there! We must move to the next Order. The Chair will not continue to revisit this matter. I have given direction on the matter more than once and I have given indulgence as far as I can. I have also indicated to hon. Members that if they wish to explore the matter beyond where it has reached, the Standing Orders have enabling provisions for you to do so.

Ms. Karua: On a point of order, Mr. Speaker, Sir. This is on a different issue.

Mr. Speaker: Then proceed!

Ms. Karua: Mr. Speaker, Sir, I am seeking the indulgence of the House to make a Personal Statement under Standing Order No.76.

Mr. Speaker: Yes, you may proceed, because you had intimated that to me earlier!

PERSONAL STATEMENT

ALARMING MEDIA STATEMENTS ON HON. KARUA'S SECURITY

Ms. Karua: Thank you, Mr. Speaker, Sir. I am concerned about the reports in the print and electronic media today that indicate that I and my family upcountry are under threat from vigilantes. It is curious that this information, I gather, was given by the Kerugoya Police to the Press. They have not given such information to me.

Mr. Speaker, Sir, if, indeed, I am under threat, who are those vigilantes? What action has the police taken against such vigilantes?

(Applause)

Mr. Speaker, Sir, I was in my rural home over the weekend. On Monday, I held a meeting in my constituency office with over 300 members of my constituency on matters of security. The District Officer and the Officer Commanding Station (OCS) were present. Why was the information about a security threat to me not availed to them? If, indeed, the police or the Government is concerned about my security, how come my security detail and my driver were withdrawn immediately I resigned, although I know some former Ministers who never made it through the elections of 2007, and are still retaining their security detail and drivers, including Government vehicles with private

number plates? I also know that there is a retinue of ex-civil servants who are still retaining their security detail.

Mr. Speaker, Sir, it seems that the whole object of releasing that alarmist information is to intimidate me and curtail my work as a national leader and politician. I am saying here and now that I shall not be intimidated!

(Applause)

Mr. Speaker, Sir, I want to repeat before this House that the police cannot purport to fight crime using crime. Shooting to kill and criminalizing all the male youths from the Mt. Kenya region or origin, branding them, persecuting them and putting them in jail is not tolerable in a civilized society!

Mr. Speaker, Sir, it is incumbent upon the police to arrest suspects on specific offenses, but not to use brand names to criminalize the existence of male youths in an entire region. If that is what I am being intimidated from talking about, I am now repeating it for the HANSARD!

Mr. Speaker, Sir, what I am saying is also that, from my information on the ground, I and my family face no threat from our neighbours or from the community. The only threat we face is from security agents, sections of them detailed by politicians and, especially, the National Security Intelligence Service (NSIS) and the police, who are spreading that alarmist information.

Mr. Speaker, Sir, should anything untoward happen to me or my family, such security agents will be the prime suspects!

(Applause)

Mr. Speaker, Sir, I am urging the Government to behave responsibly. I rest my case.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir---

Mr. Speaker: What is it, Mr. Ojode?

Ms. Karua: But, Mr. Speaker, Sir, this is a Personal Statement!

Mr. Speaker: Order, Mr. Ojode! I do not know what you want to react to, because this is a Personal Statement under Standing Order No.76, and it is not open to debate! It is not open to comments.

Ms. Karua: Mr. Deputy Speaker, Sir, with your permission, I want to table a copy of a letter I have written to the Minister of State in charge of Provincial Administration and Internal Security. That may now give the Assistant Minister time to respond.

(Ms. Karua laid the document on the Table)

Mr. Speaker: That is fair enough!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): It is okay, Mr. Speaker, Sir. I just wanted to assure the---

Mr. Speaker: Just live within the rules; no debate, no comments!

(Laughter)

Next Order!

MOTIONS

ADOPTION OF JOINT COMMITTEE REPORT ON DISCREPANCIES IN 2008/2009 SUPPLEMENTARY ESTIMATES

Mr. Okemo: Mr. Speaker, Sir, on behalf of hon. Members of the Joint Committee on Finance, Planning and Trade and the Budget Committee, I wish to take this opportunity to present the Report of the Joint Committee and recommendations for action.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, after the Deputy Prime Minister and Minister for Finance laid the Supplementary Estimates on the Table on 22nd April, 2009, they were debated and approved by this Parliament on 29th April, 2009.

However, on 6th May, 2009, hon. Imanyara sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance concerning a figure of Kshs9.2 billion, which was shown as having been falsified in the documents. Hon. Members sought the Speaker's guidance on what should be done with the documents that had been laid on the Table by the Government in the House which contained discrepancies. The Deputy Prime Minister and Minister for Finance---

The Temporary Deputy Speaker (Prof. Kamar): Order! Order, Mr. Okemo! You need to move the Motion first! You are already debating it!

Mr. Okemo: Thank you very much, Madam Temporary Deputy Speaker, for that guidance. I beg to move the following Motion:-

THAT, this House adopts the Report of the Joint Committee on Finance, Planning and Trade and the Budget Committee on the discrepancies contained in the Supplementary Estimates of Financial year 2008/2009 laid on the Table of the House on Wednesday 13th May, 2009 (Morning Sitting).

Madam Temporary Deputy Speaker, as I was explaining earlier, after the laying of the Supplementary Estimates on the Table on 22nd April, 2009 by the Deputy Prime Minister and Minister for Finance, they were debated and approved by this Parliament on 29th April, 2009.

However, on 6th May, 2009, hon. Imanyara sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance concerning a figure of Kshs9.2 billion, which was shown as having been falsified in the documents. Hon. Members sought the Speaker's guidance on what should be done with the documents which, when they were laid on the Table by the Government in the House, contained discrepancies. The Deputy Prime Minister and Minister for Finance issued a Ministerial Statement on

6th May, 2009, on the matter in question, explaining that in the Supplementary Estimates, it is only the adjustments or changes to the original Budget that the Executive arm of the Government seeks approval from Parliament.

However, hon. Imanyara stated that there were 200 inconsistencies in the Supplementary Estimates amounting to Kshs9,677,189,511.

Madam Temporary Deputy Speaker, then we went on to mandate a joint Committee on Finance, Planning and Trade and the Budget Committee to inquire into and report to this House on whether or not, there are any inconsistencies that, perhaps, indicate that public funds have been misappropriated.

The question of budget-making, approved budgets and supplementary budgets are fully catered for under the Constitution of Kenya. There are specific provisions in the Constitution, which give guidance as to how this process is to be carried out. I will quote Section 100(1) of the Constitution of Kenya. It says:

“The Minister for the time being responsible for finance shall cause to be prepared and laid before the National Assembly in each financial year estimates of the revenues and expenditure of the Government of Kenya for the next following financial year.”

Madam Temporary Deputy Speaker, in respect of the Financial Year 2008/2009, if you look at the green books which are the printed estimates that were approved by this House in June, 2008, you will see on pages IX, X and XI, a summary of the expenditure in two volumes. There is Volume I and II. They capture all the Recurrent Votes starting from Recurrent Vote 1 to 19 and Volume II, which contains Recurrent Votes 20 to 60.

Furthermore, if you look at Development Expenditure 2008/2009 as given in the green book for the approved budget, you will find another summary. On page VII and VIII which shows the total vote by Ministries covering Development Votes 1 to 19 and Development Votes 20 to 60. That is as far as the approved budget is concerned.

Going back to the same Constitution, if I invoke Section 100 (2) which stipulates as follows:

“When the Estimates of expenditure (other than expenditure charged upon the Consolidated Fund by this Constitution or by any Act of Parliament) have been approved by the National Assembly, a Bill, to be known as an Appropriation Bill, shall be introduced into the Assembly, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums, under separate votes for the several services required, to the purposes specified therein.”

