

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Thursday, 13th July, 2000

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### NOTICE OF MOTION

LEAVE TO INTRODUCE MINISTERS  
OF THE GOVERNMENT BILL

**Mr. Muite:** Mr. Deputy Speaker, Sir, I beg to give notice of the following motion:-  
THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Ministers of the Government Bill in order to establish offices of the Ministers of the Government of Kenya and to provide for the establishment of such offices by the President.

### ORAL ANSWERS TO QUESTIONS

*Question No.357*

GATE COLLECTIONS FROM MT. KENYA NATIONAL PARK

**Mr. Deputy Speaker:** Dr. Murungaru not here? We shall come back to the Question later.

*Question No.439*

ARREST OF MR. BOSCO MUTUKU MUTUA

**Mr. Deputy Speaker:** Hon. Achola is in hospital, so he is unable to ask this Question today. He has asked that we defer it to Wednesday next week. Would that be all right?

**The Assistant Minister, Office of the President (Mr. Samoei):** That is okay, Mr. Deputy Speaker, Sir.

*(Question deferred)*

*Question No.417*

NON-PAYMENT OF ALLOWANCES TO  
SECURITY PERSONNEL IN KAJIADO

**Mr. Deputy Speaker:** Mr. Parpai not there? We shall come back to the Question.

*Question No.490*

MARKET OUTLETS FOR TANA DELTA FARMERS

**Mr. Shambaro** asked the Minister for Agriculture:-

(a) whether he is aware that farmers along the Tana-River Delta and Basin incur heavy losses each year because large quantities of their produce go to waste in their farms due to inadequate market outlets; and,

(b) what plans the Ministry is putting in place to improve and expand market outlets both in the local and export market.

**Mr. Deputy Speaker:** Mr. Shambaro, did you have a problem with this Question?

**Mr. Shambaro:** Mr. Deputy Speaker, Sir, this Question was specifically targeting mangoes which have been omitted. It now simply refers to the general farm produce.

**Mr. Deputy Speaker:** The hon. Member says that his Question zeroed in on mangoes, not just farm produce. I have not seen his draft, but if the Ministry has no objection, I will defer this Question so that you can sort it out.

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D. Lotodo): Mr. Deputy Speaker, Sir, that is okay.

**Mr. Deputy Speaker:** The Question is deferred to Thursday next week.

*(Question deferred)*

*Question No.226*

CHERRY/MBUNI DELIVERIES TO  
NYAIGWA/MARANI SOCIETIES

**Mr. Angwenyi** asked the Minister for Agriculture:-

(a) how much coffee (cherry and mbuni) was delivered

to Nyaigwa and Marani Farmers Co-operative societies respectively in each of the following years: 1990/91, 1991/92, 1992/93, 1993/94, 1994/95, 1995/96, 1996/97, 1997/98 and 1998/999;

(b) how much was realized from the sale of coffee in each of the years referred to in part "a" above for each of the two societies; and,

(c) how much was paid per kilogramme to the farmers in each of the years referred to in part "a" above.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The following amount of cherry and mbuni coffee was delivered by Nyaigwa and Marani Farmers Co-operative societies to the Coffee Board of Kenya. I have long tables, I do not know if you will allow me to lay them on the Table.

**Mr. Deputy Speaker:** Go ahead and table them.

*(Mr. Khaniri laid the documents on the Table)*

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Deputy Speaker, Sir, I also beg to table the document showing the amount of cherry and mbuni delivered by Nyaigwa Farmers Co-operative Society to the Coffee Board of Kenya from 1990 to 1998.

*(Mr. Khaniri laid the document on the Table)*

(b) The following amount was realized from the sale of coffee by the Coffee Board of Kenya; it is also a long schedule of tables running from 1990 to 1999, therefore, I beg to table both the figures for Nyaigwa Farmers Co-operative Society Limited and Marani Farmers Co-operative Society Limited.

*(Mr. Khaniri laid the schedules on the Table)*

(c) The following payment rates were made per kilogramme to the coffee farmers by the society, it is also a long schedule of tables ranging from 1990 to 1999 for both factories and, therefore, I beg to lay it on the Table.

*(Mr. Khaniri laid the schedule on the Table)*

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, as you can notice from the answer, there have been declining deliveries of this crop to the societies in the last three years. Could the Assistant Minister tell this House why there has been decreased delivery of cherry and mbuni?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, looking at the trend of coffee deliveries to all co-operative societies throughout the country, it has been downwards. This is controlled by the price at the auction at the Coffee Board of Kenya. When they offer low prices, farmers tend to neglect their coffee, and thus poor production. That is why there has been a decline.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, you will appreciate that the problem with our coffee societies is the management. Could the Assistant Minister assure the House that the next elections for Nyaigwa and Marani Farmers co-operative societies will be done democratically?

Mr. Deputy Speaker, Sir, what has been happening is that the co-operative officers have been compromised on the ground, and they are not carrying out the elections of the officials according to the regulations.

