

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2nd July, 2008

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### PROVISION OF BASIC NEEDS TO IDPS IN TURKANA DISTRICT

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

(a) Is the Minister aware that about 15,000 Internally Displaced Persons (IDPs) in the larger Turkana District area have no shelters, medical facilities or water and are on the verge of starvation?

(b) Is the Minister further aware that the secondary school children among the IDPs are not attending school for lack of fees or failure to be admitted to secondary schools in Turkana?

(c) What immediate steps will the Minister take to feed, educate, provide water and health services on humanitarian grounds to these IDPs?

(d) What plans does the Government have to resettle the IDPs in camps and those outside the camps?

**Mr. Deputy Speaker:** Minister of State for Special Programmes not here? We will go to the next Question by hon. Namwamba!

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Where is the answer to my Question?

**Mr. Deputy Speaker:** Order! Your Question will be answered, if the Minister comes while the Question by hon. Namwamba is being answered.

**Mr. Ethuro:** Thank you, Mr. Deputy Speaker, Sir. That is all I needed to know.

#### IRREGULAR DEPORTATION ORDER AGAINST NIGERIAN NATIONAL: MR. A.O. AFEDIGBO

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice.

(a) Could the Minister confirm that a deportation order was issued against a Nigerian national, Mr. Arthur Obima Efedigbo, and explain the reasons for the action?

(b) Is the Minister aware that following the deportation order, a potentially damaging diplomatic row now threatens to erupt between Kenya and the Federal Republic of Nigeria?

(c) What measures is the Government taking to have this matter resolved amicably to guarantee the rights of Mr. Efedigbo and protect the good relations between Kenya and Nigeria?

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. I am aware that before the Question found its way on the Order Paper, the due process was observed. But in view of the fact that the handling of this Question is deliberately meant to interrogate the conduct in private life of a former Member of Parliament, who served this country for ten years, I would like to beg that this matter be shelved and the hon. Member sorts it out amicably on a floor other than the Floor of the National Assembly?

**Mr. Deputy Speaker:** Order! You are out of order, Dr. Khalwale! Where is the Minister of State for Immigration and Registration of Persons? Proceed, and answer the Question.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Namwamba to raise this Question according to our Standing Orders? This is a matter that might be dealing with an issue of political interest. That is a matter of---

**Mr. Deputy Speaker:** Order! You are now out of order, Mr. Ethuro! Hon. Minister, answer the Question!

**Mr. Kombo:** Mr. Deputy Speaker, Sir, hon. Namwamba has not declared his interest in this Question. So, could he declare his interest before the Question is answered?

**Mr. Deputy Speaker:** Order! That is upon the Chair. If, in the course of answering the Question, the issue of the interest of hon. Namwamba is going to surface and he has not declared it, the Chair will deal with that at the appropriate moment. Under the circumstances, this is a Question for the Minister of State for Immigration and Registration of Persons.

Hon. Minister, proceed and answer the Question, please!

**The Assistant Minister, Ministry of State for Immigration and Registration of Persons** (Mr. Baya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I confirm that Mr. Anthony Chinedu Efedigbo is a subject of deportation orders issued on the 19th day of June, 2007, by the then Minister of State for Immigration and Registration of Persons on the recommendations of our security organs.

(b) I am not aware that following the deportation orders a damaging diplomatic row threatens to erupt between Kenya and the Federal Republic of Nigeria. Kenya enjoys cordial relations with the Federal Republic of Nigeria.

(c) Mr. Anthony Chinedu has filed a Miscellaneous Civil Application Case No.353/2008 against the Minister and the Attorney-General in the High Court of Kenya and the matter is due for an inter-parties hearing. I shall abide by the decision of our honourable courts.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, the Assistant Minister's answer is conveniently scanty. First, I would like him to explain to the House what these specific recommendations by the security organs are.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. We have just heard from the Assistant Minister that this matter is in court. Is it in order for this House to discuss a matter which is in court?

**Mr. Deputy Speaker:** You have raised a very valid point of order. The matter is in court. The matter is then *sub-judice*. It cannot be debated on the Floor of the House.

*(Question dropped)*

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

**Mr. Deputy Speaker:** You are out of order, hon. Namwamba! We have gone to the next Question by Mr. Ethuro!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

(a) Is the Minister aware that about 15,000 Internally Displaced Persons (IDPs) in the larger Turkana District area have no shelters, medical facilities or water and are on the verge of starvation?

(b) Is the Minister further aware that the secondary school children among the IDPs are not attending school for lack of fees or failure to be admitted to secondary schools in Turkana?

(c) What immediate steps will the Minister take to feed, educate, provide water and health services on humanitarian grounds to these IDPs?

(d) What plans does the Government have to resettle the IDPs in camps and those outside the camps?

**Mr. Deputy Speaker:** The Minister of State for Special Programmes not here? We will now go to Ordinary Questions.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that the Minister is absent, this Tenth Parliament has established a good tradition where the Leader of Government Business has been stepping in when Ministers are away. Would I be in order to request, through the Chair, that the Leader of Government Business answers this Question to save the situation? We are talking about IDPs who are on the verge of starvation.

**Mr. Deputy Speaker:** The Leader of Government Business, there is a Question here for the Minister of State for Special Programmes!

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, as you were talking, the Assistant Minister, hon. Ali, has just walked in. I am sure he is prepared to deal with this Question.

**Mr. Deputy Speaker:** Hon. Assistant Minister, please, deal with Question No.1 by Private Notice and in future, be on time for your Questions!

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Deputy Speaker, Sir, I apologise to the House for coming late. It was actually not of my making.

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

(a) The Minister is aware of one IDP camp situated at Kanam Kamele with approximately 1,800 persons. In Turkana South, there are a number of IDP camps with approximately 977 households. All persons access basic services, including health services, at Lodwar, Lokichar Health Centre, Kainuk and Lokoli dispensaries. As far as starvation is concerned, we are not aware of anybody going without food. In May alone, we have distributed 9,000 bags of maize of 90 kilogrammes each and 550 bags of beans to Turkana North. We have also distributed an equal number of bags to Turkana Central and Turkana South. We have also distributed 6 by 3-litre cartons of vegetable oils, 250 each to Turkana North, South and Central.

(b) As far as education of the IDPs' children is concerned, there are no children across the country who are not able to access education. All secondary schools have been instructed to admit all the internally displaced children. In places where children are overcrowded like in Naivasha and Nakuru, we have put up centres for learning to accommodate such over-populated cases.

(c) The Government will continue with its efforts to continually feed all IDPs across the country. Indeed, in areas where food is needed, we shall step up our efforts to ensure that our people are fed and nobody goes hungry in the country.

(d) The Government will resettle all IDPs to their original homes, whether integrated or living in camps. The profiling exercise which is on going will also assist in addressing the specific needs of all the IDPs in order to address their immediate, medium and long-term needs, so that everybody is resettled back in their homes.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I do not know what to say. It is a sad day when an Assistant Minister comes to this House to speak of things he does not understand. He has talked of

one camp. Turkana has two camps. He has talked about the distribution of food in Turkana North. There are no IDPs in Turkana North. Under those circumstances, I find it extremely difficult even to ask more supplementary questions.

First and foremost, I do not even have the written answer. However, I may need to inform the Assistant Minister instead of him informing the hon. Members. The 9,000 bags of maize of 90 kilogrammes each that he has talked about is general ration that the Government issues for the general population that is famished. What specific food and through which agencies is the Government distributing it to the IDPs in Lodwar, Lokichar and Lokoli? There are 15,000 IDPs. The Assistant Minister has quoted households, but I am talking about persons. There are 12 secondary schools children who should be in school---

*(Mr. M.M. Ali stood up in his place)*

Why is he rushing to the supplementary questions when he has not understood the Question? I am trying to explain it.

**Mr. Deputy Speaker:** Proceed, Mr. Ethuro! Ask your question!

**Mr. Ethuro:** Thank you, Mr. Deputy Speaker, Sir. You understand the problems of these people!

The IDPs in Turkana are not homegrown. They are the Turkanas who were in Kitale, Uasin Gishu, Kericho and Kisumu, who ran away because of the post-election violence. They have been squatters on those farms and they cannot even go back. How much food will the Government send, as a matter of urgency, to these people? These people have been relying on donations from sensible organisations, individuals, the Catholic Diocese of Lodwar and other churches. How much food, through the Kenya Red Cross, are they going to give to these IDPs? Unless he is confirming that IDPs in Turkana are part of the traditional marginalisation of pastoralists in this Republic!

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, it, indeed, saddens me when an hon. Member says that he does not know what we are talking about. I am in charge of that Ministry. For your information, I know what I am talking about. What I am telling you is the truth and nothing but the truth. That is for your information.

*(Laughter)*

As far as your Question with regard to what amount of food we will send is concerned, we have a programme being run all over the country for all the IDPs. Food is of necessity because of the drought that has prevailed in the country. I have just enumerated the amount of food we have already given for the month of May alone. That process is still going on.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I will not wait for this country to be fed with information that is misleading and false. I sit in the District Steering Committee meetings on a monthly basis, where the issue of IDPs is being discussed and there is no provision from the Government. We, as Members of this House, have even contributed our own money to the IDPs programme. Why is Turkana not included in that programme? The Assistant Minister cannot claim to know better than me and yet he does not come from Lodwar.

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, I want to answer the hon. Member by saying that we are, indeed, aware of some cases where people have not been registered as IDPs and yet they are IDPs in certain places. For your information, profiling exercise is still going on. It is still not complete. Food is sent to the District Commissioners alongside the rest of the items. It is the District Steering Group, which the hon. Member is a member, that is supposed to assess which areas need more and which IDPs have not been catered for. Since they are on the ground and they have these details, they will be able to assess the situation and send food as required. The task of

our Ministry is to ensure that the food that we have in stores is equitably distributed across the country. The Committee that the hon. Member sits on is tasked with the responsibility of distributing fairly according to individual needs in the district.

**Mr. Bahari:** Thank you, Mr. Deputy Speaker, Sir. This is a very sensitive matter. It is about food and about the stomach. That is quite sensitive. In view of the contradiction between the Minister and Mr. Ethuro, I would like the Assistant Minister to clarify how much normal relief food has been given to Turkana and how much has gone to the IDPs.

**Mr. Deputy Speaker:** Hon. Assistant Minister, the IDPs in question are the ones we have in the country now. We are not talking about the ones who are as a result of drought and other problems in the arid and semi-arid lands in the country. What provisions do you have for the IDPs who were displaced from the places the hon. Member is talking about?

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, as I had earlier said, the case of Turkana is among others which we are still profiling. The District Commissioner is supposed to give us documented numbers to confirm the scanty information we already have. As I had said earlier, the food---

**Mr. C.M. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not even addressing the entire question. Part "C" of the Question states as follows:-

"What immediate steps will the Minister take to feed, educate, provide water and health services on humanitarian grounds to these IDPs?"

Could he tell us what they are doing about the education of our children? This is the sixth month since schools opened. Feeding them alone is not enough! Our children require education. So, if the Assistant Minister is not able to answer that, then the Question should be referred to the Minister for Education.

*(Applause)*

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, I think I answered that Question earlier. I addressed the educational needs of our children across the country. We have managed to put up schools in places like Naivasha and Nakuru to cater for IDP children where their population does not allow them to go to other schools. However, in cases such as Lodwar, instructions have been given to all the school heads across the country to admit all children so that none of our children will lack education.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, whereas we know that the majority of the IDPs in this country arose as a result of the post election violence, we do understand that there were displaced persons in this country prior to the election. This happens every other day when there are tribal clashes in pastoral areas. I would like to seek clarification from the Assistant Minister whether one only qualifies to be a displaced person in Kenya if the displacement happens as a result of post election violence or if the people displaced on daily basis in pastoral areas are also classified as IDPs and what he is doing about it.

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, one is not only classified as an IDP as a result of post election violence. If, indeed, you are displaced, for whatever reason, then as I said, one becomes an IDP. The profiling exercise is still going on. The DCs have been instructed to furnish our offices with adequate information so that all Kenyans are treated equally, decently, and resettled.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, the Assistant Minister answering this Question should be aware of our circumstances. However, there is something that confuses our minds when we sit on the other side. Not a single part of this Question has been answered. I am asking about food, secondary school going children who are not going to school and about the measures that have been put in place to resettle them, yet he is talking about the Government intention to resettle IDPs in Naivasha. This was a specific Question. He is telling us about instructions that were given

to the DC. This Question should confirm the implementation of those instructions.

In view of the failure by the Assistant Minister to answer this Question, I would like to seek the indulgence of the Chair because the Chair seems to understand the Question better than the Minister. This Question should be deferred until the substantive Minister comes and relieves the burden from the Assistant Minister.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister! The Chair is of the opinion that you have not addressed yourself to the specifics of the Question. You have dwelt on generalities. There are specific issues here! The Chair's ruling is that you go back to your Ministry and come back with answers addressing the Question.

Next Question, Mr. Mbau!

## ORAL ANSWERS TO QUESTIONS

### *Question No.068*

#### MEASURES TO BOOST SECURITY AROUND MURANG'A TTC

**Mr. Kioni**, on behalf of **Mr. Mbau**, asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware of the recent surge of insecurity and use of firearms in the vicinity of Murang'a Teachers College that has separately caused one death and left several people critically injured; and,

(b) when the Government will set up a police post to ensure security is restored in the area.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of two incidents that have taken place within the vicinity of Murang'a Teachers Training College, where firearms were used against the victims. One was on 17th April, 2008 and the other was on 22nd April, 2008. However, the two incidents do not constitute what one would term as absurd.

(b) There are no immediate plans of putting up a police post since the area is adequately covered by Makuyu Police Station, which is about three kilometres away. The police have intensified patrols in the affected area to prevent any further attacks.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for the answer that he has given to this Question, it is also important for him to say what kind of deployment we have within the police station that he has said is three kilometres away from the area affected by insecurity.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, Makuyu Police Station is serving this area and I added a patrol vehicle, with four more police officers to patrol the area. If the hon. Member wants, I can supplement the Administration Police officers to cater for any kind of upsurge.

**Mr. Magerer:** Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister whether it is of profound importance to build stations, or to increase the number of police officers to provide sufficient security.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, we had agreed that it is important for us [**Mr. Ojode**] to increase the number of recruits, in order for us to deal with criminal activities, which are everywhere.

It is important for this House to support us in order to recruit more officers, so that we can deal with criminal activities once and for all, and so that crime could be a thing of the past.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, we have voted money for police vehicles in this House before, but in most of the police stations, the vehicles are neither serviceable nor are they available for use for security purposes due to lack of fuel.

What steps will the Assistant Minister take to ensure that vehicles are available for use, serviceable and properly fuelled, so that whatever investment this country has made can be useful?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you will agree with me that when we start to discuss the Votes of various Ministries, I have factored in an equivalent of Kshs200 million for purchase of new vehicles. Those areas which do not have vehicles will benefit from that kitty.

**An hon. Member:** Mr. Deputy Speaker, Sir, knowing that there is almost a permanent roadblock near that college, could it be moved far down near the Murang'a Teachers Training College, so that it is not near the market?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you will agree with me that, that is a completely different Question from what I was being asked; if the hon. Member wants to bring that Question, I will be very happy to reply accordingly.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I want to thank this Assistant Minister. This is the second time that he is providing additional patrol vehicles.

Could he make it a policy that each police station in the country will have a patrol police vehicle, especially in Lodwar where we do not even have one for the Officer Commanding Police Division (OCPD)? Let him just do undertake a blanket issue of vehicles to all police stations.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, patrol vehicles are given where criminal activities are rampant. If in any event he knows any place which he thinks needs an extra patrol vehicle, I will look into the matter.