Madam Temporary Deputy Speaker, if you look at the Appropriation Act, 2008, you will see that all the figures that are contained in the Act are directly pulled from the summaries of the printed estimates that I have referred to earlier. If you look at the Recurrent as well as the Development Votes, you will find that the figures actually add up. I will just quote from Section 2 of the Appropriations Act. It says:

“The Treasury may issue out of the Consolidated fund and apply towards the supply granted for the services of the year ending on 30th June, 2009, the sum of Kshs492,888,495,680. That sum shall be deemed to have been appropriated as from the 1st of July, 2008, for the services and purposes provided in the schedule.”

I am trying to get a relationship between the Printed Estimates and the Appropriations Act. The relationship is very clear. From the Printed Estimates, you pull

out the summary that is contained therein by vote. If you pull that from the Recurrent Expenditure for all the Votes from 1 to 60 and for the Development Expenditure estimates printed from Vote D01 to D60 and you add the two figures together, they amount to the Appropriations Act.

Madam Temporary Deputy Speaker, let us now refer to another provision in the Constitution and this is the important one. This is Section 100(3) of the Constitution. It states as follows:

“If in respect of any financial year it is found-

- a) that the amount appropriated by the Appropriation Act to any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by that Act; or
- b) that any moneys have been expended for a purpose in excess of the amount appropriated to that purpose by the Appropriation Act, or for a purpose to which no amount has been appropriated by that Act, a Supplementary Estimates or, as the case may be, a statement of excess showing the sums required or spent shall be laid before the National Assembly and, when the supplementary estimates or statement of excess has been approved by the National Assembly, a Supplementary Appropriation Bill shall be introduced into the Assembly, providing for the issue of those sums from the Consolidated Fund and appropriating them to the purposes specified therein.

Madam Temporary Deputy Speaker, Sir, what this is saying is that the supplementary estimates relate to expenditures that are unforeseen and have not taken place, but will take place from the time the Appropriation Bill is passed. Expenditures that have already taken place, but have not been catered for in the Appropriations Act, then a supplementary estimates or a statement of excess showing the sums inquired or spent, shall be laid before the National Assembly.

The point I am trying to make is this: The statement referred to in this Constitution and borrowing on the experience of having presented supplementary budgets in this House, means the Motion that was brought to the House by the Minister for the time being in charge of finance which reads as follows:

(Mr. Okemo searches among his documents)

I beg your indulgence, Madam Temporary Deputy Speaker. I wish I had the privileges the Prime Minister had a few minutes back. It could make my work a lot easier.

(Laughter)

Madam Temporary Deputy Speaker, the Motion I am referring to is the one that was brought before this House that a sum not exceeding Kshs16,355,411,140 be granted from the Consolidated Fund during the year ending 30th June, 2009 in respect of supplementary estimates of 2008/2009 financial year, having regard to the proposed reduction of Kshs15,633,355 therein appearing and as part of the same Motion that a sum not exceeding Kshs9,895,900,650, be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2009 in respect of Supplementary Estimates

of 2008/2009 Financial Year Development Vote, having regard to the proposed reduction of Kshs11,695,894,670 therein appearing.

Madam Temporary Deputy Speaker, part of the terms of reference we were working on was: What do you do with documents that have been laid before the House and discrepancies occur? I would like to put it that, in accordance with the Constitution, the provision contained in Section 100, Subsection (3), is clear that the Supplementary Estimates that were presented here by the Deputy Prime Minister and Minister for Finance were actually in accordance with the provisions of the Constitution. Therefore, the question of the Motion being rescinded would be contradicted by that provision in the Constitution.

I would now like to go to the issue of discrepancies, which has been the subject of the Committee's proceedings. The following people appeared before the Joint Committee and gave valuable evidence: The hon. Gitobu Imanyara, MP; the Deputy Prime Minister and Minister for Finance, MP; the Permanent Secretary, Treasury, and his Budget Officers; Mwalimu Mati of Partnership for Change; Jayne Mati, Partnership for Change; Cyprian Nyamwamu, Partnership for Change, and the Controller and Auditor-General.

Madam Temporary Deputy Speaker, we examined the evidence from hon. Imanyara in great detail, and found the data acceptable and very helpful to the proceedings of the Committee. That information, irrespective of its source, came directly from the Printed Supplementary Estimates.

Therefore, we looked at the information and analysed it. Except for a small discrepancy of Kshs5,953,102, the rest of the information was acceptable and accurate. We would like to thank hon. Imanyara for that.

Submissions from the Treasury indicate a total discrepancy of Kshs10,763,446,275 arising from 200 Items affecting 36 Recurrent Votes, with a total provision of Kshs37,782,198,908 during the year, while the Supplementary Estimates for the same period show a total provision of Kshs27,018,752,633 against the same Votes, occasioning the above discrepancy between the two sets of documents.

Madam Temporary Deputy Speaker, an initial audit and inquiry into the discrepancies by the Controller and Auditor-General confirms the same position as stated above. They have put this in writing in a letter dated 12th May, 2009, addressed to the Clerk of the National Assembly.

The Joint Committee attempted to understand how and why the discrepancies occurred in the Supplementary Estimates in respect of the printed column, which must always remain fixed, or locked, as it refers to Approved Estimates contained in the Printed Estimates that were approved by Parliament in June, 2008.

An examination of the figures in the printed column of the various Ministerial Votes as presented in the Supplementary Estimates shows discrepancies in some cases, and not in others. It should be appreciated that if you look at the Printed Estimates as contained in the green books, which were Estimates that were approved in the year 2008, you will see that you have 26,000 lines. In other words, you have Items, under each of which you have Sub-Items. If you add up all the Sub-Items, you will end up with about 26,000 lines.

Madam Temporary Deputy Speaker, it is not, therefore, very easy to be able to conclusively say here that the discrepancies do not show whether money was misapplied or not. That is why, as one of our fundamental recommendations, we have said that there

has to be a serious, in-depth forensic audit into all the data that appears in the current financial year as well as in the last two previous years.

However, the letter we have received from the Controller and Auditor-General is very specific. In part, it says as follows:-

“As may be observed above and in the Appendix, the difference of Kshs10,763,446,275 was caused by unreconciled discrepancies between the provisions shown in the Printed Estimates for 2008/2009 against various Votes and those appearing in the Supplementary Estimates for the period against the same Votes.”

The third comment in the letter I have referred to is as follows:-

“The difference of Kshs10,763,446,275 does not, however, constitute any loss or misappropriation of public funds.”

I am merely quoting a letter from the Controller and Auditor-General, addressed to the Clerk of the National Assembly.

Madam Temporary Deputy Speaker, the evidence, therefore, on the basis of the data that was available to us, that was talking about discrepancies, seems to suggest that the differences that arise as a result of non-reconciliation of Items does not lead to loss of funds or misappropriation of funds.

However, because of the time constraint, and because of the volume of the data that was involved, it must be appreciated by this House that those numbers have far-reaching implications as far as the economic development of this country is concerned, and as far as the allocation of funds in this country is concerned. We want to satisfy ourselves that since the introduction of the Government Financial Statistics (GFS), that is an international standard for coding, which was introduced three years ago, all the figures contained in the Printed Estimates and Supplementary Estimates for the three years in question are correct. We want to satisfy ourselves that no such errors may have been caused, or that no misappropriation or misapplication of funds may have taken place.

Madam Temporary Deputy Speaker, in conclusion, I would like to attempt to explain our understanding, as a Committee, of how the discrepancies arose. Just pick any Ministry at random and just look at the classification of all the expenditure. You will find Head, Sub-Head, Item. You will find a number of Items. What has been explained to us is that, if you look at the various Item descriptions, they have under them a number of Sub-Headings – in some cases, 20 or 30 Sub-Headings. That is what amounts to the 26,000 lines that I was talking about.