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I give that assurance to this House. We have received a few complaints about the management committees of these two co-operative societies. The elections were held in 1999. They are supposed to be in office for three years, but if the farmers feel that they want to have new officials, they should make a formal request to my Ministry, and I will authorise that elections be held and ensure that they are free, fair and democratic.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the story of Marani, Nyaigwa Farmers Co-operative societies and the others is exactly the same throughout Gusii Land. The coffee industry has collapsed, wananchi have no incentive to revive it, and we sit in this Parliament and make promises. Could the Assistant Minister ensure that the whole process is overhauled so that we have new committees, and the people give the committees a new mandate? Why are the leaders demanding for elections?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, if the hon. Member was keen, that is exactly what I said in my previous reply that, if the farmers request for other elections to be done, then the Ministry will oblige and ensure that they are carried out democratically.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Angwenyi, hon. Obwocha and myself have letters from all these societies asking us to do this, and that is why we have come here. And he is telling us to go back to the people. Is that correct? I mean, the matter has come before Parliament and we want an answer.

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I have no idea why the hon. Member is getting agitated. I have just given an assurance that if farmers make a formal request to the Ministry, we will ensure that elections are carried out.

**Mr. Kibicho:** Mr. Deputy Speaker, Sir, the Assistant Minister acknowledges that there has been decline on coffee deliveries countrywide. Does he agree that it is because of manipulation in Nairobi, and can he consider ordering the Coffee Board to put reserve prices so that the farmers are not exploited by these Asians who have come into the market?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I will look into that.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the answer that the Assistant Minister gave to hon. Angwenyi as to why coffee production is going down is not true. The truth of the matter is that small-scale farmers have not been paid their money for coffee delivered from last year. Since the KPCU, Thika Coffee Mills, the Co-operative Bank of Kenya and the unions are the ones who received money from the Coffee Board of Kenya last month and they have not given it to the farmers, could the Assistant Minister order them to release the money?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, first of all, I have to correct the impression the hon. Member is insinuating, that I gave a wrong answer to hon. Angwenyi's Question. There are various reasons why there has been a decline, and the answer I gave is the major reason why there has been a decline in production of coffee. As regards his question, if he evidence on any of these societies or corporations, then I will look into that.

**Mr. Keriri:** Mr. Deputy Speaker, Sir, the secret in improving the quality, the quantity and the earnings from coffee is good management. In the past, there has been decline in management because of poor organization of elections. Could the Assistant Minister tell this House what directives or regulations he has established in the recent years to make sure that the societies elect qualified, dedicated and effective farmers into the management societies?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, it is not the Government which elects; it is the farmers themselves. In the previous elections, which were supervised by officers from the districts, we have received at the headquarters numerous complaints, and as a Ministry we shall ensure that we send some senior officers from the headquarters to oversee the elections.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister misunderstood my question. The Ministry is in charge of putting forward directives and regulations on how these people should elect their management committee members. What regulations have been there of late, to make sure that effective farmers are elected to the management committees? Sometimes they elect some illiterate people who have a little amount of coffee and so on. What regulations are in place?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, we have a list of regulations that are supposed to be adhered to during these elections. If the hon. Member requests, I think I will table it.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that coffee deliveries are declining due to climatic conditions and low prices. The main reason for the declining deliveries to these societies is poor management. Many people are not delivering their coffee to the societies. In fact, they are undertaking private sales of coffee to Uganda. Could the Assistant Minister order elections in all coffee societies in Nyamira, Kisii and Gucha districts on one day and at one central point for each factory?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I could not agree more with the hon. Member in his sentiments. With regard to elections, I did say individuals societies have to request the Ministry to intervene. Otherwise, we will have to wait for the tenure of office of the current leaders to expire.

*Question No.402*

PAYMENT TO POWER GENERATING COMPANIES

**Mr. Kathangu** asked the Minister for Energy:-

(a) how much money the Kenya Power and Lighting Company paid the power generating companies for power supplied in the years 1994/95, 1995/96, 1996/97, 1997/98, 1998/99 to date; and,

(b) whether he could indicate how much was paid to each company.

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

(a) The Kenya Power and Lighting Company Limited has paid the power generating companies for the power supplied a sum of Kshs62.083 billion for the years 1994/95 to date as follows:-

1994/95 - Kshs8.138 billion  
 1995/96 - Kshs9.299 billion  
 1996/97 - Kshs7.343 billion  
 1997/98 - Kshs8.865 billion  
 1998/99 - Kshs9.349 billion  
 1999/2000-Kshs19.089 billion

(b) Mr. Deputy Speaker, Sir, the companies were paid as follows:-

(i) KenGen  
 1994/95 - Kshs8.138 billion  
 1995/96 - Kshs9.299 billion  
 1996/97 - Kshs7.343 billion  
 1997/98 - Kshs5.908 billion  
 1998/99 - Kshs5.724 billion  
 1999/2000-Kshs15.74 billion  
 (ii) Ibera Africa  
 1997/98 - Kshs1.968 billion  
 1998/99 - Kshs1.498 billion  
 1999/2000-Kshs1.474 billion  
 (iii) Westmont Power  
 1997/98 - Kshs1.019 billion  
 1998/99 - Kshs1.498 billion  
 1999/2000-Kshs1.474 billion

**Mr. Kathangu:** Mr. Deputy Speaker, Sir, I can see from the Assistant Minister's answer that the Tana and Athi Rivers Development (TARDA) is not among the companies here that are supplying power. I would like to know from him whether it is true that TARDA did not supply power?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, the functions of TARDA were taken and it is not providing power now.

**Mr. Muite:** Mr. Deputy Speaker, Sir, given the amount of money that the Kenya Power and Lighting Company paid, in particular to KenGen, could the Assistant Minister tell us how much, out of this amount paid to KenGen, was ploughed back towards the generation of electricity? Could he also tell us whether the hours of power rationing will go up from 12 hours to 18 hours?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, KenGen ploughs back most of the money into its programmes. Secondly, the hours of rationing are being determined by the prevailing weather conditions and water levels.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, hon. Muite asked a specific question and the Assistant Minister

said KenGen ploughs back most of the money. Is that an answer?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I was going to answer the second part of the question. I said the hours of rationing will be dependent on the weather conditions and water levels in the dams.