**Mr. Deputy Speaker:** The last question, Mr. Kioni!

**Mr. Kioni:** Mr. Deputy Speaker, Sir, on behalf of Mr. Mbau, I am satisfied with the response.

**Mr. Deputy Speaker:** Next Question by Ms. Abdalla! Ms. Abdalla is out of the country; so, her Question will be deferred to an appropriate day.

*Question No.028*

IMPLEMENTATION OF SESSIONAL PAPER  
NO.1 OF 2006 ON GENDER  
EQUALITY AND DEVELOPMENT

*(Question deferred)*

*Question No.078*

MEASURES TO ASSIST IDPS IN RARIEDA

**Eng. Gumbo** asked the Minister of State for Special Programmes:-

(a) whether she is aware that, aside from those living in known or designated camps, there are thousands of other persons displaced by the recent post-election violence, especially in Nyanza and Western Provinces, around 1,500 of whom are registered with Rarieda District Commissioner; and,

(b) what urgent measures she has put in place to ensure that these Internally Displaced Persons (IDPs) are assisted to resume their previous normal lives.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that aside from those living in known or designated camps, there are thousands of other persons displaced by the recent post-election violence, especially in Nyanza and Western Provinces, around 1,500, of whom are registered with the Rarieda District Commissioner (DC).

(b) As far as the measures taken by the Ministry are concerned, we have initiated counselling services to the affected persons, we have also provided transport to those returning to their homes; we have also provided starter funds for household necessities, and we are in the process of providing more transitional kits for those whose houses were completely destroyed. We are embarking on the rehabilitation of repairable houses and public amenities such as schools, social halls and health facilities so that they embark on their normal lives.

**Eng. Gumbo:** Mr. Deputy Speaker, Sir, once again the Assistant Minister's response is not only unsatisfactory but does not address the issues raised. For example, I do not understand how they are providing counselling services to people who are living in villages in Rarieda, or how transport to their villages is helping them to resume their normal lives. Part two of the Question is very clear. What is the Ministry doing to help these people resume their normal lives?

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, I suppose that my colleague, Eng. Gumbo, while I was answering part (b)--- First, I have said that we are counselling those people, because of the flare-up we had, so that people can live in harmony.

Secondly, I have said that we are providing them with starter funds, so that they can start their normal businesses in a small-scale. I have also said that we are giving them free transport, so that they can go back and settle in their original homes. I thought that when I talk about transport, funds, providing homes for those whose homes were burnt down and rehabilitating destroyed schools was a specific answer.

**Eng. Gumbo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that they are providing starter funds for IDPs who are not in the designated camps, when I know that of the 1,500 IDPs in Rarieda, not a single one of them has received a cent to start a business?

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, in this exercise, I think we have to be honest with each other. This exercise is enormous. We have had a big problem in trying to resettle Internally Displaced Persons (IDPs) across the country. This process has got to be supported by hon. Members. The Government has tried to resettle the IDPs across the country. I have just said that where we have not got the specific information, the District Commissioners (DCs) have been instructed to give us that information. We want to see this process completed and those Kenyans resettled peacefully.

As far as what specific measures we have put in place is concerned, once the profiling exercise is complete and the number is known in every locality, then the Government will undertake the same exercise of transporting them, supply them food and rebuild their houses which were burnt down.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, the issue of IDPs is a matter which is of grave concern. As we know, there are some people who were settled in areas where they were just working on farms for others. There are others who had settled there, because they owned property there. Now, I would like to get assurance from the Assistant Minister on whether there is any action they are taking to ensure that those IDPs who had settled in places as workers on farms and were displaced because of the clashes which were there, who do not want to move back there, that they also putting in place measures to ensure that these people are settled where they want to settle. They should not necessarily be forced to go where they do not want to live.

Mr. Deputy Speaker, Sir, I have got a case in mind. The Constituencies Development Fund (CDF) manager that I had in Vihiga last year could not go back. He requested to be transferred



because his life was not secure.

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

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I want an assurance that the Ministry will not force people to settle where they do not want to settle. Some of them, were just workers who did not own property where they were living before.

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, I want to reassure the hon. Member that, indeed, the Government will not force anybody to settle where he or she does not want. So far, we have already resettled 200,000 IDPs. We did not force them. They were given a chance to choose where they want to go. That exercise has been carried out successfully. They have already settled in places of their choice. There is no single case as at now where anybody has been forced to settle where he does not want to. I want to reiterate that people will be resettled peacefully in places of their choice.

**Eng. Gumbo:** Mr. Deputy Speaker, Sir, I feel a bit sad when the Assistant Minister says that their priority at the moment is to do a profile of all the IDPs. In the first part of the Question, he has admitted that he is aware that there are 1,500 IDPs in Rarieda. Which is the priority here? Is it to profile that which is known or to provide for the critical needs of people who are known to be suffering?

**Mr. Deputy Speaker:** Mr. Assistant Minister, part "b" of the Question is very specific. It asks: What urgent measures has the Minister put in place to ensure that these IDPs are assisted to resume their previous normal lives? The hon. Member is talking about the IDPs of Rarieda. Your answer here dwells on generalities; the policy and all these things. You have to be specific on this Question.

**Mr. M.M. Ali:** Mr. Deputy Speaker, Sir, I think I have said again and I will repeat to the hon. Member that this exercise of resettling the IDPs is a matter which has to be handled with care. Where we do not have specific information, we cannot just go and say: "Simply because so-and-so has detected that there are IDPs, we should go and resettle them."

As far as the hon. Member's case is concerned, I said that my officers are going with the profiling exercise. Once adequate information is given, we shall continue doing what we are doing with the rest of the IDPs who are already registered. So, we shall be able to do that immediately we get adequate information.

**Mr. Deputy Speaker:** Next Question by hon. Were!

*Question No.101*

PROVISION OF WATER TO  
MATUNGU CONSTITUENCY

**Mr. Were** asked the Minister for Water and Irrigation:-

(a) whether he is aware that Matungu Constituency does not have any water project initiated by the Government; and,

(b) whether he could give assurance that at least one project will be started during the 2008/2009 Financial Year.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that my Ministry has initiated 225 water point sources and boreholes from 1980 to mid 1993 and upgraded two boreholes. That is, C7865, Khalaba Primary School and C8385, Matungu Primary School since 2001, to piped pumping water schemes which are operational and are currently serving a total of over 56,000 and 2,000 people, respectively.

(b) The Ministry has allocated Kshs3.9 million in the current Financial Year for the

construction of the proposed Matunga Rural Water Project, which will serve Matunga Trading Centre, divisional headquarters and the surrounding areas. The development of the borehole, construction of the 24 cubic metre elevated water storage tank, purchasing and installing submissible pumps and purchasing and installation of water metres. In addition, my Ministry has factored in the Budget for the Financial Year 2008/2009, Kshs2,495,000 for the extension and distribution lines for the on-going Matunga Rural Water Project. This distribution line, once complete, will serve an additional population of over 4,000 people.

**Mr. Were:** Mr. Deputy Speaker, Sir, it is unfortunate that I do not have access to the answer that the Assistant Minister has just read. But all said and done, it is "Matungu" and not "Matunga", because there could be a confusion. It is Matungu Water Supply.

Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that Kshs3.9 million has been set aside to undertake a water project for the constituency. What is the total value of the water project that you are intending to put up? What is the duration that it will take to complete?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the duration will depend on the tendering system, but the money should be spent within this Budget year. Secondly, we always look at the target of people that we want to provide water to. Once that line is complete, it will serve 4,000 people.

**Mr. Deputy Speaker:** Next Question, Mr. Chanzu!

*Question No.126*

FINANCING/CONSTRUCTION  
OF MBAGATHI WAY

**Mr. Chanzu** asked the Minister for Roads:-

- (a) whether he could confirm that Mbagathi Way in Nairobi was co-financed by the Government of Kenya and various cement manufacturing companies; and,
- (b) whether he could confirm the total cost to date, indicating the respective contribution of each of the parties.

**The Assistant Minister for Roads (Dr. Machage):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I confirm that the project was funded by the Government of Kenya in partnership with the East African Cement Producer Association.

(b) The total construction cost to date is Kshs483,199,472,000.57 with the amount certified to be paid by the Government of Kenya being Kshs451,408,582,000.95 and by the Cement Manufacturers being Kshs31,790,889,000.62.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, you can see the kind of confusion that we go through. The figure of Kshs483 billion which the Assistant Minister has read to us is actually the Budget for the whole country. You can see the kind of answers the Government gives us in this House. That is why we are saying that the Leader of Government Business must take the lead in this matter. We said that this morning.

Mr. Deputy Speaker, Sir, that notwithstanding, I would like the Assistant Minister to tell us the purpose of that joint venture. Given the figures read by the Assistant Minister, let us say that the Government put in Kshs451 billion and the cement company put in Kshs31 billion. That is skewed! What was the purpose of the joint venture?

**Dr. Machage:** Mr. Deputy Speaker, Sir, the amount is in millions and not billions. The hon. Member stands corrected.

**An hon. Member:** It is you, not him!

**Dr. Machage:** Mr. Deputy Speaker, Sir, when we look at---

**Mr. Chanzu:** On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister is

correcting what he just read to us, then he should apologise to this House and say that he is the one to be corrected. It is not me to be corrected.

**Dr. Machage:** Mr. Deputy Speaker, Sir, I stand to be corrected. The cost of building a bitumenized road currently is about Kshs60 million per kilometre in Kenya. The road will have a lifespan of about 20 years. The cost of building a cement road is about Kshs74 million per kilometre. The road will have a lifespan of about 50 years. By just increasing a quarter of the cost, we more than nearly triple the lifespan of a road. That is the rationale. The purpose of constructing this six-kilometre road was actually to see how much we could use, in Kenya currency to produce such a quality road that will give us that lifespan.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, the Assistant Minister has told us that it costs between Kshs60 million and Kshs70 million to construct one kilometre of road from a low quality road to a high quality road. According to his answer, this road being 26 kilometres both ways adds up to a calculation of Kshs80 million per kilometre. Could he tell us who pocketed the difference of Kshs10 million per kilometre which adds up to Kshs60 million for the whole road?

**Dr. Machage:** Mr. Deputy Speaker, Sir, I talked of about Kshs70 million per kilometre. Actually by simple calculation to base ten, if you divide Kshs440 million or a figure there about by six, you will get the figure I have just given you. Nobody ever pocketed any money because there was none to pocket.

**Dr. Eseli:** Mr. Deputy Speaker, Sir, this road has been under construction for a very long time and even as of now when you pass there, the construction appears to be still on-going. When will this road be completed and what will be final cost on completion?

**Dr. Machage:** Mr. Deputy Speaker, Sir, the construction is within the time limit that my Ministry gave. Indeed, 80 percent of the works are complete, except for a few things like placement of the curbs, guard rails, a traffic island at Kenyatta Market, road furniture and road markings. I have given them ten months, that is, to July, 2009. I believe they should be able to finish this within the time that was allocated.

**Mr. Deputy Speaker:** Last question, Mr. Chanzu!

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, all the answers that the Assistant Minister has given are very miserable. This is a public road and its construction started more than three years ago. If a six-kilometre road can take more than three years to be constructed, how long shall we take to do all the roads in this country?

**Dr. Machage:** Mr. Deputy Speaker, Sir, indeed, those are some of the questions we intend to answer by doing this project. How long will it take to build this kind of road in our country? Now we know that it will take about three years to build a six-kilometre road.

*(Loud consultations)*

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

**Mr. Deputy Speaker:** What is your point of order?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I think roads are not only built in this country. Roads are built all over the world whether they are made of cement, bricks, walls, or trees. Is it in order for the Assistant Minister to tell this House that he has been experimenting in our country how long it can take to build a cement road? He is not in order!

**Mr. Deputy Speaker:** Correct! Next Question, Mr. Maina!

*Question No.131*

UPGRADING OF KANDARA HEALTH CENTRE

**Mr. M. Kamau** asked the Minister for Medical Services:-

(a) whether he is aware that Murang'a South District does not have a district hospital or a sub-district hospital, and that residents have to travel to Thika District Hospital for medical services; and,

(b) what plans he has to upgrade Kandara Health Centre to a sub-district hospital, to ease the pressure on Thika District Hospital which is over-stretched by the high population in the industrial Thika region.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to answer.

(a) Murang'a South District has a district hospital called Maragua District Hospital gazetted as such, vide Gazette Notice No.6767 of 2nd July, 1999. However, I am aware that the District does not have a sub-district hospital and that some patients requiring specialised treatment are referred to Thika District Hospital which is the nearest referral hospital.

(b) My Ministry has no immediate plans to upgrade Kandara Health Centre to a sub-district hospital. This is because it serves an immediate catchment population of 23,451 which is well within the service population ceiling of 30,000 people that a level three facility is supposed to serve as per the infrastructure norms of the Ministry of Medical Services.

A sub-district hospital is appropriate for a catchment population of between 30,000 and 100,000 people. As regards, Thika District Hospital, it is categorised as a level five facility gazetted as such on 30th November, 2007.

Mr. Deputy Speaker, Sir, under this categorisation, the facility is supposed to serve a catchment population of up to 100,000 people which has not been exceeded. My Ministry's plans are actually to enhance the capacity of this facility to offer specialist services to the region.

**Mr. M. Kamau:** Mr. Deputy Speaker, Sir, I am happy that the Minister has answered the Question, but that is not properly done. What he is calling a district hospital does not have the basics, because it is just like a health centre or dispensary. People have to go to Thika for things like X-Rays, which is far.

Secondly, I do not know where he got these figures of 23,451 as the population of Kandara. That is quite misleading, because that area has a population of over 45,000 people. So, we should have a sub-district hospital in Kandara.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the hon. Member is right in saying that Maragwa District Hospital may not have all the facilities that should be present in a district hospital. In that regard, we are currently taking an audit of all facilities at various levels to ensure that each level hospital has the requisite facilities in terms of equipment and human resources. We shall make sure that in Maragwa District Hospital, if there are certain resource gaps, both in terms of equipment and human resources, they will be bridged.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, the only variable that the Minister considers when setting up a district hospital is the catchment population of that vicinity. Is that the only variable to be considered when setting up a sub-district hospital in this country?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, it is important that hon. Members realise that hospitals deal with human beings. So, the variable must be based on human beings. We cannot use any other variable except for human beings who go to that hospital. That notwithstanding, we can also take into account the geographical features in an area, so that if a district is too big and people cannot travel to a specific level hospital, then that can be taken into consideration.

**Mr. Mbau:** Mr. Deputy Speaker, Sir, I wish to bring to the attention of the Minister that two years ago, I raised the matter of Maragwa District Hospital, which up to now does not have wards, yet this is supposed to be the district hospital. Since then, I have been promised, and the

Minister may wish to refer to the HANSARD or to his predecessor, that some sufficient budget would be provided to put up wards to ensure that there is one for children, men and women.

As we talk now, the only semblance of a ward is shared by all the patients who get admitted. Indeed, this hospital does not have a theatre, a mortuary or X-Ray rooms. Could the Minister be kind enough to prioritise this district hospital in view of the fact that I have been asking about the same for many years? The Minister should tell us when, indeed, we can catch up with other hospitals.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I will not only prioritise to ensure that this hospital has the requisite facilities in terms of human resources and equipment, but I will arrange with the hon. Member that I visit the hospital myself so that I do not just depend on sheets of paper that are being presented to me. This morning, I toured health facilities in Nairobi, and what the hon. Member is saying is quite true. We have serious gaps in terms of the equipment and human resources in our various levels of hospitals. We are determined to make sure that we give proper service by bridging the gaps that I have mentioned. So, let me undertake to the hon. Member that I will visit the facilities, so that both of us can work together to provide the necessary human resources and equipment that are lacking at the moment.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I would like to know from the Minister whether there is a clear cut policy. I come from a district called Yatta and we have old facilities. One is Matuu that is supposed to be a district hospital, but lacks all the necessary facilities including X-Rays, theatres, maternity and mortuary wings. Is it possible for the Minister to consider providing those facilities to all the sub-district hospitals and upgrading, for example Katangi Health Centre in my constituency, to a sub-district hospital?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I assure hon. Members that we are currently doing an audit of the various level facilities that are under the Ministry. The policy is that we should bridge the gaps. Indeed, the task is enormous, but I assure the hon. Member for Yatta that we shall do the same. We only have to take into account budgetary constraints and a time action plan. However, within a time action plan that we shall bring to the House, indeed, our responsibility will be to provide these services.