Under each principal Head like “Utilities, Supplies and Services”, you will have 20 or 30 sub-Items. According to what we have been told, the system was not able to pick all those sub-Items under that sub-heading, and that it looked like there was a coding problem that meant that some Items were picked up but others were not, so that the total for each of those principal Headings did not tie up with the total in the Approved Printed Estimates. Now, the question, of course, is: Why did it happen? I suppose that is the question the Deputy Prime Minister and Minister for Finance answered. He told us when he appeared before us that an investigation was going on to try and determine how and why this happened. I do not want to go into too much detail on this matter because it is under investigation.

Madam Temporary Deputy Speaker, having looked at all this evidence and having laid the background on how budget-making is done under the provisions of the

Constitution, and having found out that there were discrepancies at some point, I would now like to read out the recommendations of the Joint Committee.

The first recommendation is that since there are inconsistencies in the Supplementary Estimates, they should be withdrawn and the correct Estimates re-submitted to form the basis for the Appropriation Bill which will be brought before this House.

Secondly, an independent forensic audit should be done by an independent body to look into the three years that have been under the GFS system to determine whether there might have been other inaccuracies or inconsistencies in the last two years in addition to the current year.

The third recommendation is that the Fiscal Management Bill is long overdue and I am glad to see that we have on the Order Paper, the Motion to discuss the Memorandum of His Excellency the President on objections to the Fiscal Management Bill. I believe that we shall carry out that exercise with speed and that it will receive the support of everybody, including the Government side. This is because more transparency, interrogation and participation in the budget-making process will lead to a Budget that all can be happy and comfortable with. That Budget will reflect the real priorities as spelt out by the Government.

Madam Temporary Deputy Speaker, I would like to thank all the hon. Members of the Joint Committee who spent long hours to deliberate upon these discrepancies and come up with the Report that is being presented here today. All of them had very valuable contributions and I would like to record their thanks here.

I would also like to thank Mr. Gitobu Imanyara for making it possible for us to interrogate and go into depth into these inconsistencies. This could not have happened had the inconsistencies not been discovered. Even if that is not reflected in the Report because it was done a little bit in a hurry, I would like it to be recorded in the HANSARD. I would like the HANSARD to capture that all hon. Members of the Committee appreciate the contribution by Mr. Gitobu Imanyara.

Finally, I would like to clarify that the Motion that was debated here on the Supplementary Budget that was presented by the Deputy Prime Minister and the Minister for Finance is correctly approved and is in accordance with the provisions of Section 100 (3) of the Constitution.

Thank you very much, Madam Temporary Deputy Speaker.

(Applause)

Mr. Ogindo: Thank you, Madam Temporary Deputy Speaker. I rise to second this Motion. Allow me to say this from the onset. I would like to implore on my fellow hon. Members that we are in this House more or less like the Board of Directors of this nation. I want to urge hon. Members to engage more often in issues that will provide light to this country more than the “heat” that we feel. What we have before the House is as a result of query that sought to determine whether there were discrepancies and if, perhaps, that could have led to funds being misapplied.

Where figures are involved, you can only validate them using figures. You cannot validate figures with words. As has been articulated by my Co-Chairman, hon. Okemo, we endeavoured to find out and indeed, we found out and we are confirming to this

House, that there were discrepancies between the Printed Supplementary Estimates and the original Printed Estimates of the Budget.

Madam Temporary Deputy Speaker, just to allay fears of Kenyans, we sought to reconcile those discrepancies. In one of the annexes, we have listed the Printed Estimates as originally passed in June, 2009. We have also added the discrepancies that existed. If you look at those Votes, they now represent a true picture of what the Supplementary Estimates should look like. It is on that account that one of the recommendations is that the Printed Supplementary Estimates be withdrawn so that corrections can be made. That way, it will reflect a true representation of the Printed Estimates.

The second issue that the Committee was to inquire into was as to whether funds could have been misapplied. To this end, as has been indicated by the Chairman, the volume of data involved and the time span that the Committee had, it would not have been possible to determine that. In this context, as has been articulated by the Chairman, the Joint Committee has recommended a forensic audit to be done.

Maybe, for all to know what we are talking about, a “forensic audit” is an investigation of a fraud, a presumptive fraud or a suspected fraud with a view of gathering evidence that can support the figures. We would like to have a forensic audit in the budget-making process in this country to determine whether, indeed, there is compliance with the regulatory requirements. As was submitted to the Joint Committee by the Deputy Prime Minister and Minister for Finance, this error could have been caused by a computer bug or a deliberate act of computer operators. What we noted is that, indeed, there was a deliberate commission of an act of error. To this end, it will be important that a system audit also be carried out to determine or evaluate the objectivity, inadequacies, competence and due diligence of the institutions and persons engaged in the budget-making process.

Madam Temporary Deputy Speaker, over and above that, we would expect a forensic audit to reconcile the budget provisions in the Printed Estimates, the Vote Book balances and entries, the Supplementary Estimates, the Consolidated Fund Services (CFS) items and Exchequer issues for the 2008/2009 Financial Year. It is a point that we will be sure that no funds have been misapplied. Towards that end, the Committee strongly recommends for a forensic audit.

Madam Temporary Deputy Speaker, the third recommendation of this Joint Committee is on the passing of the Fiscal Management Bill. You are aware the Fiscal Management Bill requires the Minister for Finance to present to this House, well in advance, the budget policy statement and budget estimates, and particularly to the Budget Committee. The whole essence of this requirement is so that time is available for hon. Members to scrutinize what is contained in the Budget estimates. If only we did this before, we would not be where we are today. It is against that background that the Committee strongly recommends and implores the entire House to join in supporting the Fiscal Management Bill which is coming up tomorrow.

(Applause)

In the spirit of give and take, we have agreed to the President’s amendments and that should not present any problem. I am look forward to the Minister for Finance---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ogindo, do not anticipate tomorrow's debate. Please, concentrate on the debate before you.

Mr. Ogindo: Madam Temporary Deputy Speaker, I have left that line. I want to urge hon. Members that this was very important and I know it was of much interest to the country at large. Too much heat does not serve this nation. We would achieve much if we could expend our energies on showing light to this nation.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Environment and Mineral Resources (Mr. Michuki): Madam Temporary Deputy Speaker, I rise to support this Motion because it is a Motion whose background, as read out here by the Chair of the Joint Committee and supported by the Vice-Chairman, gives fairly a good background on the amount of the work that the Committee has put into ascertaining the truth of this matter.

The approach adopted by the Committee, and in particular their outlook regarding the circumstances, is very mature and noble. Since we know these matters, it would be wrong for any one of us to pretend that there can never be mistakes because, as it is universally known, to err is human. Added to that human error, we are now at the age where we have to use technology. We buy systems, whether we understand them or not, which have been devised by people to keep their devices secret. They do not want their knowledge to be known by anybody else. They will come and sell us those systems with the assurance that when it is triggered, it will perform what we want. I think we have had this in our Treasury where information technology has taken over. As this case will show, the technology can also go wrong. In my opinion, gathering from what I heard, that is what has happened. I support the recommendations of the Committee, although I have a little misgiving as to whether we should throw good money after bad money. The audit arises under circumstances which--- What I am trying to say is that we have confidence in the Committee. They have done a very good job. Why do they want an audit which would imply that they are not confident about what they did? Let us spare that money and trust the Committee, which is free any time to look at the figures.

Mr. Ogindo: On a point of information, Madam Temporary Deputy Speaker.

The Minister for Environment and Mineral Resources (Mr. Michuki): Madam Temporary Deputy Speaker, let me be informed.

The Temporary Deputy Speaker (Prof. Kamar): The Minister wants the information!

Mr. Ogindo: Madam Temporary Deputy Speaker, the whole essence of a forensic audit is to determine whether what we are using as a Budget programme is, indeed, reliable. Secondly, it is to determine through reconciliation, which we could not do because of shortage of time and lack of expertise, whether funds could have been misapplied.