**Mr. Deputy Speaker:** Order, Mr. Chanzu! Answer the part of the question about how much money was ploughed back into generation.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I am aware that they ploughed back most of the money, but I do not have the figures.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, yesterday, hon. Angwenyi alluded to the fact that there is an hon. Member in this House who has got a hand in every business. That hon. Member has also a hand in the Independent Power Producers (IPPs). Could the Assistant Minister confirm or deny that the IPPs are paid different rates per kilowatt of electricity to favour the companies owned by this hon. Member? Could he confirm or deny that fact? If not, can he tell us how much they pay to these IPPs for each unit of energy consumed?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I am aware that the rates vary because the money used by KenGen is public funds, while the IPPs are private enterprises and their sourcing of funds was totally different. But I am not aware of an hon Member of this House having a hand in all these.

**Mr. Deputy Speaker:** Order, Mr. Chanzu! What is the cost of each unit of power supplied by these IPPs to the Kenya Power and Lighting Company?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I think I can come back to the House with that information later on. I do not have the full information now.

**Mr. Deputy Speaker:** Order, Mr. Chanzu! Come back to the House with that information on Tuesday, next week.

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Would it be in order to request the Assistant Minister to include in that information which he will supply to the House next week the names of the directors and shareholders of the IPPs?

**Mr. Deputy Speaker:** That is a different Question. You can put it as a Question by Private Notice and it will be answered.

Next Question, Mr. Sifuna!

*(Question deferred)*

*Question No.401*

#### REPAIR OF NYANGA BRIDGE

Mr. Sifuna is not there? We will come back to that Question later. Next Question, Dr. Ochuodho!

*Question No.042*

#### SHOOTING OF MR. RICHARD ODOYO

**Dr. Ochuodho** asked the Attorney-General:-

(a) whether he is aware that one Richard Odoyo of Kagan West Location, Homa Bay District, was shot dead by a prison warden during the vote counting exercise in December, 1997, outside the counting hall in Homa Bay Town;

(b) what action has been taken so far to bring the perpetrators of this heinous act to book; and,

(c) whether the Government will compensate the parents of the late Mr. Odoyo, and if so, in what manner.

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

This Question was asked sometime ago and I answered it. But it was deferred by the Chair at the very end. So, my earlier answer still stands.

(a) The Attorney-General is aware that one Richard Odoyo Okeyo died as a result of injuries arising from a stray bullet and being trampled on by a riotous crowd during the vote counting of the Presidential, Parliamentary and Civic elections of 1997.

(b) The matter was taken to court and it is now being heard by the Senior Resident Magistrate's Court under Inquest File No.5/98.

(c) The issue of compensation has not been considered as the matter is still pending in court.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, the answer that the Attorney-General has read is very different from what I have in writing. The one I have even gives the inquest dates during, which the hearings were done, and when they started, which was on May, 1999. But this man was shot dead on 29th December, 1997. In an attempt to have me disqualified in the elections, the ruling party arranged either to intimidate or kill me. On 29th December, 1997, during the polling day---

**Mr. Deputy Speaker:** Are you going to ask a question or make a speech?

**Dr. Ochuodho:** I am going to ask a question, but I am developing a case because what happened---

**Mr. Deputy Speaker:** Order, hon. Ochuodho! If you want to develop a case by way of making long statements, bring a Motion.

**Dr. Ochuodho:** I will make it short. I was informed that I was to be shot. Instead, my brother went with my wife to represent me during the counting of votes and my brother was shot by policemen. The Attorney-General says this man was killed by a stray bullet; could he tell us whether postmortem was done to establish whether it was the trampling or the bullet that killed my brother?

**Mr. Wako:** Mr. Deputy Speaker, Sir, the answer I gave this afternoon was more or less a summary of the answer I had given earlier. As far as I am concerned, I had answered this Question. That is why I did not mention the various dates when the inquest was heard. The postmortem was done and it revealed that this man died of a gunshot. I do not have the inquest file with me, but it is clear from the answer that he was shot at.

**Mr. Magara:** Thank you, Mr. Deputy Speaker, Sir. It is very interesting that when a Kenyan has lost his life, the Attorney-General, who is the Chief Legal Advisor of the Government, comes to this House and tells us that he thinks that the deceased was hit by a stray bullet or he died because of being trampled on. The truth is that these wardens, who were taking care of the counting hall, were paid Kshs20,000 each to ensure that---

**Mr. Deputy Speaker:** Ask your question! Stop rumour-mongering!

**Mr. Magara:** Just a minute, Mr. Deputy Speaker, Sir. Why does it take almost three years to arrest the person who shot the brother to an hon. Member of this House? If it is a matter of identifying who shot the deceased, the police officers were only six in number. They knew how many rounds of ammunition each police officer was carrying! How can it take almost three years to arrest the culprits who shot the brother of an hon. Member of this House?

**An hon. Member:** That is serious!

**Mr. Wako:** Mr. Deputy Speaker, Sir, it did not take three years. The fact of the matter is that all these matters are matters being gone into by way of an inquest court. Therefore, all these allegations as to what happened, how it happened, who was shot by who, are matters that hon. Members can assist the inquest court by way of producing evidence before that court, to enable it make a comprehensive decision on the matter.