**Mr. Deputy Speaker:** Last question, Mr. Kamau!

**Mr. M. Kamau:** Mr. Deputy Speaker, Sir, I am not quite satisfied but I am ready to go by what he has said. However, if the requirement for putting up a sub-district hospital is a population of between 30,000 and 100,000 people, let me inform the Minister that we have that kind of population in my area, and I am asking him to consider giving us a sub-district hospital next time the funds are available.

*(Loud consultations)*

**Prof. Anyang'-Nyong'o:** You will forgive me, Mr. Deputy Speaker, Sir. Due to the noise in the House and the volume of the voice of the hon. Member, I did not get what he was saying. Could I ask his indulgence to repeat what he said, so that I can get it?

**Mr. Deputy Speaker:** Mr. Kamau, you were not audible! Could you get closer to the microphone and talk again?

**Mr. M. Kamau:** Mr. Deputy Speaker, Sir, what I was simply saying is that if the criterion for putting up a sub-district is a population of between 30,000 and 100,000, I was telling the Minister that Kandara has a population of over 45,000; so, we qualify for a sub-district hospital.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, maybe the best thing for us to do with the hon. Member is to go to that particular hospital and meet with the ground officers, so that we can discuss these facts *in situ*. After that we shall take appropriate action.

**PERSONAL STATEMENT**

## MIS-REPORTING BY RADIO CITIZEN

**The Assistant Minister for East African Community** (Mr. Munya): Mr. Deputy Speaker, Sir, I am rising on a point of order to make a personal statement. Radio Citizen has been broadcasting since Monday evening at 7.00 p.m. and 9.00 p.m. and on Tuesday morning that when I attended the Vice-President's thanksgiving party, I said that Mr. Kimunya is clean.

Mr. Deputy Speaker, Sir, they have been broadcasting that I was leading 35 hon. Members. When I listened to the radio at 7.00 p.m. on Monday I called Mr. Louis Otieno and told him to tell them to correct that misinformation, but they never bothered to correct it; they continued broadcasting it. We were three hon. Members, myself, Mrs. Kilimo, Mr. Affey and Mr. Musyoka. We were not 35 hon. Members and at no time did I say that Mr. Kimunya is clean, and that I was supporting him!

*(Applause)*

I am not saying he is not clean, because I have no facts about the matter, but for the radio to purport to say that I had said this and the other when I did not say it, is utterly unethical and very bad journalism. I have been receiving calls from my constituents and friends, asking me on what basis I made that claim.

Mr. Deputy Speaker, Sir, in any case, what I said at the meeting, which those hon. Members can confirm, is that the allegations against Mr. Kimunya need to be investigated.

I also said that Mr. Kimunya needs to step aside like other former Finance Ministers who were accused before, who stepped aside, so that if he is found to be clean, he gets back his job. If he is found to be guilty, he ceases to be a Minister.

*(Applause)*

I am asking, therefore, for an unreserved apology from *Radio Citizen*, because it is my reputation that they were soiling. I am challenging them to produce the clip - because they recorded what we were saying - so that they can show even one sentence or a word, where I said that I was supporting Mr. Kimunya.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. David Were had requested for a chance to seek a Ministerial Statement. Are you seeking it now, Mr. Were?

**Mr. Were:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Proceed!

**POINTS OF ORDER**MEASURES TO IMPLEMENT TANA  
DELTA SUGAR PROJECT

**Mr. Were:** Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Regional Development regarding the proposed investment by sugar companies in the Tana Delta District. I would want the Minister to tell which investors have shown interest in

developing sugar factories in the region.

Secondly, I would like to know the current position of these proposed investments. Thirdly, I would want to know if an environmental impact assessment has been carried out. If so, what results have come out. I would also want to know the general mood of the population around the Tana River. Finally, I would want to know what steps the Government is taking with regard to implementation of these projects.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Minister for Regional Development, when are we going to have the Ministerial Statement?

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I undertake to bring the matter to the attention of the Minister for Regional Development. Yet again, I urge our colleagues to consider putting Questions.

As I said earlier in the morning, when Prof. Kamar was on the Chair, we seem to have a very thin line between Ministerial Statements and proper Questions. Therefore, if hon. Members could feel encouraged to put Questions, so that Ministers can answer them.

**Mr. Deputy Speaker:** Order! Order! The Hon. Vice-President and Minister for Home Affairs, because of the range of issues that Mr. Were is seeking to be addressed, I do not think a Question would address them. He is right. So, when can we have the Ministerial Statement?

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I am sure that Mr. Gumo will be getting this information today. I hope he can commit himself. Obviously, his officers will have to even burn the midnight oil. If he can manage to bring the Ministerial Statement tomorrow afternoon, it will be wonderful. I will give him the information.

**Mr. Deputy Speaker:** Very well.

Next Order!

*(Mr. Musyoka stood up in his place)*

What is it, Mr. Vice-President and Minister for Home Affairs?

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I rise on a point of order and urge that you consider, under Standing Order No.31(2) re-ordering the Business appearing on today's Order Paper.

Yesterday, after reading the mood of this House, the House Business Committee sat and among other things, prioritised this Motion. Indeed, Dr. Khalwale, the Member of Parliament for Ikolomani was, at today's morning session, able to give notice of this Motion. In view of the fact that the Prime Minister is actively seized with this matter, we heard a statement from his sub-committee yesterday, that they would report progress. Again, I gather that even as I speak, there is a meeting scheduled for this afternoon, to be chaired by the Prime Minister.

Mr. Deputy Speaker, Sir, I know that in terms of the principle of separation of powers, this House does not necessarily have to be dictated to. In fact, as the Leader of Government Business, I would hate to have a situation where the House is being dictated to.

However, I want to urge, for the convenience of the House, and in order for hon. Members to have advantage of fuller facts, there is a possibility that we are about to commit an act which in accordance with the rules of natural justice, would be unforgivable. Rather than acting on incomplete information, I thought hon. Members would want, before they debate this Motion to take advantage of all the facts, so that if we have to crucify the Minister for Finance, we do so from a point of knowledge and all the facts.

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

Mr. Deputy Speaker, Sir, I am on a point of order!

**Mr. Deputy Speaker:** Order! Order, hon. Members!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I want to urge, for the convenience of the House, that the Business appearing on today's Order Paper as Motion under Order No.7, be discussed tomorrow afternoon in order to allow the work that is now underway, because this matter is of grave national importance.

There is no doubt about that in anybody's mind, but there is also need for us to act in a manner befitting of this august House. In fact, our prayers are that we act in so just a manner that whatever has been placed under our charge will not be seen to be suffering injustice. Therefore, I want to urge the Chair that, because it is within the powers of the Chair, to re-order the Business appearing on the Order Paper. The House Business Committee did exactly what was expected of it, but I would want to urge that we discuss this matter tomorrow afternoon.

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

**Mr. Deputy Speaker:** What is it, Mr. Imanyara?

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I happened to be on the Chair yesterday when this issue came up. In gauging the mood of the House, the Vice-President and Minister for Home Affairs did indicate that he would be submitting the Motion to the House Business Committee. At the time that was done, the Prime Minister's committee was already sitting. We were aware that the Prime Minister, in fact, had called for a meeting even before the issues were raised in this House. Therefore, when the House Business Committee sat last night, its Members were aware of the need to complete the Prime Minister's problems, if any, and come back to this House in time to contribute to this Motion.

More importantly, we are being asked to undermine a very important constitutional principle. When this House sets its Business, it does not refer, nor does it defer, to the Executive Arm of the Government. What the Prime Minister is doing is performing Executive functions. Let the Executive functions not undermine or interfere with the work of this National Assembly. Let the Motion be debated. That is the mood of the House. That is what informed the Chair and the House in referring the matter to the House Business Committee yesterday. The House is ready to debate this Motion now.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I am a Whip in this Coalition Government. I also sit in the House Business Committee and, at no point between last night and this afternoon, did the Leader of Government Business or any other person call the Whips to consult us to gauge the mood of this House.

*(Applause)*

Mr. Deputy Speaker, Sir, the mood of this House is such that this is a matter of grave national importance and it must be debated today!

*(Applause)*

Mr. Deputy Speaker, Sir, this House is under no obligation to wait for *ad hoc* committees formed by the Government or, specifically, the Prime Minister. The Prime Minister's Cabinet Meeting is not a Committee of this House and, therefore, I urge you, because Kenyans are watching, not to do something which will look as if we are protecting the ills that have been



committed on the property and persons of Kenyan.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, my information is that the Prime Minister did, in fact, speak to both the hon. Member for Imenti Central and also the honourable Deputy Chief Whip and that, the whips have been properly informed of this position.

But be that as it may, Mr. Deputy Speaker, Sir, yesterday, in fact, hon. Imanyara, sitting where you are, was able to order---

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

**Mr. Deputy Speaker:** Order, Mr. Imanyara! He is on a point or order!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Yesterday, hon. Imanyara, sitting where you are, was able to order the business that was appearing in the Order Paper to exclude any business that was supposed to be under the Minister for Finance. It was for the convenience of the House. It was not in terms of gauging the mood of the House. In fact, an hon. Member asked yesterday: "How do you gauge the mood of the House?" It is just for the convenience of the House and in order to---

**Mr. Imanyara:** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Imanyara! He is on a point or order!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): I am on a point of order.

**Mr. Imanyara:** On a point of information, Mr. Deputy Speaker, Sir.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): I do not think I want to take that information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Proceed, hon. Musyoka!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): That is because, in the first place, hon. Imanyara is an interested party. I did not want to embarrass him yesterday because he was sitting there---

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

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

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): I am on a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order, hon. Members! The honourable Vice-President and Minister for Home Affairs is on a point of order!

**Mr. Jirongo:** He is misbehaving!

**Mr. Deputy Speaker:** Order! Hon. Vice-President and Minister for Home Affairs, proceed!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, before I proceed, did you not hear the hon. Member for Lugari say that the Vice-President and Minister for Home Affairs is misbehaving? That, in fact, is unparliamentary and considering the grave circumstances---

**Mr. Deputy Speaker:** Order! Order, hon. Jirongo!  
Proceed!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I, therefore, want to urge that, in a sober atmosphere, we are not asking for next week. All we are saying is that this business be discussed tomorrow afternoon.

I beg to plead.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. The Vice-President and Minister for Home Affairs, who is the Leader of Government Business---

**Mr. Deputy Speaker:** Order, Mr. Imanyara! If you move closer to the microphone, you will do everybody here more service than you are doing now!

*(Mr. Imanyara moved to the Opposition  
Dispatch Box microphone)*

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs has said that the Prime Minister spoke to me. It is a matter that I would not have wanted to bring to the attention of this House but, now that he has brought it, I think it behooves on me to tell this House what the Prime Minister was attempting to do and what I rejected.

Mr. Deputy Speaker, Sir, this afternoon, after the adjournment of the House, I received a word that I was being summoned to the Office of the Prime Minister.

**Hon. Members:** Oh No!

**Mr. Deputy Speaker:** Order!

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I sought guidance on what the summons were all about, and I was informed that the Prime Minister wanted to request me to defer this Motion to tomorrow. I pointed out that an attempt by the Executive Arm to summon or arm-twist the Chair of the House undermines a very important constitutional principle.

The personal aide to the Prime Minister telephoned me and I had the occasion to speak to the Prime Minister and, he did agree with me that he cannot summon the Chair of the House on matters that are pending before the House, and that issue should never have been brought before to the attention of this House in those circumstances. So, it is not true that the Prime Minister requested that this Motion be deferred. The Leader of Government Business has an obligation, not only to apologize, but also to withdraw that so that we can discuss this Motion.

### CONSIDERED RULING

#### THE CHAIR WILL NOT EXERCISE DISCRETION THAT DISTORTS HOUSE TRADITIONS

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members! Standing Order No.31(1) states:-

"Each day after Prayers have been read, the House shall proceed with the Orders of the Day as follows:

(a) Matters other than business -

(i) Administration of Oath;

(ii) Communication from the Chair;

(iii) Petitions;

(iv) Papers;

(v) Notices of Motion;

(vi) Questions of which notice has been given.

(b) Business set down on the Order Paper."

I think by now hon. Members are very versed with this:-

"(2) Business shall be disposed of in the sequence in which it stands upon the Order Paper or in such other sequence as Mr. Speaker may for the convenience of the House, direct."

Hon. Members, the House Business Committee sat yesterday. It has a majority of Members from the Government. If, indeed, the Government wanted this Motion to be deferred to another day, those are the sentiments that would have been expressed by the House Business Committee and the Clerk's Department would have had no option other than to follow the sequence set down by the House Business Committee.

*(Applause)*

The Speaker or the Chair at this moment is not going to exercise a discretion that is, in any way, going to distort the traditions of this House. The tradition is that, unless otherwise, we should proceed on with the business as it appears on the Order Paper.

Next Order! Dr. Khalwale!

## MOTIONS

### CENSURE OF MINISTER FOR FINANCE: HON. KIMUNYA

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, being deeply concerned with the conduct of the Minister for Finance in the manner he has handled the sale of Hotel Grand Regency; the Initial Public Offer for Safaricom in total disregard of the provisions of the Public Procurement and Disposal Act and related regulations governing the sale and disposal of public property; and his non-adherence to the provisions of the Privatization Act in the sale of Safaricom shares; this House censures the Minister and resolves that it has no confidence in him and demands his immediate resignation.

*(Applause)*

Mr. Deputy Speaker, Sir, I must emphasize the importance of this Motion. The import of this Motion is that when the Minister behaved in the manner he did, there was no lacuna in law. He was doing so when he was fully aware of the existence of the Public Procurement and Disposal Act. The purpose of this Act was to establish procedures for procurement and disposal of public entities so as to increase transparency and accountability in those procedures and increase public confidence in the process.

I, therefore, beg all hon. Members to support this Motion and send the not so-honourable Amos Kimunya bagging, as the Ninth Parliament did, when they asked hon. Mwiraria to go due to the Anglo Leasing Scandal. If the hon. Minister for Finance has a very stiff and strong backbone with very able knees and refuse to budge, we remind him that, yes, so was hon. Dr. Murungaru. But when Parliament spoke, Dr. Murungaru curved in and left. I would request hon. Members that, we be guided by not our interests but the interest of the majority of the poor Kenyans; we be guided by the interest of a fragile economy that we are trying to build and guard; we be guided by the interest of posterity and the need for this House, the Cabinet and the two principals in this country; His Excellency the President and the Prime Minister, to practice zero-tolerance to corruption. This afternoon, Kenyans expect all of us to stand up and to be counted.

Mr. Deputy Speaker, Sir, this Motion has a serious element of urgency. The urgency of the resolution is the greater and noble need to contain a rogue Finance Minister who like a leopard has broken into the haven of goats and sheep and is currently mauling them indiscriminately---

**The Deputy Speaker:** Order! Hon. Khalwale, you are a senior Member of this House and you clearly understand what is Parliamentary and unparliamentary language and the difference and distinction between the two. I would urge all Members of Parliament to exercise decorum and dignity in their contribution to the Motion.

Proceed!