The Minister for Environment and Mineral Resources (Mr. Michuki): Madam Temporary Deputy Speaker, I understand all that but I am trying to point out that where a programme has been developed by a particular information technology group, they would rather withdraw their system all together than have it subjected to the examination of their rivals. I am sure those hon. Members who are in that business know what I am

saying. I have gathered this from my personal experience in my own businesses where no experts will allow another expert to look at their programme. This is why I am saying we might as well save money rather than pay it out there for a job that will not be complete because they will not allow it. Those who have sold systems to the Treasury will not subject themselves to any other authority.

With these few remarks, I beg to support.

Mr. Midiwo: Madam Temporary Deputy Speaker, I rise to support the adoption of this Report. This Report has been very much awaited. A lot has been said in the last one week as to what to expect.

As a member of this Committee, I want to begin by saying that the Committee that sat through these deliberations for about five consecutive days did a very good job. Therefore, we came here unanimous. Our recommendations are supported by all of us. This is because this country needs to move forward. We need to occasion the Supplementary Estimates so that certain things can take place.

Madam Temporary Deputy Speaker, I want to say a few things. There has been an impression created that some Members of Parliament were baying for the blood of the Minister for Finance. In this country, nothing happens for nothing. If anything happens, no junior person can make a mistake, all the time we have to blame each other, PNU, ODM and all that. It is a shame for this country that even as the Committee was discussing this issue, there were meetings being held as to how to protect the Minister for Finance.

Madam Temporary Deputy Speaker, the Minister had admitted that there were discrepancies. Therefore, the work of the Committee was to try and see how it is that there could be an error of over Kshs10 billion in the Supplementary Estimates. I want to say here and now that, that is not a normal error. I have worked with computers and I know that, that is a deliberate error. I want to thank hon. Imanyara for having seen the problem. I want to also thank whoever gave him that information. As Kenyans, we must be grateful to whistle-blowers so that we do not defraud ourselves every now and then.

(Applause)

Madam Temporary Deputy Speaker, this Committee did not have the ability other than knowing that it was the people below the Permanent Secretary and Minister who were trying to do something and their 40th day arrived. They may never have intended it, but why commit a Kshs10 billion error if you do not intend to commit fraud? That is why we are recommending a forensic audit of the budget process. We are saying that the way it has been done is open to fraud.

Madam Temporary Deputy Speaker, a former Minister appeared before us and said that one time in her Ministry, she was called by somebody from the Treasury and told, "In your Vote there is an extra Kshs140 million, spend it with so and so". If you analyse this scenario, it creates such a possibility. That is why we are saying that instead of baying for anybody's blood unnecessarily, it is time for this country to move on.

Madam Temporary Deputy Speaker, I want to plead with the President to see the future of this country. We must open up the Budget making process. Parliament is the representative of the people; we must know what is going to happen and how it is going to happen. I want to plead with my friend, hon. Uhuru Kenyatta that, you are a Kenyan of

good breed. You can make a certain change that will carry you a long way. Open the Treasury for scrutiny. A lot of money that has been squandered in this country in the past, goes through that Ministry. You must accept it. One thing you must understand to be the case around is that, people are saying that they are not getting enough public resources.

Madam Temporary Deputy Speaker, the reason for this is that their people are not in that Budget office. Hon. Minister, open up the Treasury. Do an audit even by yourself. Have somebody from Moyale working in that Budget office so that they can be assured. You cannot have members of one community sitting and doing the Budget and presenting it to Kenyans and expect people to trust it as having integrity! I hasten to say this because I have sat in so many of those committees, the trend is the same and we must answer that as Kenyans. It is incumbent upon us.

(Applause)

Even a Luo can work at the Kenya Power and Lighting Company (KPLC). Even a Kikuyu can work at the Ministry of Medical Services. It should not be some tribes working in the same place. This is causing too much animosity in this country. We can, however, cure that. Mr. Minister, being young and knowing you for many years, I know you can help us change the image of the Treasury. We can do that as a people so that we stop talking behind each other.

For example, when it is something about Migingo Island, they say: *Hiyo ni ya Wajaluo*. When it is something about the Treasury, it is the Kikuyus. As leaders of this country, we must do something to change that image. We need this country to be one country or else we divide it. However, the most logical thing to do is to change its image so that every Kenyan is free to live and do anything they want and work anywhere they want without anybody standing in their way.

Madam Temporary Deputy Speaker, I want to tell the Treasury officials that the day has come when they will not have absolute power. In fact, tomorrow afternoon, we shall demonstrate that absolute power to distribute public resources must be scrutinised by Members of this House. It is our duty and our people are asking us to do it. I want to tell hon. Members to emulate the courage of hon. Imanyara. The Minister may have reacted the way he did because he was ignorant of the facts. That is why we are saying that we want to move forward. We do not want to make our people believe that a huge error of Kshs10 billion can happen without a human being causing it. That, in my view, is intentional and is meant to cause fraud.

Madam Temporary Deputy Speaker, I want to plead with the Minister to please kindly hasten the process of re-printing the Supplementary Estimates so that we can help him get the Supplementary Budget and he moves the country forward with his job.

Thank you, I beg to support.

Mr. Mungatana: Madam Temporary Deputy Speaker, I also want to thank the Chairman of the Joint Committee on Finance, Planning and Trade and the Budget Committee for bringing this Motion and Report before Parliament.

Madam Temporary Deputy Speaker, when we were debating the Supplementary Estimates, I did caution that the Minister must start thinking outside the box. I did caution that this House must be careful that we will not be ruled by bureaucrats. I did caution that things can go wrong and Ministers are told: "Just sign here". I was talking without

knowing that, in fact, that was what was happening to the Minister for Finance. As a country, we need to start looking at the whole process of how we bring people into specific Cabinet portfolios.

Madam Temporary Deputy Speaker, no matter how competent you are, no matter how good you are; no matter how brilliant you are, if the hon. Minister was Minister for Trade yesterday and then he is brought to another Ministry and sworn in today, if there is no proper handing over, no explanations given to him or he is not taken through any process, then we are saying that this whole country is going to be run by a Permanent Secretary who is seated in---

The Minister for Environment and Mineral Resources (Mr. Michuki): On a point of order, Madam Temporary Deputy Speaker. I rise on a point of order on the remarks made about handing over. I handed over the Treasury to the Deputy Prime Minister and Minister for Finance and I know I did it!

Mr. Mungatana: Madam Temporary Deputy Speaker, I think we need to get serious about this matter. I am not talking about taking an office and a chair in the middle of cameras and say you have handed over. That is why I have, in fact, filed a Motion in this House calling for proper processes of handing over. What has happened to hon. Uhuru Kenyatta can happen to anyone of us here. Today, if you are moved from one Ministry to another without even spending ten days in the Cabinet office to understand these processes of advising the President, then we are not fair to ourselves. This kind of problems will recur in future. We need to ask ourselves: What can we learn from what has happened here? It is not about the hon. Minister. What can we, as a country, do to make our institutions? It is with those kind of remarks, that I want to support this Report. We need to look at the mistakes that have been made. We do not need to personalize these things. We need to look at what lessons we can learn, so that the country can move forward.

We have said here before and I would repeat that there is a serious credit crunch within the cash economy right now. Two weeks ago, the Central Bank of Kenya was forced to pump Kshs32 billion into the money market to stabilize the situation. The Treasury was forced to go into an overdraft of Kshs6.9 billion. We need to help the Minister to get everything correct, so that we quickly pass and adopt what we have agreed here today. We expect the Minister to give explanations, so that we pass the Supplementary Estimates and we move forward. We should learn from the mistakes we have made and move forward.

Madam Temporary Speaker, looking at this Report itself, there are some things that are not clear. We, as Parliament, have said there are things, which are not clear. There are problems with the Supplementary Estimates. I would like the Minister to explain to us what happened. If you look at the attachment at the end of this Report that has been tabled, we are all aware and we have been told that some Kshs10 billion error exists. There are things attached there. There are descriptions such as basic salary and then figures are given, for example, basic wage, temporary employees, personal allowance and all these things. No figures are attached to this Report. There is no correlation that is being given between what we are talking about, the problem that has existed and what Parliament is seeking to cure. To me, we are not any better than what the Minister did before this House. So, I would ask the Chair to also explain to this House, so that the House can clearly appreciate what is going on even in this Report.