**Mr. Muchiri:** Thank you, Mr. Deputy Speaker, Sir. This incident happened at the counting hall and the deceased was shot with a rifle, and there were very many witnesses. Is the Attorney-General telling this House that, out of the six police officers with guns, the police ballistic experts are not in a position to tell that the bullet which killed that person came from a particular rifle which was taken from the armoury by a particular warden number so-and-so?

**Mr. Wako:** Mr. Deputy Speaker, Sir, what I am telling this House is that, the matter is before the inquest court and this House cannot be an inquest court!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I do not think that the Attorney-General, for once, should be allowed to get away with this one. Could he tell us why it has taken so long to complete the inquest cases, because justice delayed is justice denied?

**Mr. Wako:** Mr. Deputy Speaker, Sir, the inquest began on 31st May, 1999, and so far, 17 prosecution witnesses have testified and only six are remaining. So it should be completed soon.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, the inquest started more than two years ago after I had put in this Question, meaning, therefore, if I had never put the Question, the issue would have just passed like that. However, one of the ten policemen who were given Kshs20,000 was a cousin of mine. He came to my home in the morning with the money and advised me not to pursue the issue. Given that the Attorney-General acknowledges that it was one of the prison warders who shot my brother, I understand from law that, the prison warders had no business being at the counting hall. Could the Attorney-General tell us why these six prison warders, all of them being suspects in this case, have not been apprehended and charged with the murder of my brother?

**Mr. Wako:** Mr. Deputy Speaker, Sir, could the hon. Member make that information available to the Inquest Court to make a determination of this issue?

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. Is the Attorney-General in order to tell me

that I make information available? I have already recorded a statement with police in Homa Bay District. Is it in order for him to ask for more information while I have already made it available?

**Mr. Wako:** Mr. Deputy Speaker, Sir, if the hon. Member has made a statement to the police, I am quite sure that he is going to be summoned and he will give evidence before the inquest court.

**Mr. Deputy Speaker:** Dr. Murungaru's Question for the second time.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, I beg to apologize for coming late.

*Question No.357*

GATE COLLECTIONS FROM  
MT. KENYA NATIONAL PARK

**Dr. Murungaru** asked the Minister of State, Office of the President:-

(a) how much money did the Kenya Wildlife Service collect from the Aberdare and Mt. Kenya National Parks as gate collections and other fees in the financial years 1997/98 and 1998/99; and,

(b) out of this amount, how much has been utilized on community projects in Kieni Constituency.

**Mr. Deputy Speaker:** Anybody here from the Office of the President?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to seek the indulgence of this House. I do not have all the information pertaining to this Question. I am requesting that the Question be deferred to next week.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, I have no problem with that because I would really like to get the information which I have asked for.

**Mr. Deputy Speaker:** The Question is deferred to Wednesday next week, in the afternoon.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, I apologize for coming in late.

*(Question deferred)*

*Question No.417*

NON-PAYMENT OF ALLOWANCES TO  
SECURITY PERSONNEL IN KAJIADO

**Mr. Parpai** asked the Minister for Planning:-

(a) whether he is aware that security personnel and chiefs in Kajiado District were not paid for days worked during the 1999 census; and,

(b) what action he is taking to ensure that they are paid their dues without further delay.

**The Minister for Planning** (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The security personnel who worked during the 1999 National Housing and Population Census in Kajiado District were paid for the services rendered through the District Commissioner's Office Kajiado. Payments to the security personnel were effected vide an Authority to Incur Expenditure (AIE), No.A27324 of Kshs383,700, issued to the District Commissioner Kajiado in December, 1999.

Mr. Deputy Speaker, Sir, I am very much aware that chiefs and assistant chiefs have not been paid all over the country up to now, and they are going to be paid within this month. We have a total of Kshs17 million to be paid to the chiefs and assistant chiefs.

(b) Arrangements are under way to pay the Chiefs during the current financial year, 2000/2001, which started on the 1st of July, 2000.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, I appreciate that the answer is a bit comprehensive. However, is the Minister further aware that in Loitokitok Division, some traders who offered both food and lodging services to the trainers have also not been paid, and this has affected their businesses to the extent that some of them are now closing down their businesses?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I am very much aware that, quite a number of merchants, hoteliers and some other personnel have not been paid. I know very well that some hoteliers in the whole country have not been paid an amount totalling to Kshs5.1 million, and some merchants have not been paid an amount

totalling to Kshs20 million.

For the merchants, the reason why they had not been paid is that, there were some disputes. Some of the merchants inflated the prices they quoted. We had to set up a committee in the Ministry which called all the suppliers, and we went down item by item to find out whether they could reduce the prices, or what exactly they wanted to do. During this month we are going to pay a total of Kshs27 million to some of the suppliers. I can assure the hon. Member that the rest of them will be paid as soon as possible.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, the National Housing and Population Census was an exercise carried out throughout the whole Republic of Kenya. Did the Minister apply some favouritism because the chiefs and security personnel worked during day and night? I am aware that officers in my constituency were paid. How come that the Minister paid security personnel in some constituencies and he did not pay the rest in other constituencies?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I am sure that I was very clear. I said that all chiefs and assistant chiefs have not been paid, and we are going to pay them this month.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, money was set aside for the census. However, the money that was supposed to be used to pay chiefs was used to doctor the census exercise. That is why the chiefs are not yet paid. Now, could the Minister tell this House why the Government decided to carry out the census without enough money to meet the expenses of the exercise?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I would, first of all, like to deny that the money that was meant to pay chiefs was used to doctor the census exercise. I would like to assure this House that nobody interfered with the census data. Let us not live on rumours; let us speak the truth. The truth is that the census figures are real, and will remain as they are. We are not going to doctor them.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the amount of money that was aside for the 1999 census was Kshs2 billion.