**Dr. Khalwale:** I apologise, Mr. Deputy Speaker, Sir. When I talked about goats and sheep, I was talking about the poor Kenyans who have no voice to resist when they are confronted with such challenges. I wish to apologise.

The Minister for Finance has decided to treat public property as if it was personal or partisan property, which this Motion wishes to advance that he has gone ahead and attempted and actually initiated the process of converting it into partisan and personal gain. I wish to point out that this is evidenced in three areas; the manner in which he handled the Initial Public Offer of Safaricom, the privatisation of Telkom (Kenya), the supply of new generation currency by De La Rue, and finally, the sale of the Grand Regency Hotel. Those are only but a few.

Mr. Deputy Speaker, Sir, because of lack of a better definition, I wonder whether the Minister has become a wheeler-dealer at the Treasury. He is today the prince of impunity. He is acting in total disregard of advice by senior officers and the technocrats at the Central Bank of Kenya. He acted in total disregard of the advice given to him by parliamentary committees. On two occasions, he was advised by the Public Investments Committee on the Safaricom IPO. He ignored and went ahead. He was given advice by the Departmental Committee on Finance, Planning and Trade that he should hold the sale of Grand Regency Hotel, but he ignored and like prince of impunity, he went ahead and sold it.

Mr. Deputy Speaker, Sir, the Minister for Finance has no respect whatsoever for fellow Cabinet Ministers. He has even taken it upon himself to insult hon. Members to the extent that when we speak, we do so from points of ignorance. This Minister because of his culture of impunity, in the last Parliament, he even defied this House, when we enacted a law and asked him to implement it. The Chair had, actually, to force him to implement the law by threatening to bar any business relating to his Ministry from appearing on the Order Paper. That is when he curved in.

This Motion finds that the Minister had his ten fingerprints on corruption all over the country. He has fingerprints on the Safaricom IPO and the privatisation of Telkom Kenya where he deliberately under-valued Telkom and Safaricom. In the prospectus for Safaricom, the Minister failed to indicate to the investors that, where they were buying shares actually there was a liability of Kshs68 billion. In the process, he ended up, if you permit me to use this word, my English is rather limited--- I am more fluent in Kiluhya. He ended up conning Wanjiku, Ayuma, Achieng, Mwendu and Kanini. Name them!

In the privatisation of Telkom Kenya and the Safaricom IPO, unknown to the public, he has only achieved one thing; he succeeded in paying off debts incurred by people who mismanaged a State Corporation in the name of Kenya Post and Telecommunications Corporation, the mother of these two, using public money. This money belongs to the poor Kenyans who bought the Safaricom shares. He paid off those debts and these men and women of power and wealth who plundered this State Corporation are today still walking free. He had the option to recover this money from these people, instead of using money from the members of public. The Minister for Finance has single-handedly removed parliamentary oversight role over Safaricom and Telkom Kenya. He did this in a very ingenious manner by selling the majority of the share holding in Telkom (Kenya) and by reducing the Government stake in Safaricom to a mere 35 per cent so that by removing this oversight role, that elite club of eaters could continue until *ad infinitum*.

Mr. Deputy Speaker, Sir, the Minister for Finance has allowed questionable companies in the name of Alcazar Capital Limited and Mobitelea to own substantial shares in Telkom and

Safaricom. In so doing, unknown to the public, he has exposed the Kenyan nation to serious national security risk because once you allow the shareholding of telecommunications business to be largely in the hands of the private sector and foreigners, it means that the security role that is discharged by the telecommunications sector is no longer under the control of the Government.

The spirit of impunity has ignored the Departmental Committee on Finance, Planning and Trade, gone ahead and sold the Grand Regency Hotel. Before we discovered, thanks to Mr. Orenge, that he had done that, the hon. Minister came to this House and misled Parliament about the value and sale price of this particular hotel. Members of the Grand Opposition were very kind that afternoon, otherwise they should have risen on Standing Order No.88(2) and demanded that the Minister be named that day and be thrown out of the House. The Minister, in that sale, has entered into a questionable deal with a Libyan company, whose identity is still a mystery. To that company, he has sold our hotel for a song, Kshs1.85 billion only. The reason why the Minister does not feel it, is that to him Kshs1.85 billion is just loose change. It is nothing!

Mr. Deputy Speaker, Sir, Mr. Kimunya, who enjoys the benefit of university education, and not in a mundane discipline but deliberately trained in matters of commerce, economics, finance and accounts, has done all these. He has even shielded this sale from the Attorney-General and the Minister for Lands. If he had nothing to hide, having been a student of the University of Nairobi, where the law of finance is taught, he should have remembered that the Attorney-General was the custodian on behalf of the public. The prince of impunity has unprocedurally gone ahead and cleared Mr. Kamlesh Pattni of all charges against him by the Republic. Has he become the Attorney-General of the Republic of Kenya?

Mr. Kimunya has got a wonderful cash cow that has been on-going and is still on-going in the name of De La Rue. Mr. Kimunya knows that De La Rue won a tender for US\$51 million to print new generation currency for this country. The new generation currency was going to be tamper-proof and cheaper. He went and made sure that advice given to him by technocrats at the Central Bank of Kenya (CBK), that he should not allow any arrangement other than tender, fell on deaf ears. Since he was protecting his cash cow, the people who attempted to stop him have faced the same fate.

One of them is the former CBK Governor, Mr. Mulei. The Minister came and told the Republic of Kenya that Mr. Mulei was not good enough and that he had to be removed from office, because he had given a tender to his son. That was not the real reason. When Mr. Mulei went to the High Court, he was acquitted of all charges, but by the time he was coming back, the Minister had already given the job to his best friend, Prof. Njuguna Ndung'u. They play golf together.

Mr. Deputy Speaker, Sir, a patriotic Kenyan, who was working at the CBK as the Company Secretary, Mr. John Gikonyo, penned a letter to the Minister and warned him that the thing that he was taking the Government into, was lopsided. "Do not do it." Mr. Gikonyo is at home. Mr. Mariwa, the one who was working as the Director of Currency, maybe the Minister can remember that the poor old man is also at home.

For years, this Minister has been printing old generation currency at three times more than the new generation currency was going to cost us. When he stopped the contract and asked them to continue producing the more expensive ones, he did not do it before he paid 50 per cent deposit of the US\$51 million of the original tender. That 50 per cent translates to Kshs1.8 billion. He paid that as deposit for production of new generation currency, but when he stopped it, that money was never returned to the Treasury. Probably, that money has been kept in an escrow account and we wonder who partakes of the profits.

Mr. Deputy Speaker, Sir, in the same fiasco, the Minister committed the Government to a joint venture with De La Rue when it is the Government stated policy that it wants to reduce shareholding in private operations. Also, this is contrary to international practice. One is left

wondering: What do some people know in this country. Is it not time we found out what Mr. Orengo knows? Is it not just about time we found out what the Prime Minister knows about this deal? The Prime Minister, in the Constitution of Kenya, is allowed to co-ordinate and supervise the Minister for Finance. Are we convinced that when these things were being done, the principal co-ordinator and supervisor was completely in the dark? If he was in the dark, then he should come and tell the House today, that the Minister kept him in the dark. I personally treat with a lot of contempt the so-called select committee that is on-going today. Any attempts to subject this House to a committee that is strange to this House is an abuse to the Constitution of Kenya that provides for separation of powers. Under Standing Order No.154, we can only be answerable to a select committee that has been constituted by this House and not by the Executive.

Mr. Deputy Speaker, Sir, the Minister committed the Government to joint venturing. At this point, I am wondering whether you should give priority to Mr. Wetang'ula to contribute to this Motion.

We understand that Mr. Wetang'ula has a company called "Wetangula, Anan and Makokha Advocates" which represents Kamlesh Pattni, the Libyans and the CBK. After consulting, I have been assured by Mr. Wetang'ula that upon being appointed a member of the Executive, he quit his firm. Maybe you will give him an opportunity to clear his name. It is just about time Mr. Ringera told Kenyans what he really meant when he said, and I quote:-

"This is the sixth largest asset recovery in the history of the whole world".

If it was the sixth largest recovery in the history of the world, for God's sake, Kshs1.5 billion does not, in any way, feature in the words "largest in the world". Brother Ringera, given an opportunity to address those of us who are prepared to listen, will actually be able to reveal what "large", indeed, means. It is not Kshs1.5 billion. It is exactly the real amount that he discovered that these people pocketed.

Mr. Deputy Speaker, Sir, the Governor of the Central Bank of Kenya (CBK), Prof. Ndung'u is a top-notch professional. He is an academician. He was teaching at our university before he was looped in. If the good professor was looped in so as to perpetuate corruption in this country, this is the time for him to also step aside as Mr. Kimunya is being kicked out, so that we can have free access to the records of the CBK.

Mr. Deputy Speaker, Sir, because hon. Members, some of them better prepared and informed than me - I am just a bull fighter - are prepared to tackle this issue, I want to finally say as follows: To stop corruption at the Treasury in this country, Mr. Kimunya must go! To end impunity in this country, Mr. Kimunya must go! To repossess the Grand Regency Hotel, Mr. Kimunya must go! To redress Kenyans who were conned into buying shares in the Initial Public Offer (IPO) of Safaricom, Mr. Kimunya must go! To assure Kenyans that their taxes are reserved for development, Mr. Kimunya must go!

Mr. Deputy Speaker, Sir, I beg to move and ask Mr. Namwamba to second the Motion.

As I sit down, I beg that when we make a decision on this Motion, it should be by nothing else, but division, so that wananchi should know how we are voting.

*(Applause)*

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, first of all, let me start by applauding the Chair for the splendid ruling.

It is worth to remind the Government side that they are bound by the principle of collective responsibility. So, whatever Mr. Kimunya has done, they cannot purport to come to this House and say that they can act as the accused, investigating officer, prosecutor, jury, judge and executioner. What the Government is attempting to do by telling us that they can appoint a Committee to

investigate this is really attempting to close the stable one week after the horse bolted out.

Mr. Deputy Speaker, Sir, the Minister for Finance, hon. Kimunya is a custodian of public wealth. He is, therefore, under a sovereign duty of care. Not to appear to guillotine the hon. Minister on the premise of politics, it is important to acknowledge that this matter is deep, entrenched and its prosecution must be deeply founded in the law.

The Mover of this Motion has mentioned a long list of public assets that have been improperly disposed of under the watch of this custodian of public wealth. They include Safaricom, Telkom, Kenya Railways and the billions of money that the country is losing under the contract with De La Rue. We also have money lost through the Co-operative Bank. And now, we have the Grand Regency Hotel.

Therefore, the question we must ask is: Has the Minister been faithful to the law? This House has produced a lot of laws to govern the conduct of public officers, including Mr. Amos Kimunya. I just want to draw this House's attention to the Public Officer Ethics Act No.4 of 2003. Let this House determine for itself if, indeed, the manner in which this particular Minister has conducted himself, has been faithful to the principles of this law.

Aside from the details of this law, this law establishes certain irreducible minimum code of conduct for public officers. For instance, Rule 8 of this Code of Conduct talks about professionalism and how a public officer is supposed to handle himself when handling public affairs. It says:

"A public officer shall carry out his duties in a way that maintains public confidence in the integrity of his office."

Mr. Deputy Speaker, Sir, we must ask: Has Mr. Kimunya discharged his public duties in a manner that inspires public confidence in the Treasury? The public officer is required to treat the public and his fellow public officers with courtesy and respect. Has Mr. Kimunya treated the House Committees, that is, the Public Accounts Committee and the Committee of Finance, Planning and Trade with respect?

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. Is it in order that in a Motion which is addressing issues concerning the Minister for Finance, the provisions of Standing Order No.88, should be ignored in that if the name of any Member of this House is to be brought into debate, there ought to be a substantive Motion? In other words, let us restrict our discussion on the Minister for Finance because if we go outside that, we are required by the Standing Orders--- We cannot use this House by ignoring what it provides, in terms of guiding us about debate. Is it in order that the name of Mr. Kimunya should continue to be used in relation to a Motion which is talking about the Minister for Finance?

**Mr. Deputy Speaker:** Order! Proceed, Mr. Namwamba!

*(Applause)*

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I hope that my time will be accordingly recovered because that was a waste of time.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that by my raising this point of order, I was wasting time?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Proceed, Mr. Namwamba!

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I was pointing to the fact that the manner in which the Minister has conducted himself flies right in the face of requirements of professionalism

under the Public Officer Ethics Act.

One of the principles here is that if the public officer is a member of a professional body, that member must observe the ethical and professional requirements of that body. It is public knowledge that the hon. Minister who is a former Chairman of the Institute of Certified Public Accountants of Kenya (ICPAK) has actually drawn the attention of that particular body in terms of his public conduct. The body may actually be taking action against this particular Minister. It is also important to make it clear that the Minister has violated Rule 10 which require public officers to carry out their duties in accordance with the law. In carrying out these duties, a public officer shall not violate the rights and freedoms of any person under Part IV of the Constitution.

Mr. Deputy Speaker, Sir, if you look at the manner in which the Minister has conducted himself, he has violated every single principle that is contemplated by the Public Officer Ethics Act. Further, the law is meant to regulate public affairs. One must wonder what the purpose of the law is if this House can pass the law and it is flouted by the same public officers charged with the responsibility of enforcing it.

About three years ago, this House enacted the Privatisation Act, 2005. This law clearly provides the framework within which the Government shall dispose of public assets. There is a very clear programme here, establishment of the privatisation programme and how that programme must guide every disposal of a public asset. Deliberately, this Minister has turned this law into limbo to buy time to conduct all these privatisations before this law came into being. It is only after Telkom Limited and Safaricom were disposed of that belatedly the Minister operationalised the Privatisation Commission. The question that must be answered is: What has the Minister been hiding from the public eye to sanction the delay in the operationalisation of the Privatisation Act?

Mr. Deputy Speaker, Sir, we also have another law that the Minister must be aware of, that is, the Public Procurement and Disposal Act. This law is similarly clear that the disposal of any public asset, be they goods or services, they must follow clearly laid down procedures. The question we must put to the Minister is why he has deliberately avoided the path that has been clearly laid down in the law. Why has he acted with impunity as if Kenya is a jungle state? That question can only be answered in one way. There is a deliberate and clear scheme by him to cannibalise this State and mortgage our national heritage. The conduct of the Minister has demonstrated the damage that impunity can bring upon a nation. It has also indicated that unless the law and institutions of this country function, then we could as well all pack up and go.

The law is very clear in terms of the disciplinary action that must be taken against a public officer who flouts the procedures and practices that have been established by the law. I want to urge this House and this Government to make use of Mr. Kimunya as an example. He should in a similar manner step aside as his predecessor did to facilitate investigation into the Anglo Leasing scandal. He should rise up to the occasion and not even wait for the President to act. He should honourably step aside and allow investigations into his conduct to be undertaken. If the Minister does not do so, the Opposition has a programme to visit him in his office at Treasury tomorrow and help him out of the office.

I beg to second.

*(Question proposed)*

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is your point of order?

**MOTION**



ADJOURNMENT OF DEBATE ON MOTION  
OF CENSURE

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I rise on a point of order under Standing Order No.21 which reads as follows:

"A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair, may claim to move that the debate be now adjourned."

Further to the earlier point that I had raised and now that this Motion has been moved and seconded, I want, in the larger interest of this nation, and in order to give the Government side an opportunity to thoroughly prepare its response to this Motion, to urge that we adjourn this debate until tomorrow afternoon. It is obvious that there will be need for the Government to respond to this very crucial matter. I beg that there are volumes and volumes of information that I had earlier on indicated which will be of great importance to the hon. Members of this august House. So that we are not seen to be participating in mob justice, it is very important. I want to urge my colleagues to support this matter. The only difference is that this point of order that I have raised, will require a vote. Therefore, I want to demand that in the event the Chair feels that we cannot positively rule on this matter, then the House should actually vote on it to enable us to prepare so that we can respond.