Madam Temporary Deputy Speaker, finally, I would want to agree with those who are saying that we need to divorce politics from real issues facing this country. I was personally very disappointed to read from the Press and see in the media that people are trying to politicize this matter against the current Minister. There are those who are saying they are supporting him, that this was an error. Others are saying they will file a censure Motion. There are matters of Government that need to be looked at beyond politics. Corrections must be made. The Minister must give an appropriate apology to the country because we have gone through this because of some mistakes which he must finally take responsibility for and then we move forward.

I would like to urge the House to pass the Fiscal Management Bill tomorrow, so that mistake like this one do not happen in the future.

With those few remarks, I beg to support.

The Assistant Minister for Trade (Mr. Omingo): Thank you, Madam Temporary Deputy Speaker, Sir for giving me this opportunity.

Mr. Farah: On a point of order, Madam Temporary Deputy Speaker. The bulk of us are not finance people. I think hon. Mungatana raised a very important and pertinent issue. There are descriptions that have got chapters, category, Item, sub-item and so on. When we look at the two other lists at the end, all we see is the Vote number. We want either the Chairman or his deputy to take us through this to inform us how essentially these things are put in there. These personal allowance, utilities, supplies and the list goes on, so that we relate them to what we are trying to look at and understand.

The Temporary Deputy Speaker (Prof. Kamar): What is your point of order!

Mr. Farah: Madam Temporary Deputy Speaker, my point of order is whether someone can take us through this. The Committee, for it to show that it has done a good job, must educate us on how to relate these items. I am sure you do not even understand it yourself. None of us understand.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Maalim, I would take note of that. I think the Chair has taken note. He will respond to your concerns.

The Assistant Minister for Trade (Mr. Omingo): Thank you, Madam Temporary Deputy Speaker, for giving me this chance to contribute and support the adoption of this Report.

Honestly, I quite agree with Members of Parliament who have expressed some serious maturity in terms of handling this matter. We have a culture of baying for people's blood. Some of us are quick at judging and passing sentences.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. Did you hear my friend, hon. Assistant Minister for Trade, Mr. Omingo, making a claim that we have demonstrated a certain degree of maturity, implying that we have always been immature and baying for people's blood? Is he in order? Is it Parliamentary?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Omingo continue and do a clarification of that point of order.

The Assistant Minister for Trade (Mr. Omingo): Madam Temporary Deputy Speaker, I withdraw the misunderstanding. What I meant to say is that on this matter this Parliament has stood together in terms of addressing national issue that affects our people as opposed to politicizing it. I think some Members have said it before and I do not know why it came out differently when I had said it in the ears of my good friend. But nonetheless, I want to proceed.

What has come out is that hon. Mungatana at one time raised a fundamental statement that most of these Ministries are run by technocrats and some of us Ministers sign on dotted lines. I want to thank parliamentarians, particularly hon. Imanyara, who raised the red flag, so that we can put our civil servants on notice. It does not end up here. Whatever the reason that was; printing error, omission, commission or otherwise, if you feed a computer with garbage, it gives you garbage. So, what are we saying? That somebody must be held responsible. What we have agreed in principle is that somebody must be able to take responsibility for this.

The recommendations given by the Committee are quite appropriate, so that we can unblock the spending environment of this country. We know that Kenyans are suffering. Some of our people are languishing in famine today because we cannot be able to spend. That is why I said I thank parliamentarians for standing together this time round and agreeing that we must address pertinent issues. It is important to note that we, leaders, whatever we stand to say in public rallies has a bearing on the people we lead. Some of us have gone to succession stories of 2012, but 2012 is too far. It is the high time all of us focused on what we are going to say as the leadership of this country to deliver services to the people.

Madam Temporary Deputy Speaker, as one speaker once said; the people's time has come. Their 40th day is here. I remember in one of the Committee meetings when I was the Chairman of the Public Accounts Committee, when one Minister confessed that every Paper was prepared and it was indicated to him that he should sign the document on the dotted lines. It is high time that those technocrats are brought to account and be made to carry their own cross.

Secondly, Madam Temporary Deputy Speaker, there is an issue that Mr. Michuki raised about computerization. As he said, when someone is given the monopoly of supplying a computer package, they do not want to do an audit report of the same package. We must unveil that. If Kenyans must know about the budgeting process in terms of the flow of figures, let them know. There is a statement here that describes how these figures were arrived at. It indicates that there was poor editorial finalization of parliamentary formatting of this Budget. I want to request my dear colleague and friend, Mr. Uhuru Kenyatta, to crack the whip so that it can be a lesson to those behind him.

The Ministry of Finance, over time has become like a *kichinjio*. Every Minister who goes there comes out limping. Only a few come out unscathed. It is important now that the technocrats in the Treasury also know that their days are numbered so that when Mr. Kenyatta walks out and somebody else walks in, they can walk straight because the system will be clean. Perhaps, this could be the right time in terms of decision-making process to see how we can divorce politics from technocrats who are running the Ministries. That could be possible if we have in place a Constitution which provides a Minister who is answerable to Parliament. He will have all the time out there to answer to Parliamentarians. This will not come because we have said it in here. We must have structures and institutional reforms which we promised Kenyans through the constitutional review process, including our procurement process.

Why are Kenyans suffering today in terms of misappropriation of resources? This is because even our procurement procedure is flawed. We take a long time to implement a procedure. That is why Ministries, which have been allocated funds, cannot spend the full amount because it takes six months to have a procedure of procurement go through,

including in essential sectors like roads. It is critical that we overhaul our systems. By the way, without anticipating of debate, I have been a proponent of a Budget Office. I pray that when the Bill comes, we shall support the establishment of that office so that we can put Kenyans first because we budget for them.

In the past, we have been giving Kenyans what they have not asked for. You will find us planning to do a runway when Kenyans have no choppers to run in these runways. What should we do? Let us ask them what they want us to do for them as opposed to us making a budget that does not address the needs of the people we lead. Therefore, I support this agenda.

With those few remarks, I support.

Mrs. Shabesh: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I want to contribute quickly and briefly so as to allow other Members to also contribute.

I want to start by supporting this Report by the Departmental Committee on Finance, Planning and Trade and the Budget Committee mainly because I believe that the work done by the Parliamentary Committees should be respected by the Members of this House. I believe that Members who sit in Committees to look into serious issues do not do it in vain. I am, therefore, supporting it partly because these are two Committees that are highly respected in this House.

The second reason why I support this Report is because we must stop personalizing issues. For me, it is not the integrity of the Minister that should be held into account but the integrity of the institution of the Treasury. That must be clear. We are dealing with a Treasury that Kenyans do not trust. That is a crisis that the Government must take seriously. The Minister must, therefore, in my opinion, following the recommendations of the Committee, overhaul the Treasury, especially those who are found to have been part of the process of bringing the Supplementary Budget to this House. Why do I say this? This is because there are only two Ministries that have executive powers; that is the Ministry of Finance and the Ministry of Local Government. I do not think they were given those powers in the Constitution very lightly. It was because of the seriousness that their work entails. Therefore, there must be responsibility that comes with the executive powers. We may not look today at the personality of the Minister but that is the reason why those Ministries are critical in appointment. You must make sure that when you are appointed to lead any of these two Ministries, either the Ministry of Finance or the Ministry of Local Government, where you exercise some form of executive powers, then you must be ready to take responsibility.