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

**Mr. Deputy Speaker:** Continue, Mr. Ndicho.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, could the Minister give this House an item by item breakdown of how the Kshs2 billion was utilised; who was paid, and who was not? I do not understand why Kshs2 billion was set aside for that exercise, but one year later, some facilitators of that exercise are still complaining that they have not been paid for the work they did. Is that money exhausted, or is there still a balance?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I do not know where the hon. Member got the figure of Kshs2 billion from. So far, the actual amount of money we have spent on that exercise is Kshs1.3 billion, and not Kshs2 billion.

**Mr. Deputy Speaker:** Ask the last question, Mr. Parpai.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, my last question is: Before the census exercise started, a budget was set aside for it, money for payment of chiefs, security officers, merchants and everybody else who was involved in the exercise. Where did this money go to? It is important for this House to be told where that money went to because, in some areas, enumerators were supposed to have been supplied with torches, pens, and other items. However, those items were not supplied, but some people were paid for supplying the same. Could the Minister tell us the persons who misappropriated the census money?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, torches and pencils were supplied to enumerators.

**An. hon. Member:** They were not supplied!

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, those items were supplied to enumerators. I have got the relevant figures with me.

**Mr. Deputy Speaker:** Mr. Minister, just answer the question you have been asked. Do not respond to questions that have not been raised from the Floor.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, enumerators were supplied with torches, pencils and stationery.

**The Assistant Minister for Finance and Planning (Mr. Lomada):** On a point of order, Mr. Deputy Speaker, Sir. Hon. Kiunjuri has made a very serious allegation to the effect that the census exercise was doctored, and he cannot be allowed get away with it. He must apologise for misleading this House or table evidence to prove that, indeed, the census exercise was doctored. Is hon. Kiunjuri in order to mislead this House that the census exercise was doctored?

**Mr. Deputy Speaker:** Order! Order! Mr. Assistant Minister, this country has been given several figures as having been spent on the same exercise. Surely, hon. Members are also entitled to have an opinion on the outcome of the exercise. So, hon. Kiunjuri has not broken any rule of this House.



Let us proceed to Mr. Sifuna's Question.

*Question No.401*

REPAIR OF NYANGA BRIDGE

**Mr. Deputy Speaker:** Mr. Sifuna is still not [Mr. Deputy Speaker] here? The Question is dropped.

*(Question dropped)*

QUESTIONS BY PRIVATE NOTICE

MURDER OF MR. JOSEPH YEBEI

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

(a) Under what circumstances was Mr. Joseph Yebei, a watchman in Sotik Urban Council, murdered on the night of 13th June, 2000?

(b) Could the Minister, urgently, transfer the chief security personnel in the area to facilitate investigations into the murder?

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

(a) A watchman, Mr. Joseph Yebei, was attacked by thugs who were armed with pangas, and sustained serious cuts on the neck, on the night of 13th/14th June, 2000, while he was on guard at the Sotik Urban Council offices. He was taken to Kaplong Mission Hospital, where he died while undergoing treatment.

(b) The then Officer Commanding Station (OCS), Sotik, and his deputy, have since been moved out of the area on normal transfers.

**Mr. Kimetto:** Mr. Deputy Speaker, Sir, the then OCS, Sotik, has been transferred. On the 13th day of June, 2000, I was prevented from holding a meeting pertaining to security in that area. Could the Assistant Minister transfer all the security personnel out of that area? The community there feels that the security personnel were part and parcel of those people who killed Mr. Yebei.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, as I said, I have since taken steps to ensure that we have the right security personnel in Sotik. I will see what I can do about what the hon. Member has said.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I find the answer given by the Assistant Minister very puzzling. The Assistant Minister said that the chief security officers who were there during that time were moved elsewhere on normal transfers, yet there was a murder case in their hands. Could he tell us whom he has put in the place of the officers he had transferred? The murder case ought to have been investigated. He cannot just leave it at that. So, could he tell us whether investigations into the murder of Mr. Yebei have been carried out?

**Mr. Somoei:** Mr. Deputy Speaker, Sir, while responding to a general concern on security matters in Sotik, I took some relevant steps. The police are investigating the death of Mr. Yebei. As soon as the investigations are complete, we will take an appropriate action.

**Mr. Mbitiru:** Mr. Deputy Speaker, Sir, the security situation in this country is very pathetic. Is the Assistant Minister aware that police officers who are involved in murders and maiming of *wananchi* have been transferred irregularly to cover up those crimes?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, we have transferred policemen on disciplinary grounds and charged some for abusing their authority as and when we found them to have contravened the Police Act.

**Mr. Kimetto:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that Mr. Yebei was killed about 60 meters away from Sotik Police Station, and that when a report was made to the police station that somebody was being killed, the police officers who were on guard instructed the person who went to report the incident to go back to the scene to count the number of thugs who were killing Mr. Yebei? Would it be possible for one to do such a thing?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I am not aware of that.

**Mr. Deputy Speaker:** Very well; let us go to Mr. P.G. Gitonga's Question.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, I would like to, first of all, bring it to your attention that I do not have the written answer to this Question.