As the Prime Minister himself pointed out, there is need for this Government and the country to delve deep into the issues that hon. Dr. Khalwale, who calls himself the bull fighter has raised. I refer to him as an honourable colleague - I had something to do with his bull fighting habits--- I want to suggest, so that he is not just seen as a bull fighter, but also as a Kimunya fighter, that, at least, we be able to relax through this important matter. I am sure that the hon. Minister himself might want to shed light on these issues. In all fairness, like my learned friend hon. Namwamba said, we do not need to guillotine hon. Kimunya. Nobody should be really crucified unheard. This is a basic law of natural justice. I do not think that hon. Kimunya, who might have walked into this Chamber today thinking that we were going to have the matter adjourned until tomorrow afternoon, will have adequately prepared his defence.

I quite agree with Mr. Manyara that certainly it is not the business of this Government to emasculate this House. Therefore, the principle of separation of powers is one principle which is a cornerstone in terms of the rule of law and which we want to uphold in the country. There is, therefore, no attempt on the part of the Government side to want to interfere with the smooth operation of the supreme organ which is this national Assembly. However, in all fairness, now that we have heard the Mover and the Seconder, I want to suggest that we ventilate over the substance of the contribution by the two honourable colleagues and tomorrow afternoon this matter will come before this House.

It is, in fact, in the interest of Mr. Kimunya and this country that we dispose of this Motion, latest by tomorrow. This is because we are talking about the integrity of a Government Minister. Indeed, the integrity of the entire Government is actually at stake. It is only fair that the country is given a fair balance of information. That is what the Government intends to do, so that even as we vote on the substantive Motion tomorrow, we do so, from a point of knowledge. We will do so from a point of information and not disinformation as, perhaps, we will be able to prove on this side tomorrow.

With those few remarks, I beg to move.

**The Minister for Environment and Mineral Resources** (Mr. Michuki) seconded.

**Mr. Deputy Speaker:** Indeed, the provision is there in Standing Order No.51, which says that a Member who wishes to postpone to some future occasion the further discussion of a Question which has been proposed from the Chair may claim to move that the debate be now

adjourned.

*(Question, that Debate be  
now adjourned, proposed)*

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, this debate is being turned into a Government-Opposition debate, unnecessarily by the Leader of Government Business. I had said here that I, personally, am a Member of the Government and a whip, one of the two chief whips in this Coalition Government.

I want to follow my conscience! We need the opportunity, as hon. Members, because it is expected of us by Kenyans--- This is not a Government affair; it is an issue where one particular individual, Mr. Amos Kimunya, has been caught trying to do wrong to the people of Kenya.

**Hon. Members:** Doing!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, we want an opportunity as hon. Members--- I want to disagree with the leader of the House Business Committee on the issue that some of the issues raised by Mr. Namwamba and Dr. Khalwale are lies, and that they will be proved tomorrow. Mr. Kimunya is here! Mr. Kimunya knows---

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. I think the word "lies" is not my word. That is a word by the Deputy Chief Whip. In any event, I am sure the Prime Minister spoke to him as he spoke to Mr. Thuo.

**Hon. Members:** No!

*(Mr. Midiwo stood up in his place)*

**Mr. Deputy Speaker:** Order, hon. Members! Order, Mr. Midiwo! We are dealing with a very important Motion, and it is only fair that, as I said before, we use Parliamentary language. In the absence of that, the Chair will, in future, not take too kindly to that.

Mr. Midiwo, "lies" is not Parliamentary language. You have language that essentially gives a meaning to what you want to say, which is "misleading". So, hon. Members, please, use Parliamentary language. In the absence of that, any more flouting of the House rules, which have been set by hon. Members, the Chair will not take kindly to it.

Proceed, Mr. Midiwo!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I withdraw that but I wanted to clarify, because---

**Mr. Deputy Speaker:** Proceed, Mr. Midiwo!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I thought I heard it, and I am sure that it is in the HANSARD, when the leader of Government Business said that tomorrow, if given time, they will prove what has been said by the two gentlemen to be untruth. I think the opposite of that should be what I said, but I withdraw it, nonetheless.

Mr. Kimunya, the Minister in question is here. He has told - and I will say it in my contribution - this country that he was the one negotiating. So, they do not need time to digest anything. He needs to respond!

**Mr. Deputy Speaker:** Order, Mr. Midiwo! The debate now is on the Motion that the debate be now adjourned. Before I put the Question I want to give an opportunity to two hon. Members on whether the debate itself should be adjourned or not. Can you confine yourself to the substance of the debate itself?

**Mr. Kombo:** On a point of order, Mr. Deputy Speaker, Sir. Since it is very obvious to the House that the Leader of Government Business, who works with his whips, is disagreeing with them, is it in order for the House to be subjected to filibustering? Could I be in order to ask you to

put the Question?

*(Applause)*

*(Question, that the Debate be  
now adjourned, put and negatived)*

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

**Mr. Deputy Speaker:** Order, hon. Members! Hon. Leader of Government Business, you realise that you have not garnered sufficient numbers to warrant a Division; let us resume debate on the main Motion.

*(Debate on the original Motion resumed)*

**Mr. Abdikadir:** Mr. Deputy Speaker, Sir, in continuing with the debate, every time three entities come together, there is a toxic reaction, the Central Bank of Kenya (CBK), the Treasury and a man called Pattni. Every time these three entities come together, there is a toxic reaction.

*(Applause)*

**Hon. Members:** *Anza tena!*

**Mr. Abdikadir:** Mr. Deputy Speaker, Sir, I said that every time three entities come together we have a toxic reaction. We have had it in the Goldenberg era and it looks like we have Goldenberg 2.0, and it is not even as sophisticated as the first one. The issue that has been raised about whether the asset belongs to the Government or there was a security, is what I would wish to start with. Was it an asset that belonged to the Government, or that was vested in it, or are we only interested in a security for the Kshs2.5 billion? I wish to refer to the settlement registered in the High Court in Civil Suit No.1111/2003, registered in the High Court on 9th April, 2008. It is the matter of the Kenya Anti-Corruption and Economic Crimes Act, 2003, between the Kenya Anti-Corruption Commission (KACC) and Kamlesh M.D. Pattni and 16 others. In the settlement registered therein, it was agreed by consent and I quote, with your, permission:-

"1. The first defendant---

*(Loud consultations)*

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. As the hon. Member is contributing, hon. Members are consulting in loud tones.

**Mr. Deputy Speaker:** Order, hon. Members! If you want to consult, do so silently!

*(Applause)*

**Mr. Abdikadir:** Mr. Deputy Speaker, Sir, in that consent order, it was agreed as follows:-

"1. The first defendant, Kamlesh Pattni, and the second defendant, Uhuru Highway Development Limited, do hereby agree to:-

1. Relinquish, assign, re-convey or otherwise transfer ownership and all their rights and interests in the property known as LR.No.209/9514 together with all

the improvements thereon including the Grand Regency Hotel, the fixtures thereto, moveable and immovable assets, herein referred to as the assets, to the CBK."

Mr. Deputy Speaker, Sir, in other words, the assets were vested in the Central Bank of Kenya (CBK) as of that date. That puts to rest the issue of the CBK having been interested in the security registered and the Kshs2.5 billion. So, what we had then was an asset belonging to the Republic of Kenya. The next question is: How does the Republic of Kenya dispose of assets? This brings the issue of whether there is the option of going by private contracts or by public auction. My view is, really, there is no option of going by private contracts. There is absolutely none!

We need to step back and find out what we are exactly dealing with. We are dealing with the Grand Regency Hotel, probably, the only asset, out of the corruption and the crime proceeds, that remains in this country. Why does it remain so? For the simple reason that it is a fixed asset. If it would not have been a fixed asset, it would have been removed a long time ago, just like all the others. Secondly, we are dealing with Goldenberg, the epitome of grand corruption in this country - absolute filth, if you can think of any! Thirdly, we are dealing with High Court Civil Suite No.1111 of 2003.

Mr. Deputy Speaker, Sir, who are we talking about? We are talking about the CBK. The CBK is the premier regulator in this country. It is the premier regulating entity in the financial sector. What do we expect of the CBK? When you deal with toxicity as in Goldenberg, Grand Regency and anti-corruption, you expect the CBK to be on its guard, not to touch anything reeking of the ilk of Goldenberg with a ten-foot pole. What did we witness? We witnessed the CBK Governor parade with the likes of Kamlesh Pattni in what I would call a "beauty contest", a photo up when the handing over ceremony was happening. What do we see? We see the CBK and Kamlesh Pattni sharing a lawyer, in terms of the transaction and how it was done.

Thirdly, we are speaking about the Kenya Anti-Corruption Commission (KACC). This is the Commission which deals with issues of corruption in this country. What do we expect of the KACC? What is the mission of the KACC? I note that my time is coming to a close, but I would request hon. Members to refer to the functions of the Commission, under the Anti-Corruption and Economic Crimes Act and, specifically, Section 7.

Mr. Deputy Speaker, Sir, finally, we are dealing with land. When it comes to Government land, because this is actually real estate, we need to look at the Government Lands Act. Section 12 thereof deals with public auction, and the fact that land should be disposed of by public auction. Section 12, which deals with agricultural land, also talks about public auction. We are dealing with the Privatisation Act. Under all the sections of the Privatisation Act, competition requires public auction.

Mr. Deputy Speaker, Sir, we are also dealing with the Procurement Act. With your permission, I will want to refer to the objectives of the Public Procurement and Disposal Act. The Act states that the entire objectives of Government Procurement and Disposal is to promote competition and ensure that competitors are treated fairly; to promote integrity and fairness in the procedure; to increase transparency and accountability in those procedures; to increase public confidence in those procedures; to facilitate the promotion of---

Mr. Deputy Speaker, Sir, nothing in this transaction supports any of the objectives of this Act and the objectives of the law. Therefore, no one can tell us that they were living up to the law, whether in spirit or in words, when this transaction went down the way it did.

For those reasons, I support the Motion.

*(Applause)*

**The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr.**

Deputy Speaker, Sir, I thank you very much for giving me this opportunity.

This is a very straightforward Motion. Our country has been brought to shame by the acts of Ministers and civil servants, who are using impunity to wreck, savage and rob the country's economy. I am a Member of this Government. What the Mover and the Seconder of this Motion talked about is a terrible blow to the image of the Government of the Republic of Kenya. Therefore, I support this Motion.

*(Applause)*

Mr. Deputy Speaker, Sir, the Public Procurement and Disposal Act, which was passed by this House, has been violated by the Treasury, the KACC and the CBK. It is, therefore, important that this House, not only passes this Motion of no confidence in those concerned, but the individual concerned must be taken to court and be jailed. That is the only time impunity will end in this country. People who have stolen public property should actually be taken to court and get jailed, so that nobody else will ever repeat the raping of the economy of this country. Even property acquired through dubious means, after selling Government property, should be repossessed.

We are not talking of individuals. We are talking of the Government, to ensure that corruption should never again in this country be an issue. We should now stand firm as a House and a country and say that corruption will be a thing of the past, by dealing with individuals.

If I were the Minister for Finance, I would have saved the Government and the President the embarrassment of sacking me. There is no way he will survive after this Motion. He should have stepped aside. He should have told the President: "I am stepping aside until investigations are complete." If he is found to be innocent, he will be allowed to come back to the Government, so that we do not get into this acrimony.

Mr. Deputy Speaker, Sir, therefore, I support this Motion. The Minister should be sacked or taken to jail.

With those remarks, I support.

**The Assistant Minister for Foreign Affairs** (Dr. Onyonka): Thank you, Mr. Deputy Speaker, Sir. I stand here with a very heavy heart, because I happen to have shared my education with Mr. Kimunya. I happen to be in the Government of National Unity whereby as an Assistant Minister for Foreign Affairs, my job is to actually figure out on how to improve Kenya's image abroad, make sure that the country and the Government have got credibility, so that Kenya can actually be seen as a country with credibility, and which uses and follows the principles of good governance. The Motion we are discussing today about my friend, the Minister for Finance, happens to put me in a position whereby I am actually supporting the Motion.

*(Applause)*

Mr. Deputy Speaker, Sir, when I was being given a job as an Assistant Minister, the President himself, hon. Mwai Kibaki, said that any person who happens to be implicated, or in any way seem to have been not clean in Government, should step aside. Let all the investigations to be done, so that the Government can establish the true position on what is happening under the allegations.

Mr. Deputy Speaker, Sir, as far as I am concerned, there have been very many inconsistencies pertaining to what the Minister for Finance has said. As a result of that, it has reduced my personal confidence in him and I believe that the level of integrity with him is at question.

Mr. Deputy Speaker, Sir, I believe that the level of impunity in terms of handling public

resources and assets and handling Government management must be under control at any cost. We need to save our country. I am not saying that hon. Kimunya is guilty. What I am saying is: "Let him clear his name", and I am sure we will work together in the Government.

Mr. Deputy Speaker, Sir, on several occasions, hon. Kimunya has actually misled the House.

*(Applause)*

When my constituents from Kitutu Chache asked me: What is going on in the Government that I serve, I have been telling them that we are going to find out. I would like them to know that hon. Kimunya is innocent and he has proven his case. But, for the time being, I would like to make a request to this House to allow hon. Kimunya to prove himself innocent. Otherwise, we need to figure out what he is going to do with his integrity and credibility.

Mr. Deputy Speaker, Sir, I would like to make a plea to all hon. Members in this House that, we need to salvage the credibility of our House. We need to salvage the credibility of our country.

I beg to support the Motion.

*(Applause)*

**Mr. Midiwo:** Thank you, Mr. Deputy Speaker, Sir. First of all, I support this Motion. I also want to say to my colleague, the Leader of Government Business and the Vice-President and Minister for Home Affairs that I am the Chief Whip and not a Deputy. Secondly, I did not get any communication from hon. Raila. I was in his office at 12.30 p.m. up here in Parliament for 20 minutes and, at no time, during my discussions with him, did he indicate that he wanted this Motion to be put off.

Mr. Deputy Speaker, Sir, to echo the words of hon. Onyonka, the President has told this country in the recent past that anybody tainted with corruption has to step aside, so that investigations can be conducted. If they are found guilty, they have to go and if they are found innocent, they have to be reinstated in the Government. It works that way in every civilization. That is the way we should be taking Kenya. I do not think there is going back on the issue of corruption. There is no going back on the issue of grand corruption!

Mr. Deputy Speaker, Sir, I am a Whip in this Government and, today, I am following my conscience. Even if I had received that communication from the Prime Minister, I would have told ODM that today is a new day.

*(Applause)*

Today is the day that we must put a stop to the problems that this country has undergone for several years since Independence! I am talking about impunity, where leaders loot public funds and know that nothing will happen to them! In fact, a couple of days ago - I think last week - I spoke to the honourable Minister right here in the corridors. He told me that if he is cornered, the President will call for a state of emergency!

**Hon. Members:** *Haiya!* Oh!

**Mr. Midiwo:** I thought that, that was the height of arrogance! I thought that this House cannot be led through threats. I want to remind hon. Members who are in the Cabinet that we are the Grand Coalition. But I do not think that we are in the Grand Coalition to protect the thievery of the Grand Regency! We are here to serve Kenyans!

Mr. Deputy Speaker, Sir, as a Member of the Departmental Committee on Finance, Planning and Trade - and I have served there for six years - I smell a rat. I wanted to bring it out! I am the one who raised the issue of Hotel Grand Regency before the Finance, Planning and Trade Committee. I said: "The Public Accounts Committee is talking about this issue, but this is a current issue. Let us bring the Minister". The Minister came and told us a lot of things! We called hon. Ringera, Pattni and the Receivers. All of them said things that contradicted everything that the Minister has told this country!