For the Deputy Prime Minister and Minister for Finance to admit that he was not aware of that kind of manipulation of figures, that raises the question about who really is in charge of the Treasury. Is it the Minister or the technocrats who run that Ministry? It is dangerous for us, as a country, to have technocrats running this country and keeping Ministers unaware of what is really going on. This kind of fraud would happen in Ministries where critical lives could be lost. I want to give an example. If this had happened in the Ministry of Medical Services and a certain drug, that must go through some tests was brought into this country and the Minister was not made aware that probably the drug was not put under the necessary tests, he might not realize that he was sabotaged by his juniors. We must take responsibility of our Ministries. If there is any sabotage within the Civil Service, those concerned, must, without any hesitation, be

dismissed and that Ministry must be looked into carefully. The kind of sabotage we are talking about does not only affect the Ministry but it also affects Kenyans. We are talking about Kshs10 billion, at a time when we are asking for help from other countries to feed our people. It is a shame!

I want to finish by saying that the watchdog or civil society organizations that are looking into these issues are doing good work and at no time should we, at all, throw mud on organizations that raise such issues. If anything, I think they should be supported. If it was not for that kind of information, that then a Member of Parliament was brave to raise it here, we would today not be aware of this issue of Kshs10 billion. Let us look at the civil society as organizations that help this country. They are not always enemies. The civil society is good for this country. Scrutiny of Government work by the civil society is really core to a true democratic country.

As I finish, I want to ask the Joint Committee on Finance, Planning and Trade and the Budget Committee to facilitate quickly the forensic audit they are talking about because we are holding the country hostage and keeping them worried about the state of the Treasury.

I support.

The Minister of State for National Heritage (Mr. ole Ntimama): Thank you, Madam Temporary Deputy Speaker. I want to support this Motion very strongly. I want to thank the two very able Chairmen of the two Committees, Finance, Planning and Trade Committee and the Budget Committee for coming together and giving us this wonderful Report, which is well balanced.

Madam Temporary Deputy Speaker, I also wish to thank the Deputy Prime Minister and Minister for Finance because he gave the Committee support and data relating to the issue at hand. He also supported them to investigate this issue which nearly became a big scandal. I really want to thank Mr. Imanyara. I think we need to have honest good people in this country. We should start examining ourselves. We might not know this but out there, this Parliament has now got a good name. They talk about this group of people and these Members, together with the Treasury, have done a credible and transparent job.

Madam Temporary Deputy Speaker, Sir, recently we have been criticized by the public so much. In this Parliament we have been grouping like birds of a feather. When a person of your community is criticized or accused of committing a crime of fraud, we all gang up to protect him even if he has "eaten". This is not the case for this particular Committee. They have done their best and we commend them for that. We have to build trust in this House. We have to be trusted by the public. Recently, we have been targets of criticism by the public and other societies because they say that we have refused to pay taxes, which is probably not quite right because we are trying to get a way of paying taxes like everybody else. We have also been accused of being the source of fraud and embezzlement of public funds. If you look at the polls that were produced the other day, they showed that we were rated at the bottom of the ladder. That is because we have been accused that some of us, apart from ganging up to support someone because he comes from your community, a number of us are "mouths for hire". Anybody can hire us inside and outside this place to say what is not right so that we can support one of our own, or our political party. I am very happy that we have all been watching and this Committee has worked very hard even at night to be able to produce a good report.

Madam Temporary Deputy Speaker, you know the mouth and the stomach are complimentary and they say that we have also been having “whistling stomachs” which are yearning to “eat”. I want us to clear ourselves starting from this report so that the public will know that we are their trustees and that we can speak the truth and we can work on this report without ganging up into tribal groups. We should be able to bring back our trust. If we do not, then we would be doomed. I think this Coalition Government has got a lot of work to do. I am not criticizing anybody but I am saying that this Government must try and balance many things in this country.

If you look at this Report, the Minister for Finance and his team from Treasury and the team from the Kenya National Audit Office, out of 16 people, 11 come from one community. That is about 75 per cent representation in a key important Ministry. I do not think it is fair! We better correct some of these things because they create conflict and lack of trust. I have a lot of confidence in the young man who is leading the Treasury. He is my friend and I know he is honest. I think he can continue to help us. So, let us carry out reforms in the police, the judiciary and also this legislature if we have to move well in this country.

Thank you very much.

Mr. Mbadi: Thank you, Madam Temporary Deputy Speaker---

Mr. Waititu: On a point of order, Madam Temporary Deputy Speaker. We have some hon. Members who are members of that Committee. I think it is high time that those hon. Members who are not in that Committee could be given a chance to contribute to the Motion. Otherwise, some of the people who are now rising up like Mr. Mbadi---

The Temporary Deputy Speaker (Prof. Kamar): Hon. Member, hon. Mbadi is not even a Member of that Committee!

Mr. Waititu: Oh! He is not a Member?

The Temporary Deputy Speaker (Prof. Kamar): Yes. Check the list of Members of Departmental Committees!

(Laughter)

Mr. Mbadi: Thank you, Madam Temporary Deputy Speaker. I think because I am an accountant, he assumes that I am in the Committee on Finance, Planning and Trade and the Budget Committee. But I am not!

Madam Temporary Deputy Speaker, thank you for giving me this opportunity to contribute towards the adoption of this Report by the joint Committees. I support the adoption of this Report of the Committee basically because of two reasons. Number one, I am an accountant, and looking at those books, those two Committees virtually did not have enough time to probe and come to the gist of this matter. So, I agree with the recommendation that an independent forensic audit needs to be carried out to really determine whether there was an attempt by the Treasury to defraud the people of this country.

Madam Temporary Deputy Speaker, I want to put it this way. The amount that is being talked about here is over Kshs10 billion. That is a lot of money compared to our total Budget. But I want to mention – and, maybe, this is something that has missed the eyes of--- No one has talked about. Out of the bulk of that Kshs10 billion, Kshs8 billion

is in one line. That is the Ministry of Education under “personal allowance paid as part of salary”.

So, Madam Temporary Deputy Speaker, if you asked me--- I am ruling out completely--- That is because I took a good part of the weekend looking at that Budget book. Whoever wants to buy the idea that it was an error should completely drop that line! There was a consistent variation in the line of “personal allowance paid as part of salary” in most of the Ministries. That can never be a printing error! One can talk of a system error, but not a printing error!

Madam Temporary Deputy Speaker, the Committee has not addressed itself - and this is the part that I felt the Committee fell short – to the extra line that is talked about, which resulted into Kshs4.89 billion. I would have wished to get a clarification. Is it acceptable that, that extra line could be introduced in the Supplementary Budget? That needs to be clarified.

Madam Temporary Deputy Speaker, I heard one of my colleagues saying that we should not carry out an independent audit because it will cost a lot of money. But I want to assure the hon. Member that the integrity of the budget making process is at stake in this country as we speak. To restore the public confidence, we need a forensic audit to determine that nothing was done deliberately. I want to propose that if you want to engage independent forensic auditors--- They are very few in this country. I want to ask the Controller and Auditor-General, when he or she is appointing a forensic auditor, for heavens sake, let he or she not think about KPMG! That is because KPMG, as a firm, has really failed many Government departments in this country. We have two other reputed audit firms – PriceWaterHouseCoopers and Deloitte & Touché. So, Madam Temporary Deputy Speaker, I would recommend that if we have to carry out a forensic audit, let us go with a reliable firm.

Madam Temporary Deputy Speaker, I heard my colleagues talk about politics. Where does politics come in? If I were the Minister for Finance, the moment this issue was raised, I would have, first of all, gone back to the Treasury, consulted and got facts right, before I came to the House to disparage the submissions that were brought to us by an hon. Member. I must thank Mr. Imanyara. We, as a House, stand guilty of this offence of passing a budget with mistakes. At the end of the day, whether those mistakes were genuine or committed by acts of commission or omission, they are still mistakes. We should not pass a budget with mistakes.

I do not know why people are quick at making others believe that we, as leaders of this country, cannot talk about these things. If Kshs10 billion is a lot of money, we must say so. If we are not satisfied with the reasons that we are given, we must say so. If someone is talking of a computer error and you believe it is not, you must say so. Nobody should muzzle us. In fact, we really fought hard for freedom of speech in this country. I do not think it is right to come here and purport to be more Kenyan than other Kenyans. We are all Kenyans.