## ARREST OF HON. P.K. MUIRURI

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

(a) Could the Minister inform the House the circumstances that led to the death of two farmers and a policeman at Mataara, Thika District, on Tuesday 19th June, 2000?

(b) Under what circumstances was hon. P.K. Muiruri and others arrested on 21st June, 2000?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, I would like to apologise to hon. P.G. Gitonga for the unavailability of a written answer to this Question.

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

(a) On 20th June, 2000, following an abortive attempt to hold Kenya Tea Development Agency (KTDA) elections at Mataara, a group of about 3,000 armed farmers attacked 13 election monitors and 35 police officers. The irate farmers, who were armed with pangas and iron bars, pursued the group for over four kilometres. The police ran out of rubber bullets and tear gas canisters. As the farmers closed in on them, they were forced to use live ammunition to prevent a catastrophe. Two farmers were shot dead, while one policeman was hacked to death by the farmers.

(b) Hon. P.K. Muiruri, who is a member of this House, was arrested together with other people after investigations that were carried out during and after the incident revealed that he and others were responsible for inciting the farmers to violence.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, the tea farmers in Mataara and Thika had informed all those concerned with that election that they were not going to carry out any election before they were paid the money which the Kenya Tea Development Authority (KTDA) owed them. If that was the case, why did the police escort those officials who were going to conduct the election there? Was it not pure intimidation with a view to facilitating election of unpopular candidates? Why were armed policemen sent there?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, to the best of our knowledge, there were people who were interested in carrying out peaceful elections up to and including the time this ugly incident took place. As a security measure, we did provide the election monitors and officials with security, so that the farmers who were willing to take part in the elections would do so. But because of the action of leaders and other people, this was not possible, and as the election monitors and officials were leaving the venue, this particular incident, unfortunate as it is, took place.

**Mr. Kamau:** Mr. Deputy Speaker, Sir, it is interesting that the Assistant Minister has said that the police ran out of rubber bullets. It would be interesting to know when the police used live bullets, and why they had them. If their intention was actually not to use live bullets, how come they had them and eventually used them on innocent farmers?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, it is not a crime for police officers to carry live ammunition. As to when police officers used live ammunition, it was after the irate mob of farmers chased these police officers for four kilometres and finally caught up with them. By the time the police officers used live ammunition, they were actually surrounded by about 3,000 farmers. To prove the threat that these policemen actually faced, one policeman was hacked to death.

**Mr. Muchiri:** Thank you, Mr. Deputy Speaker, Sir. Is the Assistant Minister telling this House that hon. Muiruri led the riotous group, and as a result of that, three Kenyans lost their lives? If that is so, why was he not charged with the offence of murder instead of incitement?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, on the material day, hon. Muiruri was not there physically, but I said that investigations during and after the incident indicated that he and other people were involved in inciting these farmers. As to the veracity of that information, it will be proved in court.

**Mr. Nderitu:** Mr. Deputy Speaker, Sir, if that is so, then why is the charge of incitement still in court? How did the hon. Member incite the farmers, if he was not present on the material day?

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. Is this Question properly before the House, now that this matter is in court?

**Mr. Deputy Speaker:** The Question is on the Order Paper, by the way, hon. Murathe. Did you read it?

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

**Mr. Deputy Speaker:** Mr. Samoei, answer that question.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, whether hon. Muiruri and his company used any means to incite the farmers, that is a case before court, and he will prove himself guilty or not guilty.

**Mr. Muite:** Mr. Deputy Speaker, Sir, could the hon. Assistant Minister tell this House the person who has got the final authority in giving instructions to the police at the district level? This is because hon. Muiruri had seen the OCPD, who had agreed that since the farmers were peaceful and had said that they did not want elections, he would not send police officers, who were later sent by the Thika District Commissioner (DC). Who is in charge of the police at the district level; is it the OCPD or the DC?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, as to how the police conduct their business, I am the person with the authority, and how I do it is my business.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to arrogate unto himself powers which he does not have? In the 1997 IPPG reforms, because of this confusion in the chain of command, it was decided by Parliament that police would take instructions directly from the Commissioner; and the Commissioner and his officers would be held directly responsible. Now, how comes that he has taken these powers and given them to the DC?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I did not say that the powers are with the DC.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, arising from this arrogant Assistant Minister's answer to that Question, the farmers had said very clearly that they were not going to conduct that election on that day. Why did the police find it necessary to send armed men to the area to conduct an election, if it was free and fair and yet, farmers had refused to conduct it on that day?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I am very sure that we had very genuine farmers who wanted to be part and parcel of a nationwide exercise to put in place an organisation that would run their affairs. Unfortunately, under the incitement of certain members of our community, it was not possible for this to take place.

**Mr. Deputy Speaker:** Let us move on to the next Question.

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

**Mr. Deputy Speaker:** Order! Mr. Gatabaki, there is, there was and there shall be only one authority in this House, which resides in the Chair.

Proceed, hon. Anyona.

#### EXPULSION OF BURU BURU SCHOOL KCSE CANDIDATES

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the Board of Governors (BOG) and the headteacher of Buru Buru Girls School, Nairobi, illegally expelled Ms. Divina Nyambane and Ms. Grace Kariuki, both in form four, with effect from the end of the 1st term on account of their religious beliefs and practice, contrary to the provisions of the Constitution and the Education Act, vide her letter dated 5th May, 2000?