In fact, the receivers told us that the value of Grand Regency is Kshs7.5 billion!

*(Applause)*

We shall lay our Report on the Table.

So, Mr. Deputy Speaker, Sir, there are issues that we must look into as a country. The Minister for Lands told us - and it is on record - that the Grand Regency was sold for a meagre Kshs1.8 billion! The Minister for Finance said that he sold it at Kshs2.9 billion. The Minister also told the Finance, Planning and Trade Committee that he would never sell the hotel for less than Kshs3 billion. So, where is the extra Kshs100 million? Suppose the property was sold for only Kshs1.8 billion? The land in front of Grand Regency Hotel has been sold to some agents. The asking price is Kshs1.6 billion! So, do you want to tell us that the price of Grand Regency, which is sitting on four acres, is the same as the remaining 2.4 acres of land? Who is fooling who? If the Grand Regency was worth--- If Pattni took from us, as Kenyans, only Kshs2.5 billion in 1994, how is it that we are still getting Kshs2.9 billion from Pattni? Who is fooling who in this country? That is the level of impunity that we must stop!

Mr. Deputy Speaker, Sir, we were told by the Receivers - and we were given financial statements - that when they left on 9th April, there was Kshs341 million in the bank. Who has squandered that money? Who has been collecting monies from Hotel Grand Regency since 9th April? That is because Ernst & Young is appointed as a Receiver and not a Receiver-Manager? I saw the document. So, who is the manager and who is collecting the money? Something is wrong and I want to plead with my honourable colleague that: "This is the time for you to quit. You have to quit!" If you do not quit, Kenyans will never forgive this Parliament!

*(Applause)*

Kenyans will never forgive us! We do not want to lynch you! But we want to protect the integrity of the Government and Parliament. We must do that, as a credible institution.

Mr. Deputy Speaker, Sir, two weeks ago, the Minister said that hon. Members did not want to be taxed. In fact, he went ahead and said very bad things about hon. Members. He was setting a stage that, if he sold Grand Regency Hotel, hon. Members would not react! He wanted to damage the names of hon. Members! All these hon. Members want to pay taxes. They only disagree with you in the manner in which you want to ambush and shame them by playing to the public gallery! They have no problem in paying taxes. After all, paying taxes is better than giving handouts! These people give handouts 24/7! They would want to pay taxes so that the Government can provide services. How is the Government going to provide services if all the taxes that are being collected are being stolen?

**Hon. Members:** By Kimunya!

*(Applause)*

**Mr. Midiwo:** You, Mr. Kimunya, and the Governor of Central Bank of Kenya; the two of you, must answer to Kenyans! You must tell us the role of Ms. Judy and Mr. Joe Kamau in the issue of Grand Regency! You must tell Kenyans! You owe them an explanation! They belong in jail alongside yourself, Mr. Kimunya!

*(Applause)*

Mr. Deputy Speaker, Sir, I want to just touch on the issue of Safaricom. The company called Alkazar has acquired 11 per cent of the Safaricom IPO without paying a single cent! That translates to Kshs7.5 billion.

**Hon. Members:** Oh!

**Mr. Midiwo:** Those are just a few Kenyans looting Kenya! This is not going to happen and I am happy this House has seen the mood. We must stop it! The country is watching us! As Kenyans and, as politicians, we cannot keep on making noise, day-in, day-out, and yet, there is no action. The time to act is now! The time for hon. Kimunya to go is today!

*(Applause)*

Kenyans are asking why the share price of Safaricom is only Kshs7. Why is it held? Can you compare Safaricom with KenGen?

**Hon. Members:** No!

**Mr. Midiwo:** It is held so that a single company can buy and own all those shares. Kenyans are being held. I got this reliable information from at least three brokers. They are saying that something is wrong and that wrong thing is the hon. Minister for Finance and his buddy, the Governor of Central Bank of Kenya. We must stop impunity.

*(Laughter)*

If you were to create confidence in the stock markets, you must tell people, you must create confidence. You must talk with one language as Government. We want to help the people of Kenya. The Government is not PNU, ODM or Grand Opposition. The Government is the representatives of the people of Kenya and they demand services from us. I think if we do not do this, we will never be forgiven.

With those very many remarks, I beg to support.

**The Assistant Minister for Medical Services (Mr. Mungatana):** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to make my contribution to this Motion.

Mr. Deputy Speaker, Sir, in my contribution, I want to ask four different questions. This is not the first time or first Parliament that is carrying out a censure Motion. I would like the House, through the Chair, to think about it and answer me. In Uganda, the hon. Minister for Health, hon. Jim Muhwezi, was censured over mismanagement of the Global Fund on HIV/AIDS, Tuberculosis and Malaria. The Question that is in my mind is: Is the Minister being put on censure Motion because of mismanagement of funds?

Mr. Deputy Speaker, Sir, if you look at the other situation that obtained on 8th April, 2002, in that case, the entire opposition party members and all the parties in Japan submitted a Motion of censure against the Minister For farms-he is called the Farm Minister-Tsutomu Takebe over his alleged mishandling of mad cow disease in Japan at that time. The second question is: Is the Minister for Finance today being put to question over management of Treasury affairs?

**Hon. Members:** Yes!



**The Assistant Minister for Medical Services** (Mr. Mungatana): Okay. Answer me as we go on!

Mr. Deputy Speaker, Sir, in New South Wales, the Leader of the Opposition moved a censure Motion against the Minister for Health for her incompetence to deal with her portfolio responsibilities, particularly her failure to address problems facing health workers, attempts to stop headlines by setting up task forces and committees, failure to provide appropriate answers for inappropriate treatment of patients, overcrowding in hospitals and in general, her total failure in carrying out her portfolio responsibility. Is the Minister for Finance properly censured for his total failure to carry out his portfolio responsibility?

**Hon. Members:** Yes!

**The Assistant Minister for Medical Services** (Mr. Mungatana): Mr. Deputy Speaker, Sir, the hon. Member for Davidson, again, in the New South Wales Parliament, used his office to influence approvals of development plans within his jurisdiction. It was a question of total abuse of office to get approvals that were inappropriate and the New South Wales Parliament censured him. Did the Minister use his office and influence to get approvals for dealings that were inappropriate in the minds and hands of Kenyans?

**Hon. Members:** Yes!

**The Assistant Minister for Medical Services** (Mr. Mungatana): Mr. Deputy Speaker, Sir, there was another Member of Parliament who was also censured. In this particular case, it was near our borders, so I do not want to mention him. But we know that the President of a neighbouring Republic, who happens to be the Chair of the African Union, sacked several Ministers because of something that went wrong in that Government. Is that true or false?

**Hon. Members:** True!

**The Assistant Minister for Medical Services** (Mr. Mungatana): Mr. Deputy Speaker, Sir, this Motion is very serious because it touches on the fundamentals of good behaviour in Government. We were elected by the people of Kenya to come and represent them in this House. We speak for the people of Kenya, and particularly now, I speak for the people of Garsen who are asking: Are these things proper? I want to say that it is beyond personal relations. It is even beyond the question of collective responsibility. It is a matter of the people of the Republic of Kenya.

Mr. Deputy Speaker, Sir, we have said that we need proper explanations. In view of the fact that no proper explanations, are coming forward, this Parliament must do its duty. I am standing here to say that we must support the Motion of censure. Yesterday, the Chair stated that this House will go on recess in July. What are we going to discuss? We are going to discuss the Standing Orders of this House. If this House is the mother of the Cabinet and gives birth to the Cabinet, then this House needs to set the standards of behaviour for her children. If the children who are given birth to by this House is the Cabinet, I think it is important for us to set up proper rules of guidance. Apart from the Public Officer and Ethics Act, we need to take the opportunity during the review of the Standing Orders to set up a very clear criteria on how we shall punish members of this Government who are not doing what we sent them to do in the Cabinet.

Mr. Deputy Speaker, Sir, it is not a matter of you or me; it is a matter of posterity. We need to set--

**Mr. Linturi:** On a point of order, Mr. Deputy Speaker, Sir. Having heard the sentiments and expressions of hon. Members who have spoken---

**Mr. Deputy Speaker:** Order! You are out of order, Mr. Linturi.  
Proceed, Mr. Mungatana!

**The Assistant Minister for Medical Services** (Mr. Mungatana): Mr. Deputy Speaker, Sir, I was saying that we need to set up rules that will serve us now, in the next Parliament and those that will follow. We need to say that if this House is the mother of the Cabinet, it needs to set up rules for the discipline of the children it gives birth to.

I want to plead with hon. Members that this time when we are going to make new rules in the Standing Orders, we should be very clear on what sanctions we are going to apply to the Government that is going to be extracted from amongst us. For example, if people do not answer Questions in this House, if people do not attend Parliamentary sessions, if people set functions of the Government during the time this House is sitting, then they must suffer sanctions. We have to respect this House.

In the same vein, there should be very clear rules. If you are a Member of this House and you are appointed to hold a position in the Cabinet and you know you are corrupt, you even know that your priest cannot sit with you, you know in your heart that you have a case or cases pending in court and which are stinking on your face, you should not accept responsibility in the Government. That goes for all of us. If you want to go down right clean, even those Ministers who know they have corruption cases on their necks, not just this one who is being discussed today, can you all resign?

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I rise to oppose the Motion, and more importantly to provide some facts that might help the hon. Members in the remaining time on this Motion in terms of the discussion.

Let me start by saying that I am in this Parliament for the second term---

**Mr. Chanzu:** On a point of order, Mr. Deputy Speaker, Sir. The report that the Minister is alluding to--- He is the one who is being discussed; how can he talk about a report discussing himself?

**Mr. Deputy Speaker:** Order, Mr. Chanzu!

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. Would it be in order for us not to give Mr. Kimunya a chance to clarify his issues? We were not interrupted when we were discussing him; so, we should give him an equal opportunity to defend himself.

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, as I was saying, I am in this House for the second term as an elected Member of Kipipiri Constituency. I represent people. I also have a family. I have a wife and a daughter. I have parents, my friends and people who care for me and I care for them.

I have supporters and I must thank them all for they have stood with me in the course of the last week, especially when all these allegations have been made against my person. Are you not surprised that I am so cool, uncharacteristic of me? The reason is because of the support and the comfort that I have received from my constituents whom I must thank very much, and from my friends within and without.

Let me also say that I am an accountant by training, and a fellow at that. I have had the opportunity of even chairing that institute and doing great things for it. I have been a qualified accountant, qualified and practising for the last 21 years. I am also a fellow of the institute of Certified Public Secretaries (CPS). I have been a crusader for integrity in this country, starting from the 1980s.

Mr. Deputy Speaker, Sir, in 1990s I had the opportunity, not only to investigate crimes in Kenya, but also in the Serious Fraud Office in London. In 1994, I was appointed into a task force looking at the review of penal laws and procedures by the Attorney-General, specifically to look at economic crimes. When I look at some Sections within the Economic Crimes Act, I can see my sentences.

Mr. Deputy Speaker, Sir, when the first Kenya Anti-Corruption Authority Board was formed, I served as a member of it. I sat in the interview panel that recruited Justice Ringera into the Kenya Anti-Corruption Commission (KACC).

*(Loud consultations)*

**Mr. Deputy Speaker:** Order!

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I was also instrumental in designing the strategic plans that set up the KACC.

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

**Mr. Deputy Speaker:** Order, Mr. Koech! Give the Minister a chance to defend himself.

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, even after the Kenya Anti-Corruption Authority (KACA) was disbanded by the courts, we continued, as a small team, preserving all the evidence that had been gathered under the auspices of the Kenya Anti-Corruption Police Unit, and handed over all that to the KACC after it was restarted in 2003 by this House. I then joined the Government through this House and was appointed as the Minister for Lands. I kept on the campaign in terms of recovering all the public land that had been stolen from this country.

**The Assistant Minister for Information and Communications** (Mr. Khaniri): On a point of order, Mr. Deputy Speaker, Sir. The hon. Minister has only ten minutes to respond to the allegations that have been made against. We are not interested in his curriculum vitae (CV). He is giving us his CV. Could he, please, address the points that were raised by hon. Members?

**Mr. Deputy Speaker:** Order! The cardinal rule in a democracy is to allow the wish of the majority and uphold the right of the minority to be heard. The Chair will use its own discretion to give an additional ten minutes to Mr. Kimunya to put his case.

Proceed!

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, thank you. This is a landmark Motion, and I am happy for the decision that you have taken. It is the integrity of myself today and tomorrow it will be the integrity of any of us.

I proceeded to recover public land that had been taken away. I am very happy with the record I hold on that. What I recovered includes the plot where the Procession Way is. I recovered that with the co-operation of some current Members of this House.

When I proceeded to the Treasury, I found claims amounting to Kshs109 billion against the Government. Working together with a committee I stood firm and managed to reduce that to not more than Kshs1 billion. That means Kshs108 billion saved for the Kenyan people.

Mr. Deputy Speaker, Sir, I have worked tirelessly to maximise on the revenue of this country. I will just give you an example of the Telkom Kenya Limited which has been mentioned here. Whereas we even put in the Budget that we are anticipating to raise only Kshs6 billion through the procedures that we put in place, we were able to raise Kshs26 billion under my leadership at the Treasury.

Mr. Deputy Speaker, Sir, on Safaricom Limited, I took up the issue when it was to sell 11 per cent for US\$100 million, in other words, for Kshs6.8 billion. We managed to float, with the substantial benefit to the Kenyan people, 25 per cent which at those rates would have been Kshs15 billion, for Kshs51 billion, an extra Kshs36 billion.

Mr. Deputy Speaker, Sir, when I moved to the Treasury in 2006, you may recall that it was at the height of the Anglo Leasing infamy. The image of our country had been soiled the world over. We had been suspended by the International Monetary Fund (IMF) and the World Bank. Our programmes had been suspended. I worked tirelessly to regain the confidence, not only of the World Bank and IMF, but the entire international community. For the first time ever, we completed an IMF programme in November last year. I am saying all that by way of background. Is that the behaviour of a man of no integrity?

Mr. Deputy Speaker, Sir, a number of suggestions and allegations have been made here and elsewhere. Perhaps, we may not even be able to complete all the issues. But I would like to give

this country a comprehensive response to each of the issues as raised by Dr. Khalwale and the other hon. Members who talked today, so that Kenyans will know that truth.

Just touching on a few issues for purposes of shaping up the debate today, I think everyone is in the clear on the issue of Safaricom. We have done all the due diligence. We worked together with all the teams. At no time did I benefit or withhold any information. I did issue a Ministerial Statement on this Floor. I believe that the discussion on that Ministerial Statement is still pending the return to the House of Dr. Khalwale. So, I am sure we could discuss that at a different time.

Mr. Deputy Speaker, Sir, in terms of the payment of debts for the Kenya Post and Telecommunication Corporation (KPTC), it is Government policy. It not a personal debt to Mr. Amos Kimunya. These are debts that were owed by all the parastatals. It is part of the my responsibility to clean up the balance sheet of the company and pay all the debts in terms of paying the power bills and who was owed. In terms of the recovery, the Government has within it a mechanism for following up those who looted from it in the past. That is the responsibility of the Attorney-General and the Kenya Anti-Corruption Commission (KACC). My responsibility is to work on the issues within my responsibility.

In terms of the privatisation, we have come out on a committed programme and said that we want to build value for Kenyans and share that value with them. It is what we have done with Safaricom Limited and Telkom Kenya. It is what we did with KenGen and Kenya Re-insurance Company. We have cleaned up all those companies which have been looted and messed up in the past, and shared them with the Kenyan people. Now, if by doing that I was wrong then, perhaps, I have no business working for the Kenyan people.