When I speak, who tells you I am speaking for somebody? I am not speaking for somebody. I am only speaking on behalf of the people who elected me to this Parliament. The Gwasssi people want to know whether the Kshs10 billion was a deliberate attempt to defraud the Kenyan public, including them, of money. Was it a mistake? So when I talk about it in funerals, do not complain about it because I must also talk in funerals. That is

why I am given a chance to talk. When I talk in seminars, I must talk. So, this idea of people saying that others are playing politics, I do not know where it came from.

Personally, I have commented on this issue severally. I have even talked about holding the Deputy Prime Minister and Minister for Finance responsible because the technocrats do not sit in this House. Where will we get them? I do not know who prepared this budget. The person who takes responsibility is the Minister for Finance. He is the one who presented the budget to us. It is not the Permanent Secretary. If there is some weakness in the Treasury, they should fix it there. For us, we hold the Minister responsible. Whether it is a mistake or not, he should have discovered it in advance.

Madam Temporary Deputy Speaker, even though I was making a budget for an organization that was not as big as Kenya, I had to really go through the budget lines, one by one. If I could not do it alone, I would task people to check one by one. I asked them to confirm if the budget was accurate. Suppose Kenya was being financed by donors and they see such mistakes, they would not give you money. The Kenyan public---

Mr. Njuguna: On a point of order, Madam Temporary Deputy Speaker. Due to the interest and enthusiasm generated by this Motion, I would like to suggest that we reduce the time for contribution to five minutes rather than 10 minutes, so that we can have many of us contributing.

The Temporary Deputy Speaker (Prof. Kamar): You are out of order, Mr. Njuguna. That is the discretion of the hon. Members. This is a Motion that is open.

Mr. Mbadi: Madam Temporary Deputy Speaker, I was saying before I was interrupted by my friend that if the Kenyan Government was being financed by a donor, it would completely miss the donor funds. The Kenyan public has also a right to question whether they should continue financing the Kenya Government if such mistakes can appear in the budget estimates.

I want to conclude by telling my colleagues that we should help the Deputy Minister and Minister for Finance. Let us not come here and try to please him. The mistake was committed which is unacceptable. He should take responsibility, apologize to this House and tell us that he presented wrong figures. The mistakes were committed in his Ministry. He will take action and we move on from now. Just sitting there and saying that we are playing politics, is not fair. Politics did not introduce the over Kshs10 billion in the budget. The Kshs10 billion in the budget was introduced by the Treasury.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. I would not want to interrupt my good friend, but he is becoming repetitive. This week the Chair affirmed the need for hon. Members not to be repetitive.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Mbadi, could you move forward.

Mr. Mbadi: Madam Temporary Deputy Speaker, sometimes repetitive may mean emphasis. If you want to emphasize a point you have to repeat it. My good friend, if I wanted you to get it properly, I have to repeat it.

Madam Temporary Deputy Speaker, that notwithstanding, I think I have made my contribution. I am going to support the adoption of this Report, but I still believe that a lot needs to be done to unearth what really happened.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Deputy Prime Minister and Minister for Finance!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, I thank you for giving me this opportunity. I will begin by saying that I also rise to support this Report.

As I do so, I would like to take the opportunity to thank the Members of the Joint Committee for the good work they have done throughout the weekend. I would also like to take the opportunity to thank the Treasury officials, who equally worked overtime to facilitate the conclusion we have arrived at.

Madam Temporary Deputy Speaker, we did have a session with the Joint Committee on Monday. After long deliberations, we agreed that whereas there was a problem with the printed column, that problem did not amount to a fraud or result in any loss of taxpayers' money. That is the situation that was re-confirmed by the Controller and Auditor-General.

On our own initiative, and to ensure that there was no problem, we invited the resident representative of the International Monetary Fund (IMF) to come and go through the system and satisfy himself. In fact, we want them to continue and do an even further in-depth study. Why do I say this? As the Minister in charge of Treasury, I would like to present the Treasury's position that we have no intention of misusing a single cent of the Kenyan taxpayers' money.

Madam Temporary Deputy Speaker, I want to say that, towards this end, the Treasury is ready to work closely with Parliament. At this stage, I would want to say that had we handled this matter a little differently, we would have made a lot of progress in a very short time, and been able to get to the bottom of what the problem was.

Mr. Ogindo mentioned that I reacted angrily at hon. Imanyara. Indeed, I did. I did not react angrily at hon. Imanyara because I was trying to prevent him from exercising his democratic right. I reacted angrily at him because of the inference that a "monstrous fraud" had been committed. In responding to the request for a Ministerial Statement, we responded to a request that indicated that there was massive fraud.

Madam Temporary Deputy Speaker, had Mr. Imanyara pointed out – indeed, he was correct - that there were discrepancies or inconsistencies from day one, instead of chasing "ghosts", we would have been able to get straight into the matter of where the problem was. Why do I say this? I say this because sometimes, maybe, as Parliamentarians, we are our own worst enemies.

We tend to believe that it is a combative way that gets results. However, I would like to encourage this House to believe that we can achieve even greater results for the people of this Republic if we work in partnership. There was no intention whatsoever to hide anything. As we move forward, I would like to encourage Parliament to be more actively engaged in the Budget-making process. After all, that process does not belong to an individual. However, we must do it as partners. As representatives of the people, you have a responsibility to ensure that those monies are spent well and that, indeed, we have equity even in distribution. In order to do that, we must see the Treasury not necessarily as an enemy or a boggy that in every single instance when something happens, it is automatic that there is fraud, scandal, corruption and so on. Yes, there may be, but, please, give us time before making the allegations so that it can be substantiated correctly whether, indeed, a crime has been committed before you hang the innocent.

Madam Temporary Deputy Speaker, courtesy of the confusion, we have treated Kenyans to a media circus. We have been told that Kshs9 billion has gone missing. The

next day, it was said that Kshs10 billion was missing. We were also told that Kshs14 billion was missing. People have been talking about things they do not know. There was serious character assassination without allowing the real work of Parliament to be done. That is why I thank the Joint Committee for the work they have done. They went into the detail and not the propaganda. Working together with the officials, it was very easy to find out where the problem was and, indeed, help us know why the problem occurred in the first instance.

Hon. Members, we have unnecessarily caused loss of Kenyans' time. We could have disbursed this money. Today, I plead with hon. Members that the Treasury is open. If you find a problem, or if, indeed, there is an issue concerning the Treasury, we welcome the use of this House to raise those issues. However, let us do it in a manner that allows us to work together in providing solutions as opposed to acrimony.

Madam Temporary Deputy Speaker, since we have found the problem which we attribute to a computer input error that could either have been caused by a computer bug, human error or malicious intent, I instructed the Permanent Secretary to take immediate action. I instructed him to find out where exactly the problem is, where it originated and who is responsible. I assure this House that once we get to the bottom of this matter, I intend to take serious and immediate action against the culprit.

(Applause)

I would like to reiterate that no money was lost. I would also like to state that I did not mislead this House. This is because according to the Report of the Joint Committee, the Motion that I moved before this House was correct in every way.

So, this House approved a Motion that was correct in every manner and, indeed, the Supplementary Appropriations Bill which, if hon. Members agree today to adopt this Report, we will move as soon as the new books have been printed. We will not need to amend the Supplementary Appropriations Bill because it is equally correct and properly before the House.

Madam Temporary Deputy Speaker, the Treasury does not belong to one community or individual. It belongs to all Kenyans. Indeed, even if I were to sit today and go through the senior officers in the Treasury, they come from different communities.

Hon. Members: It is not true!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): It is true, Madam Temporary Deputy Speaker! Should I name names?