(b) Could the Minister order immediate revocation of the expulsion of these KCSE candidates so that they may prepare for the mock examinations?

(c) What disciplinary measures will the Minister take against all the BOGs and the headteachers who flout the law through illegal expulsions?

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

**Mr. Deputy Speaker:** I have overruled it. We are on Question three by Private Notice, hon. Gatabaki.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, you are unfair to the people of this region!

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

(a) I am aware that Divina Nyambane and Grace Kariuki were excluded from Buru Buru Girls School, Nairobi, after the two Seventh Day Adventist Church followers refused to sit their pre-mock examinations on Saturday, which is their Sabbath Day, on 25th March, this year.

(b) I have ordered revocation of the expulsion, and the two girls are already back in the school.

(c) The BOG and headteachers that persist in expelling their students illegally, even after being cautioned, will be deemed irresponsible and incapable of discharging their duties. I shall henceforth not hesitate to invoke my powers under the education Act to suspend or require such BOGs to resign.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I am grateful for the answer given by the Assistant Minister. The tag that has been placed on the Ministry as "corridors of chaos" may be fading away, if we are given more of this kind of answer. Could the Assistant Minister use the authority of this House to order, like he did last time on fees guidelines, that school heads and boards of governors have no powers at all under the law, to expel children,

and that they should not do so henceforth?

**Mr. Karauri:** Mr. Deputy Speaker, Sir, under this particular circumstance I have explained, I wish to take this opportunity to tell the House that the Ministry of Education, Science and Technology respects the rights of religious worship and any school that expels children because of their religious rights will be disciplined.

(Applause)

#### INCREASE OF COST-SHARING CHARGES

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Could the Minister explain why the Ministry has raised the cost-sharing charges for all Government hospitals in Central Province?

(b) Could the Minister consider reducing the said rates to enable poor patients access the health facilities?

**The Assistant Minister for Health (Mr. Mukangu):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) Cost-sharing charges were increased by the respective hospital management boards in the province because of the rising cost of drugs and other supplies utilised in the hospitals.

(b) It is inappropriate to consider reducing the charges since this will adversely affect the services rendered at those hospitals. No patient, however, will be denied health care services at the hospitals on account of his or her inability to pay.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, according to the Constitution of Kenya, it is the responsibility of the Government to provide health for all Kenyans without discrimination. In my constituency, chiefs are recording so many deaths because our people cannot get services in the hospitals. Why should the Government discriminate against Central Province in the provision of health services?

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, I want to state very clearly that there is no discrimination done by the Ministry. I would like to advise the hon. Member not to politicise provision of health services management in this country.

**Mr. M. Kihara:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister saying that the cost-sharing in hospitals was increased in Central Province due to rising cost of drugs and other supplies utilised in the hospitals. Is he telling the House that Central Province procures drugs and other supplies separately, unlike other provinces and, therefore, our people have to pay more for these services?

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, the responsibility of regulating health service care charges in Government hospitals is vested in the hospital management boards. This does not really affect Central Province alone. So, when they charge fees in cost-sharing, they consider a number of things, for example, the ability of people in a given area to pay.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, this is not a simple matter as the Assistant Minister is trying to make it appear. Why is it that all the hospital management boards in Central Province have increased their rates and the Ministry agreed to it? There must have been co-ordination. The Ministry must be aware, and the Assistant Minister should tell us the truth.

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, the Ministry is not aware of that.

**Eng. Toro:** Mr. Deputy Speaker, Sir, it appears the Front Bench here is becoming very arrogant. They do not want to answer Questions in a straight manner. The Ministry of Health is charged with the responsibility of overseeing services in all hospitals in this country. Here is one province which increases the cost of service beyond the poor man's ability to pay, and the Assistant Minister is saying that they have no authority to oversee the cost-sharing in Central Province. Could he assure this House that he is going to look into it and have the increases reduced because we cannot continue burying our people because they cannot get services from the hospitals? It appears there is collusion to have the people in that province be destabilised economically. You heard the Minister of State, Office of the President, Mr. Nassir, saying that there were no *El Nino* rains in Central Province and that is why we never got the *El Nino* money to rehabilitate our roads in that province.

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, we are going as per the request by the hospital management boards of that particular province. We cannot reduce the fees unless there is misappropriation of those funds.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, if you visit any health centre in Central Province, you will pay Kshs20 as registration fee and Kshs40 or Kshs200 for laboratory test depending on your ailment. Therefore, a patient in Central Province is supposed to carry more than Kshs340 when visiting a health centre. They are also supposed to have more money to buy drugs. Is the Ministry of Health ready to provide health services to

Kenyans without discrimination?

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, we are ready to do that.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, this is a very serious matter. The Assistant Minister has not answered the Question. He said cost-sharing in hospitals depends on the ability of the people to pay. Are you satisfied that those management boards' recommendations, as per the breakdown given by hon. Mwangi, are justified? What is the role of the Ministry in regulating these management boards not to charge unaffordable and exorbitant fees, so that we do not keep burying our people? Is it a deliberate Government policy to kill people in Central Province?

**Mr. Mukangu:** Mr. Deputy Speaker, Sir, we cannot do otherwise, unless we are requested by health management boards in the province.