Mr. Deputy Speaker, Sir, the issue of Mobitelea keeps on coming up. I have only been Minister for Finance from February 2006. Mobitelea is an issue that was brought into focus in 1999. I was not the Minister then. I have said that there are people, some in this House; including the Chairman of the Committee on Finance, Planning and Trade who was the Minister for Finance when it came up, who might be able to shed more light for us in terms of who Mobitelea is. This is because he was the Minister then and he immediately moved to the Ministry of Telecommunications. The two issues of Mobitelea in Ministry of Finance and Ministry of Telecommunications was done when he was responsible for those two dockets. So, it will be unfair to ask me a question which can be answered by Members who are in this House.

Mr. Deputy Speaker, Sir, the issue of Alcazar has been raised as having 11 per cent in Safaricom. As far as I know, Alcazar is a company that is within the consortium that bid for French Telkom in a very open and transparent system. I have absolutely no interest at all. I have only met one of the people who said that they represent Alcazar, in a delegation when the French Telkom people came to present the French Telkom cheque to me, in terms of the Treasury. In terms of Safaricom Limited, I have checked the records. There is absolutely no connection with Alcazar in the shareholders' register of Safaricom. In any case, an allegation that Alcazar could be owning 11 per cent of Safaricom is totally impossible. The largest shareholders in Safaricom, apart from the Government and Vodafone Kenya, does not exceed even 1 per cent after the privatisation.

Mr. Deputy Speaker, Sir, we come to the issue of De La Rue. I did issue a Statement in this House. We were advised to await the return of Dr. Khalwale, so that he can seek clarifications on exactly where we are on the printing of the money. But I want to say this: This country has been surviving on currency that we all know. On the excuses that we now need tamper-proof currency, we need to check carefully what is hidden behind this. I found a tender for US\$51 million to print money to last from 2007 to 2009. Because of the new generation currency, it is going to mean that we wipe out all the current money that we have and replace it with new currency. The rationale for going for new generation currency is because there was going to be competition and, hence, each of the competitors will need to protect their patent. Nobody should have undue advantage of the

others because they have to tender. So, the natural reaction - and I asked this - is: Does that mean that every three years when we have to go for fresh tender we need to be changing our currency? I was told: "Unfortunately, yes." I asked: "Who would stand that kind of waste of public resources, where you change currency every three years because you are going for tender?" We worked out what the next alternatives were to ensuring that we get good value for our money, stable supply of currency and, at the same time, save Kenyans money.

Mr. Deputy Speaker, Sir, for record, US\$51 million roughly translates to about Kshs3.3 billion. But through what we have done so far, by utilizing the 50 per cent deposit that had been paid, to print currency at almost the same rate as our currency now, we have assured the supply of currency to this country for the same period.

Now, if I have saved 50 per cent of the money that had been paid, am I being corrupt or saving Kenya money? These are the facts that we need to discuss here so that we can discuss from a point of knowledge.

Mr. Deputy Speaker, Sir, I have been told all those things about De La Rue deposits and all that, but let me turn to the new issue of the Grand Regency Hotel.

Let me say this from the word go. The Central Bank of Kenya (CBK) is an institution that falls under Treasury. When a Question is asked about CBK in this House, the Governor cannot come here to answer it. A Question was asked on the Floor of this House about what is happening with regard to the Grand Regency Hotel. As the Minister for Finance, I came here to provide the answer. I even appeared before the relevant Departmental Committees and I took along with me the Governor and the Permanent Secretary to provide answers to the Committee.

I want to assure Kenyans that whatever has been said about me and the Treasury--- We are doing all that purely from the point of view that the CBK is under the Treasury. I have not sat in any meeting nor met any of those people who were discussing. I have not been involved in any discussion. When I say that "we are selling to this", I am essentially using the collective "we" as Treasury and our subsidiary, the CBK. My hands are totally clean on this transaction.

I will be giving a more detailed statement, specifically on this matter, because I would like Kenyans to know the truth. In terms of the allegations that I have kept off the Attorney-General from this matter, I am aware that the lawyer representing Mr. Pattni and the buyers, Mr. Adan, from Wetangula and Adan Company, has met the Attorney-General, at least, six times, to discuss matters pertaining to the Grand Regency Hotel.

I also would like to put it on record that the Governor of CBK has not only briefed in writing, but also orally, the Prime Minister about that transaction. The brief was copied to me and to the Prime Minister. The issue we are talking about here, of secrecy, does not arise.

I believe that if we remove the politics and the sensational issues that have been raised about it, we will be able to appreciate the issues. We salvaged that hotel when it was on the verge of disappearing. Since the time it was taken away in 2003 to the time we started requesting for it in March, 2007--- That is the time when I asked the Permanent Secretary to write to the Director of KACC and say: "We want that hotel reverted back to CBK!" There was no action being taken. When we succeeded on 8th April, 2008 and the hotel was surrendered back, the Governor wrote to the Director of KACC and said: "Yes! We have this here, but unfortunately, the law does not allow CBK to own commercial businesses and, hence, we need to discuss how we can dispose of this hotel."

The modalities were agreed upon and that hotel has been disposed of with what we believe was the right value. I gave all that information to the Committee and I am prepared to provide that information. Like I said before, this may not be the last time--- I do not have all the time to give you the information, but I would like the House to actually get---

**Hon. Members:** For how much? How much?

**The Minister for Finance** (Mr. Kimunya): That hotel was disposed of for US\$45 million at the point of sale of agreement, which I believe was in May, 2008, immediately after I came to this House. Remember that on 29th April, 2008. I came on the Floor of this House and I said: "I have instructed the CBK to dispose of this hotel with immediate effect." That is in the HANSARD. The CBK proceeded to enter into an agreement, a week after, at US\$45 million on a forward rate of Kshs70 to the US dollar which was going to be Kshs3.15 billion. But in the event, when the money was received, it would be at Kshs65 to the US dollar. So, that would be Kshs2.925 billion. I get disturbed when I hear comments that it was sold at Kshs1.8 billion.

*(Loud consultations)*

Mr. Deputy Speaker, I would really want to continue.

**Mr. Deputy Speaker:** Order, Members!

**The Minister for Finance** (Mr. Kimunya): Thank you, Mr. Deputy Speaker, Sir. I get disturbed when I hear people challenging the figures that are on record. An amount of US\$4.5 million was paid on 9th May into the account of CBK and US\$40.5 million is being awaited at an account designated for CBK at National Industrial Credit (NIC). The process is awaiting the transfer documents to complete the payment of US\$45 million. That information was available to the Ministry of Lands. The valuation details were also given to the Ministry of Lands. The Chief Government Valuer went to the hotel site and valued the hotel. The value declared for land and property alone was Kshs1.85 billion. An amount of Kshs1.1 billion was for the fixtures and fittings. The Chief Government Valuer went to the site and enhanced the valuation to Kshs2 billion upon which stamp duty of Kshs80 million was paid. The clearance of all the rates was done and the certificates were given.

So, when people say that the Ministry of Lands was not aware, they are not telling the truth to this country! When people say that, that hotel has been sold for Kshs1.8 billion when they know very clearly that it was sold for Kshs2.95 billion, they are not telling the truth! This is where we now have to distinguish the facts from the politics of "bring him down".

Mr. Deputy Speaker, Sir, I started by listing what I have been trying to do for the people of Kenya. I will continue doing that for the people of Kenyan because I owe it, first of all, to myself, my family, my people of Kipipiri and to Kenyans, to uphold integrity at the highest level and to maximise value in accordance with my training as an accountant for the public interest. I will produce more evidence to this House as I receive it, including information about these people who are talking and how they have been involved in this.

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

**The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to oppose.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. You can now get the feeling of the House. Given that hon. Kimunya has put down facts as he believes they are, would I be in order to ask you to call upon the Mover to respond?

**Mr. Deputy Speaker:** Order, hon. Member! The Government side has not even responded yet!

**Mr. K. Kilonzo:** But this is not a Government Motion!

**Mr. Deputy Speaker:** Order, hon. Member! Order! Proceed, Leader of Government Business!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, since yesterday, the reason why I have been fighting for more time was so as to enable the Government side to respond. But I am at a disadvantage at this particular point in time. That is because you have heard the Minister who is the subject of this Motion---

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Vice-President and Minister for Home Affairs of the Republic of Kenya say that he wanted the Government to respond on behalf of an individual who is deemed to be corrupt. Is this Motion of Censure against the Government or an individual? This is a Motion of Censure on an individual and not the Government, unless you want us to move a different Motion.

*(Applause)*

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I want to appeal to the hon. Member for Ikolomani not to look so angry. I want to urge that there should be sobriety in this House. I feel personally that justice has not been done in this debate.

Indeed, I, personally, believe that, if all the facts, more than what hon. Kimunya has given, were made available to all my honourable colleagues, we would be in a position to reach a decision that will be clear, in the first instance, to all of us, that we have done justice to ourselves and the Minister. We have heard that he has a family and friends. All of us, of course, have families and friends in the country to think about.

It is, therefore, impossible for me, because of the constraints that are obvious, to respond effectively to this Motion. As the Minister has said, the Government side is going to give this country more information. The Government side will give---

**Mr. Namwamba:** On a point of order, Mr. Deputy Speaker, Sir. Is the Leader of Government Business in order to purport to be speaking on behalf of the subject of this Motion? When the Minister stood up to speak, he did not plead for more time to leave this House and go to seek more facts. He merely pleaded for additional time now, which you kindly granted!

*(Applause)*

**Mr. Deputy Speaker:** Order, Mr. Namwamba! The Leader of Government Business is contributing to the Motion. The issue of pleading for more time was disposed of a long time ago! We are now almost concluding the Motion itself.

Proceed, Mr. Vice-President!

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, in view of what I have just said, that I am particularly at a disadvantage, I want to say that the Government will be issuing - as I said the Prime Minister right now is at a meeting - an official response to this matter.

**Hon. Members:** Why?

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, because I do not have the benefit of the facts that are coming out of that meeting. I do not think I want to ambush this House---

*(Mr. Ruto stood up in his place)*

**Mr. Deputy Speaker:** Order, Mr. Ruto! Let the Vice-President say his bit!

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I know my friend, the Member for Chepalungu, may want to get, perhaps, more meaty contribution but, unfortunately, I cannot give it to him. I want to urge that irrespective of the decision the House will take now, the Government will issue a serious and exhaustive statement on this matter. I think that is the right of the Government---

**Mr. Deputy Speaker:** Order! Mr. Vice-President and Leader of Government Business, there is a Motion on the Floor of the House. The business of the Government is the business of the Government! We are now handling the business of the House! Could you proceed and either oppose or propose the Motion?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I oppose this Motion.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. With due respect to the Vice-President, is it really in order for the Government to tell us today that they need time to come and tell us whether the Public Procurement and Disposal Act was followed? Has the Government gone to sleep? Is it still functioning? I think it is a let down, and I have a lot of respect for the Vice-President but he cannot tell us that he wants more time to tell us that they know whether this thing was correct or wrong. If they have nothing to say, ask the Mover to respond.

*(Applause)*

*(Mr. C. Kilonzo stood up in his place)*

**Mr. Deputy Speaker:** Mr. C. Kilonzo, are you rising on a point of order?

**Mr. C. Kilonzo:** No, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Do you want to contribute to the Motion?

**Mr. Midiwo:** On a point of order, Mr. Deputy Speaker, Sir. I have been trying to get your attention for a while now, because when Mr. Kimunya was contributing he said that Mr. Okemo, who is not in the House, is the one who knows about Mobitelea. I think it is not fair because the hon. Member is not here, and the Minister knows that this House has demanded over the last so many months that he explains that matter. As the Minister, he has the same responsibility, which Mr. Okemo had. That should be expunged from the records of this House.

**Mr. Deputy Speaker:** Order! Proceed, Mr. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I will be very brief.

The Minister might be a guru in the accounting profession, but this House has valuers and you cannot be a valuer overnight. We saw arrogance from the Minister when he was asked about Safaricom. His answer was: "This is not a fish market".

*(Applause)*

When he was asked about De La Rue, he said we were speaking out of ignorance. When he was asked about the Grand Regency Hotel, he said: "This is a deal too sweet to sign off". Allow me to train him without a charge. I will tell him where the problem is. The problem is not even in the value as such. In valuation circles, there is what we call "open market value". The Minister did not even bother to say which value they adopted. They could have adopted the wholesale value, in which case they could lock themselves up and go to an auction, or lock themselves up somewhere and dispose of the property.

However, the open market value is described as the price at which an interest in a property might reasonably be expected to be sold by private treaty at the time of valuation, assuming, first, that there is a willing buyer and a willing seller, and, two, that there is a reasonable period within which to negotiate the sale, taking into account the nature of the property and the state of the market.

Most importantly, and finally, the property will be freely exposed to the market, with reasonable publicity. I will repeat that for him! The property will be freely exposed to the market with reasonable publicity.

I am a valuer myself! We know very well - I have nothing against my professional



colleagues - that in this world you can get anything you want. Last time, when we asked the Minister questions, because we had facts that this hotel had been sold, these were his words in a Ministerial Statement:-

"I also wish to state that it is not true that the hotel has been sold to the so called Meridian Arab---"

We had information, some of it I will not tell you where it was from, but it was right hand information. The Minister cannot come back and mislead the House that, indeed, the hotel was sold after the Ministerial Statement. That is misleading the House!

*(Applause)*

We had one Mr. Mwiraria, a very good man!

**The Minister for Finance** (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has correctly quoted what I stated in this House, that the hotel had not been sold to Meridian Investment Company. Up to now, I am not aware of any such company. Indeed, after I gave the Statement, the hotel was sold to Libyan Africa Arab Investment Company but not Meridian. My facts were correct then and are correct now!

**Mr. C. Kilonzo:** No comment on that, Mr. Deputy Speaker, Sir.

I will tell the Minister why Parliament is very disappointed. We had one Mr. Mwiraria, a very humble man. He made a mistake; he came to the House and said: "Indeed, I was wrong!" Just courtesy and respect for your own colleagues in the Cabinet and Parliament. What do we get from Mr. Kimunya? He has come and put before us his CV. If we give CVs he will be shocked at what people have done!

*(Applause)*

*(Laughter)*

You might have a very good CV, but we are not interested in the 99 per cent of your character. We are interested in the 1 per cent. When you tell us that and you are the one who recruited Mr. Ringera - and he is the subject of discussion here - what are we supposed to do with you? If I were you, I would not have mentioned Mr. Ringera!

*(Laughter)*

Mr. Deputy Speaker, Sir, the problem we have with our leaders is that when they get elected, they forget and assume that they have been anointed. What we have seen with Mr. Kimunya is that he has assumed that he has been anointed to come and liberate Kenyans. In this House, we have very good accountants, financial consultants, engineers, lawyers---

**An hon. Member:** Professors!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, where there is smoke, there is fire. There is smoke in De La Rue, there is fire. There is smoke in the IPO, there is fire. In the Grand Regency, there is even a bigger fire!

Ask yourself, how come your own colleagues in the Cabinet are not with you? Perhaps, it is because of courtesy. You have no respect for anybody! Parliament has taken exception to your conduct. Your own colleagues in the Cabinet are not with you. But if you are a simple man like Mr. Mwiraria--- He was once sacked! We even demanded, if we were in a position, we would have reinstated him. However, when you come here, you look at us and think we are just kids---

**Mr. Deputy Speaker:** Order, Mr. C. Kilonzo! You address the Minister through the Chair!

*(Laughter)*

**Mr. C. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir.

The Minister comes here and assumes that we know nothing. We have very many professionals here. I want to tell him that if that hotel had been floated in the market, probably, one "Stano" and many other Kenyans could have given offers. The question is not how much money you got from the sale of the hotel, but rather how you did it.