Hon. Members: It is not true!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, indeed, we need to develop a culture where we understand that the Treasury should work for all Kenyans equally. It is not a question of one community or another but it is a question – this is what I would encourage hon. Members to encourage me to do – to ensure that we get the very best Kenyans in the Treasury, which is the heart of the nation. It should not be a question of who comes from where but the very best, capable of protecting the interests and assets of the people of this Republic.

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to tell us that the Treasury will be hiring people based on performance

only when the National Cohesion and Integration Act says that no more than a third shall be of the same tribe?

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Ms. Odhiambo, what you have said is correct but the Minister said that he is encouraging us and not that he is going to hire.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you for that correction, Madam Temporary Deputy Speaker. I said what this House should be encouraging me to do – I think those are my words – is to ensure that we hire the very best that this country has to offer.

In conclusion, I want to once again reiterate that not a single Kenyan shilling has been lost. I would equally want to reiterate that the Motion and the Supplementary Appropriations Bill are also equally correct. Investigations are ongoing to establish what caused the problem. Again, I want to reassure this House that I intend to take serious action against those who may have been involved, either through lapse or intention. Also, we have already moved to ensure that the Budget Department is going to be treated exactly the same way as the Directorate of Economic Affairs and it will become now a sealed area with no further access and completely secure from outside interference. That is something that is already underway.

(Applause)

Lastly and in conclusion, I want to reiterate that, as the Minister in charge of the Treasury, I am ready to work for this House but let it be on the basis of partnership and not untoward confrontation.

(Applause)

Towards that end, we will both be able to serve the best interests of the people of this country and ensure that we achieve our developmental agenda as envisioned in our Vision 2030 of a middle income economy by 2030, with a 10 per cent growth rate within five years.

Thank you!

Mr. Mungatana: On a point of order, Madam Temporary Deputy Speaker. I listened to the Minister very carefully and he has failed to give an apology to Kenyans. At least on the minimum, it is important for him to say, "There is a mistake, I am sorry and we are going to correct it". He has not done that. Is he in order?

The Minister for Nairobi Metropolitan Development (Mr. Githae): On a point of order, Madam Temporary Deputy Speaker. I rise under Standing Order No.86 (1). I have been here since this debate started and every Member who has stood up to speak has supported the Motion. Nobody has had a contrary view. Could the mover be called upon to reply so that we can adopt the Report?

(Applause)

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

Mr. Okemo: Madam Temporary Deputy Speaker, I am tempted to say, "move" but I think there are issues that were raised and I was asked to respond to. Because of lack of time and people look tired, I will invite those Members who do not understand---

The Assistant Minister for Trade (Mr. Omingo): On a point of order, Madam Temporary Deputy Speaker. I think the hon. Member on the Floor is out of order. Hon. Members do not get "tired"!

The Temporary Deputy Speaker (Prof. Kamar): Yes. Mr. Chris Okemo, we also have business tomorrow. Therefore, hon. Members are not tired and are ready to continue with this Motion tomorrow, unless you close it.

Mr. Okemo: Madam Temporary Deputy Speaker, since Members of Parliament do not get tired and they also do not get exhausted, but they still want the mover to hasten the reply, I beg to move.

(Laughter)

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kamar): Next Order!

ADOPTION OF REPORT ON FOOD SECURITY/
MAIZE SHORTAGE IN THE COUNTRY

Mr. Mututho: Madam Temporary Deputy Speaker, I beg to move: -

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Lands and Natural Resources on Food Security and Maize Shortage in the country laid on the Table of the House on Thursday 30th April, 2009.

Madam Temporary Deputy Speaker, in moving this Motion, I am fully conscious that tonight, over ten million Kenyans, including those living in this City, will sleep hungry. About 3.2 million people will not have dinner tonight. This includes another two million people in the rural areas, who are not covered under the Emergency Operation Programme (EMOP). Another three million people in urban and pre-urban areas including Kibera and other slums around this city, as well as 1.5 million school-going children whose parents are jobless, will also sleep hungry as a result of the maize scam. A total of 150,000 Internally Displaced Persons (IDPs) are almost permanently dependant on well-wishers and the Government.

I will begin with the story of maize, so that hon. Members can walk with me at the same pace. As early as 2007 and as late as May, 2008, Kenya was food sufficient. We received, in the Committee, information to the effect that in 2007, despite our problems, farmers did us proud and we had 3.7 billion bags of maize. The Permanent Secretary, Ministry of Agriculture, confirmed this position. But in February, when Members of this Committee were reviewing the effects of the post-election violence, we had 23 million

bags of maize. The Permanent Secretary added that, that food was enough to take us through to September. But in May, it was declared that there was no sufficient food in this country.

Hon. William Ruto was appointed on 30th April, 2008 as Minister for Agriculture and by May, the Cabinet stripped his portfolio in parts in terms of authority to deal with the issue of famine. An Ad hoc Committee of the Cabinet was formed and from there henceforth it took over that issue. I will be tabling several communications and minutes to that affect later on. Our feeling at the Committee level is that if that ad hoc Committee bought maize at the right price then this country would have imported 5.1 million bags of maize. Had that happened, then there would be no famine because that stock of maize would have taken us through to December.

The authority given by the Treasury *vis-a-vis* what was imported defers remarkably with well over 20,000 tonnes. Part of that consignment is what hon. Members were debating this morning. I will be laying on the Table several reports describing the consignment and what went on with it. However, in observing time, and noting that I still have over 50 minutes to go but this sitting might be ending in the next five minutes, I must say that we received evidence that 90 per cent of the food imported was Genetically Modified Organisms (GMOs). I will be defining GMO and laying on the Table over 20 authorities to show how useful or harmful the GMOs are. Most importantly, I will be asking the Government and specifically the Prime Minister, who is the Chair to the *ad hoc* committee, why in a contract that is strictly against non-GMO products, they allowed GMOs to come in and at very exorbitant prices.

Madam Temporary Deputy Speaker, we will be laying on the Table Reports from the Food and Agricultural Organization (FAO), which will show clearly that at no time was maize over US\$400 per metric tonnes anywhere in the world. We will further be laying on the Table documents to show that some civil servants - I want to thank those civil servants who stood firm - were thoroughly intimidated into accepting substandard goods, notably KEBS. We will be seeking that some of these civil servants, particularly the Chief Executive Officer of KEPHIS be protected as a witness. He is working under a Permanent Secretary who wrote a letter, which went against KEBS standards and ordered that they do 14.5 per cent moisture. Imports are regulated by standards, which are set, and we will be laying on the Table those standards. Obviously, he could have used other authorities but at that moment in time, it will be up to the House to decide which standards we should use; either those from Kamalajul or the ones from London or ours, which are from KEBS.

This is a very sad moment for Kenyans. It is not an accident that we have famine today. This is a design by individuals, and I hope that hon. Members will refrain from personalizing this issue as we deal with more serious issues of policy such as the creation of Strategic Grain Reserves (SGR) stores and creating a second and third grain bulk handling facility and restructuring all the Ministries which are involved with food matters so that at the end of the day, Kenyans are guaranteed of having some food on their table.

Madam Temporary Deputy Speaker, I will seek your indulgence so that when I present this document, hon. Members will have enough time to look thorough it and make the necessary interrogations. Food shortage in Kenya and famine for that matter is man-made. Kenyans are watching us. We are being recorded. Those 6,053 metric tones of maize may not be in the state that the House is being told here. That maize was

condemned by KEBS and KEPHIS and even where two organizations differ, those people who are lawyers know that you go by the people who are condemning. So, as long as there is an agency that is not comfortable, and in view of the risk and the potential danger in people consuming this consignment, it is obvious that that maize should be destroyed. I do not believe that the maize which is now in the store, which we shall be re-inspecting in the consignment--- We have the samples of the original maize. We will be participating in that exercise as per our recommendations.

I will continue to move the Motion next time.

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now time for the interruption of business. The House, is, therefore, adjourned until tomorrow Thursday, 14th May, 2009 at 2.30 p.m.

The House rose at 6.30 p.m.