With those remarks, I beg to support.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, Sir, I feel honoured to stand in this House today and make a contribution. Today is a sad day as well as a very good day for this country. It is a sad day, because we are discussing issues concerning public resources. We are discussing issues similar to Goldenberg and Anglo Leasing scams. We are discussing this issue at a time when this country needs resources. We are discussing this issue at a time when this country is on the path of healing and reconciliation.

Mr. Deputy Speaker, Sir, today is a good in this country because the Tenth Parliament, at its initial and young stage, is discussing a case of mega corruption similar to Anglo Leasing and Goldenberg. The Kenyan people out there, are watching and waiting for hefty answers regarding pertinent issues like the Safaricom IPO, the sale of the Grand Regency Hotel, the De La Rue saga, and many other issues like the sale of Telkom Kenya. We must, at this early stage, point out very clearly that this is a Grand Coalition Government. At this stage, there is no Opposition in this House.

All the Members of this House, who are part of the Grand Coalition, are here in their capacity as representatives of the millions of Kenyans out there in order to protect their property and public resources that are dearly needed. We are talking about Kenyans who need these resources, like the Internally Displaced Persons (IDP) and students out there, who have not gone to school due to lack of school fees. We must respect and follow the laws that we pass in this House. The Members of the Cabinet, who were picked from the 222 elected and nominated Members of Parliament, must respect the Public Officer and Ethics Act as well as the Kenya Anti-Corruption Act. We must respect the Privatisation Act that this House passed. We must respect the Public Procurement and Disposal Act.

*(Mr. Were stood up in his place)*

**Mr. Deputy Speaker:** What is it, Mr. Were?

**Mr. Were:** Mr. Deputy Speaker, Sir, at least, all the hon. Members have already heard contributions from several hon. Members. From what I am hearing, there is repetition. Could you, please, call upon the Mover to reply?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Order! Proceed, Mr. Duale.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, Sir, we even need to move a Motion to extend this debate, so that we give to Kenyans the answers they need at the end of the day.

I was saying that we must respect the laws that we pass. We must not create a culture of impunity. We must set an agenda. We must set a pace such that when an aspersion is cast on a Member of the Cabinet, he steps aside and gives way for investigations to be carried out.

Mr. Deputy Speaker, Sir, we want to set a precedent. We want the Tenth Parliament to go down in history as the Parliament that has set a precedent during the first few months of its inception; that when a public official or a Cabinet Minister or Member of Parliament goes against the laws that have been passed by this House, he steps aside.

With those remarks, I support the Motion.

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

**Mr. Deputy Speaker:** What is it, hon. Member? If you want to bring debate on this Motion to a closure, be informed that the Mover will be called upon to reply at 6.20 p.m.

Ms. Noor!

**Ms. Noor:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support the Motion.

It is very disappointing to hear the Minister for Finance say that Grand Regency Hotel was sold in the interest of Kenyans when Kenyans were neither consulted nor involved, and given that the transaction was done secretly. Right from the start to the end, all laws were violated. The alleged secret sale of Grand Regency Hotel and the mystery surrounding the Safaricom IPO is not only illegal, but also unethical and insulting the intelligence of the Kenyan community. It is, indeed, unfortunate, unfair and uncalled for.

Hon. Members of this House are on record asking the Minister for Finance to clarify issues regarding the sale of Grand Regency Hotel. The response he gave was that he does not respond to bar talks and rumours. All along, the Minister was very economical with his words. To the extent that the Minister declined to take the opportunity given to him to explain the matter to this House, he has no moral authority to hold public office in this country.

*(Applause)*

Mr. Deputy Speaker, Sir, in a layman's language, the word "integrity" means acting in the same way and saying the same thing when you are being watched and when you are not being watched. Integrity demands that you do the same thing in darkness and in light. With that basic definition, the Minister has failed the integrity test. Hence, this reflects poorly on his leadership and that of those who appointed him to that position of responsibility. His actions bring into question the wisdom of the appointing authority.

Having said that, I want to join hon. Members of this House, the larger Kenyan community and the women of this nation to demand the resignation of the Minister for Finance. There is no moral authority left for him to manage our resources.

With those remarks, I beg to support.

*(Applause)*

**Dr. Kones:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support the Motion.

I do not want to repeat what other hon. Members have said. The Minister has really tried to address the issue being raised here. However, the answers he has given are unsatisfactory. About three weeks ago, we requested for a Ministerial Statement on the Safaricom IPO. That Ministerial Statement is yet to be brought to this House. Probably, some of the issues that the Minister tried to explain today would have been thrashed at that time. It did not happen.

Regarding the sale of Grand Regency Hotel, I think there was a problem on the valuation of the property. I asked some private valuers to give me a rough estimate of the value of the hotel. They gave me a conservative value of about Kshs5 billion. I looked at that figure and asked myself if that is, indeed, the actual value of Grand Regency Hotel. The Minister sold it for Kshs2.9 billion. I will still take the figure he gave. There is a difference of about Kshs2 billion, which is lost. Now, when I looked at that Kshs2 billion, I went to the Budget of last year. I saw that the Development Vote for the Ministry of Labour is Kshs260 million. Now, if we saved the Kshs2 billion which was lost, it would be enough to run the Development Vote of the Ministry of Labour for the next seven years! If that amount was given to my Constituency Development Fund at Kshs45 million per year, I would not ask for money here for the next 44 years! Now, what I am trying to say is this: On this

only one transaction, there is so much that, as a country, we have lost.

Mr. Deputy Speaker, Sir, we have been talking about the distribution of resources to the needy areas. Now, when I look at the whole scheme, it appears to me that there was a grand scheme to mop up all the finances to a few individuals in this country. I want to agree with the Minister to some extent, when he hinted that in this whole scheme, he is not the only one. I believe it is a network of some individuals who are highly placed locally---

**The Minister for Finance** (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has just made a very serious allegation; that I said that I am not the only one in this scheme and that, I am a member of a network of corrupt individuals.

Mr. Deputy Speaker, Sir, I never said those words! I will never be a part of any network, unlike the hon. Member!

**Dr. Kones:** Mr. Deputy Speaker, Sir, that is my interpretation of what he said. In that case, Mr. Deputy Speaker, Sir, since I know that there are a number of hon. Members who want to contribute, I just want to say that I support this Motion.

**Mr. Deputy Speaker:** Hon. Shabesh, you have five minutes before the Mover is called upon to reply.

**Mrs. Shabesh:** Thank you, Mr. Deputy Speaker, Sir. I will take only five minutes.

Mr. Deputy Speaker, Sir, through you, I would like to address the Minister for Finance. He has come out here clearly and spoken as a father, a friend and as a colleague, in trying to appeal to our good selves to look at him as a human being. It is on that point that I would like to advise him that, it is for the very reason and for the very people that he has mentioned - that is his wife, his daughter and his constituents - that he must step aside to allow the investigations!

*(Applause)*

Mr. Deputy Speaker, Sir, I have come here to support this Motion and I will not repeat what my colleagues have said. But I must say that we are in a Grand Coalition Government which was formed on a 50-50 basis. As you know, I am a nominated Member of Parliament and I have no constituency. My constituency is ODM.

I stand here to support and speak on behalf of ODM that, when we came into the Grand Coalition Government, we did not come into a grand collusion! We came to work together to, at least, see whether those contested elections - and they were really contested elections--- We wanted to make sure that we bring forward what we had in our Manifesto of ODM to the people of Kenya. One of the things we had in our Manifesto was zero-tolerance to corruption. If this Grand Coalition Government was to preach to Kenyans that it is serious, what is being discussed here is more serious than what the Minister is trying to make it look like.

Mr. Deputy Speaker, Sir, I want to say this: This issue has brought to the fore the lack of confidence by the Kenyan people in the structures of this Government. When we came to form this Grand Coalition Government, we did it to save the people of Kenya. We did it to stop the bloodshed. But we did not expect this Government to put in place structures that would allow such things as we are seeing today to happen. When we are touching on this issue, we are also touching on the Office of Aaron Ringera, the Kenya Anti-Corruption Commission Chairman, which we also have no confidence in! We are also touching on the Attorney-General, Mr. Amos Wako, who says that he had no idea what was going on.

Mr. Deputy Speaker, Sir, really, then, what is his role? That also brings to the fore the Office of the Attorney-General. We also talk about the Central Bank of Kenya. It is amazing that such an issue could bring up lack of credibility in so many structures that the people depend on.

I, therefore, beg to support this Motion and also emphasize that it is about time the Grand Coalition Government puts its house in order and really showed the confidence that we tried to portray when we came together. But so far, they are not proving to us that they are working

together. If the statement by the Minister for Lands is true, and I want to believe it was true unless he proves otherwise - he said that he did not know about the sale of Grand Regency - then something is cooking in this Grand Coalition!

With those few remarks, I beg to support.

**Hon. Members:** *Kwisha! Kwisha!*

**Mr. Deputy Speaker:** Order, hon. Members! Now, I will call upon the Mover to reply. Proceed, Dr. Khalwale!

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank all hon. Members who, this afternoon, have stood up and contributed in support of this Motion. I note that all of them, apart from only one speaker, have supported the Motion. I am very thankful to them.

Mr. Deputy Speaker, Sir, I want to thank the Chair for respecting the rule of natural justice by giving hon. Kimunya an opportunity to contribute. I want to thank hon. Kimunya because, in his contribution, he has actually alluded to what I had told the House earlier that, yes, indeed, he is a man of good letters!

This is a man who was my junior at the University of Nairobi by two years.

*(Laughter)*

But we graduated the same year because I was doing a degree that takes more years at the School of Medicine.

Mr. Deputy Speaker, Sir, while thanking the Minister, I want to caution the House that all the Minister did was to give us a flowery account of his *curriculum vitae*, something that is not special in the Tenth Parliament because all these are men and women of great repute!

*(Applause)*

Mr. Deputy Speaker, Sir, I want to thank the Minister for telling us that he has a wonderful family of a mother, father, wife and daughter. But that is nothing special because, in this House, I know of men and women who have more than ten children, Dr. Khalwale included!

*(Laughter)*

Mr. Deputy Speaker, Sir, I want to beg the Vice-President of Kenya that when he stated that I was using hard language, it is because of the mood of the moment. He is lucky that I was not speaking in Kiluhya, which is even harder!

*(Laughter)*

But, Mr. Vice-President and Minister for Home Affairs, take it easy. The Motion is not against your Government; it is against an individual in your Government. You have nothing to lose! We are making your Government look even better!

*(Applause)*

How I wish the Minister of Finance had responded to the issues that I raised! I itemised them one by one. But, instead of responding to them, the House has heard you! You simply shifted blame by saying: "Oh! The Grand Regency! Oh! Orenge knew! Oh! Grand Regency! They told the Prime Minister! Oh! IPO! Oh!" No!

*(Applause)*

Mr. Deputy Speaker, Sir, I, therefore, finish by appealing to the appointing authority in the Republic of Kenya that we have 224 able men and women in this House who can serve in the position of Minister for Finance.

Mr. Deputy Speaker, Sir, I would like, in so saying, to make it clear that I have no interest personally in the position of Minister for Finance. I am comfortable where I am. I would like the appointing authority to know that if it is the question of regional balancing, then, in the region and community where this Minister comes from, we have men and women who are capable of defending Kenya in a better way than him.

With those few remarks, I beg to move!

*(Question put and agreed to)*

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

**Mr. Deputy Speaker:** What is your point of order, Mr. Sirma?

**Mr. Sirma:** Mr. Deputy Speaker, Sir, since this House has passed a censure Motion on the hon. Kimunya, could we therefore, declare that this House will no longer recognise Mr. Kimunya as the Minister for Finance?

*(Applause)*

**Mr. Deputy Speaker:** Order, hon. Sirma! You are out of order!  
Next order!

*(Several hon. Members withdrew  
from the Chamber)*

## **BILL**

### *Second Reading*

#### THE NATIONAL ETHNIC AND RACE RELATIONS COMMISSION BILL

*(The Minister for Justice, National  
Cohesion and Constitutional Affairs  
on 1.7.2008)*

*(Resumption of Debate  
interrupted on 1.7.2008)*

**Mr. Deputy Speaker:** Who was on the Floor? Hon. Chepkitony you have six minutes before we adjourn and 22 minutes left.

Proceed, hon. Chepkitony!

**Mr. Chepkitony:** Thank you very much, Mr. Deputy Speaker, Sir. I was actually concluding when the time elapsed yesterday. This Bill, which seeks to create the office of Commissioner for National Ethnic and Race Relations, is going to create a new office. There is no need to create a new commission. Already, we have the Kenya National Human Rights Commission (KNHCR).

We should expand the mandate of the Kenya National Human Rights Commission to

handle these issues rather than create more commissions. It is my view that we amend the Kenya National Human Rights Act to take care of the issue of ethics and race relations rather than forming a new commission. The Kenya National Human Rights Commission does not have enough work. In any case, their duties are related. They are related to human rights issues, issues of justice and issues of bringing harmony in this country. So, it is my submission that we should not create another commission but we strengthen the Kenya National Human Rights Commission and amend the Act creating it appropriately so that that office can handle issues raised under this Bill.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Musyimi:** Thank you, Mr. Deputy Speaker, Sir. As you are aware, Kenya, like many other colonies, did not come together through social convergence. Rather it was bounded together through imperial conquest and governed sometimes through very violent means as a nation at that time.

The issue before us through this Bill has to do with who we are and what we stand for. I have no doubt that, supremely, those questions will be answered as we discuss the Bill that deals with the Constitution. But it is very helpful to have an avenue and a channel through which these issues can enter the public realm and through which debate can be encouraged.

So, I want to stand to support the Bill. But as we do so, I think the issue of unity in this country is very crucial. May be, what one is saying is this: Are there issues about which we can differ as a people and still remain Kenyans? But at the same time, the other question is equally important. Are there issues about which we cannot differ without fatally impairing our very existence and nationhood? To me, that seems to be the right question. In other words, we need a Bill that affirms our right to be Luo but the duty to be Kenyan. We want a Bill that affirms our the right to be Hindu but the duty to be Kenyan. A Bill that affirms our right to belong to a particular group but the duty to belong to this nation.

So, I think it is important that we address the core values at the end of the day that must help this country; the values that will guide us. These values, I think we know, are respect for freedom and dignity of the individual, democracy, commitment to the rule of law, freedom of speech, a free press, equality of citizens under the law, tolerance and so on.

We must commit ourselves to being who we are without expressing that being in a manner that infringes on the rights of the other people. That is why one supports this Bill. So, it is crucial to facilitate a process of integration that helps us to become one people as a nation. I think the issue of civic competence is crucial. We need to know and support the values that stand for this freedom and equality. We need to take seriously the instruments of socialisation that make us who we are. We should take seriously the institutions of family, education, religion, media, politics and so on. That way, we will never in future have to treat our citizens as voting zombies, but as partners in the crucial enterprise of being fellow Kenyans. Even as we seek to explain with candour the difficulties of politics, I think it is important that we govern our people fairly. As I complete, I am reminded of a quotation that appeared in the *Time Magazine* way back in 1996. I am talking about power and influence, it seems to me that has been abused. That is why we have this Bill rightly so on the Floor of this House. It says:-

" To hold power is to have a sure disposal blunt instrument. But without influence power dies out at the end of its channels of command. To have influence is to gain assent not just an entourage, to have imitators not just subordinates. Power gets its way, when it gets it, influence makes its way. In free societies it makes its way further"

Mr. Deputy Speaker, Sir, we want a Bill that will help us not just have positions of power but understand the importance of influencing our people. So, I support this Bill because it will help engage in public discourse to rediscover the values that ought to govern us.

**ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Musyimi, you will have an additional 25 minutes tomorrow afternoon on the same Bill.

Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until Thursday, 3rd July, 2008 at 2.30 p.m.

The House rose at 6.30 p.m.