**Mr. Deputy Speaker:** Next Order.

### MINISTERIAL STATEMENT

#### THEFT AT MWINGI DISTRICT HOSPITAL

**The Minister for Medical Services (Dr. Anangwe):** Mr. Deputy Speaker, Sir, I rise to make a Ministerial Statement in response to a question raised by hon. David Musila, the Member for Mwingi South, who had sought an explanation on two incidents in respect of Mwingi District Hospital. On the night of 16th and 17th June, 2000, FTI drugs worth Kshs1,688,700 were stolen from Mwingi District Hospital. The same type of drugs worth Kshs797,700 were again stolen from the hospital on the night of 1st and 2nd July, 2000. In both cases, no breakage of doors to the drugs' store occurred, and it is suspected that one side door of the store was deliberately left unlocked to allow easy entry by the thieves, but was carefully concealed to avoid being noticed as open from any casual observation. The first incident was immediately reported to the police who visited the scene and conducted thorough inspection and investigation. The store man who was the only one with the store keys, Mr. Fredrick Musila, was a prime suspect. He was arrested and charged in court on 25th June, 2000 for theft. He has since been interdicted and will remain so until the court case is determined. Police action also led to recovery of a few Government drugs from a local chemist and the owner of the chemist was also charged in court on 27th June, 2000. The second incident was similarly reported to the police, who arrested a store man, one Mr. Mwakia, who is currently in police custody. Whereas I do not wish to pre-empt the police and court actions, it is evident that some people are guilty of gross misconduct and negligence, resulting in heavy losses of drugs at the hospital. I can assure the House that I shall dismiss any person whose action will result in such losses. I also wish to assure the House that appropriate security measures have been put in place to prevent recurrent of such an incident. The two incidents notwithstanding, the Ministry is committed to supporting the Mwingi District Hospital in all possible ways to ensure delivery of improved health care services at the hospital.

Being ear-marked for UNFPA Reproductive Health Project, a Toyota Land Cruiser has been released by the Project to support the hospital. The hospital has also been earmarked for rehabilitation under the *El Nino* Emergency Project.

As regards the staffing of the new Medical Officer of Health (MOH), Dr. Maundu had been posted to the hospital, but he is still residing at Kitui, I have ordered that he relocates to the Mwingi District Hospital immediately, or he faces disciplinary action. The Ministry has also posted 13 additional nurses to the hospital. However, it is the policy of the Ministry that the MOH in the district can re-distribute nurses within his district; that includes the rural health facilities and hospitals based on service demand. The Ministry is, therefore, satisfied that the Mwingi District Hospital will continue to render health care services to the public appropriately.

**Mr. Musila:** Mr. Deputy Speaker, Sir, I thank the Minister for that statement. You have heard him saying that the Ministry had posted a doctor who is supposed to be the MOH, Dr. Maundu, but who resides in Kitui, 50 miles away. The reason why there have been constant thefts in that hospital is because it lacks a manager, because in those two incidences, there have been theft of drugs in the hospital, and the MOH was nowhere to be found and he had to be sent for at Kitui on the two occasions. Can the Minister take responsibility of what is happening at Mwingi and ensure that he posts a competent doctor who is interested in serving the people of Mwingi because the one who is now there is not interested?

**The Minister for Medical Services (Dr. Anangwe):** Mr. Deputy Speaker, Sir, I have given those assurances in my statement.

## POINTS OF ORDER

### EXTENSION OF TIME FOR MOTION

**Mr. Muite:** Mr. Deputy Speaker, Sir, given the importance of the debate that this House is having at the moment on the Anti-Corruption Select Committee Report, and bearing in mind the tremendous public interest, importance and the desire of as many hon. Members as possible to contribute, and also bearing in mind the ruling by the Chair that it will ensure that the 28 hon. Members mentioned in the Report will get an opportunity each for 30 minutes to contribute to the Motion, we would like to appeal, in accordance with the Standing Orders of this House, that the Leader of the Government Business moves a Motion for the extension of the sitting hours of this House during the tenure of the debate of this Motion so as to accord an opportunity to as many hon. Members as possible in order for them to contribute.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I do not know why that issue arises. The debate on this Motion runs, and if at any point in time there is either an intention to close the debate, then, there will be a necessity to extend the sitting of the House. I mean, this debate can go on for the next one month, as far as I know.

**Mr. Deputy Speaker:** Hon. Members, the debate is still running, and until it collapses, or until an hon. Member moves for its earlier conclusion, as many hon. Members as are in the House can contribute, or those who catch the Speaker's eye will be given the opportunity to contribute. If there should be need not only to extend the sitting hours of the House and, indeed, to extend the period beyond which we should go into recess, we should do so, because the contingency of our service requires us to do so.

### IMMORAL ADVERTISEMENT IN THE NEWSPAPER

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I am standing on a point of order on an issue of morality. I do not know whether I should direct my point of order to the Office of the President, or the Attorney-General's office. I am referring to an advertisement appearing in the *East African Standard* newspaper, in which they produced yesterday a photograph of a girl with a see-through vest. Yesterday, the girl promised that she would remove the vest she was wearing, and in today's newspaper, she is saying: "So hot, and I will take everything off to the new Station!" That is an infringement on our morality which is against the African culture and our morals, and it is affecting the Christian morals, the dignity of this country and of Africans, and I am sure, even the Muslims have been offended morally by what is coming out from that advertisement. So, I am asking the Government to assure the House that what we will be seeing in the *East African Standard* newspaper and the new Station, called "Kiss 100 FM," which is a very interesting phrase, will not be immoral.

Could we know from the Government whether it will allow such pornographic pictures and materials to infiltrate the minds of our people as Africans, good Christians and Muslims, and whether that Station itself will not be telling people more of those kind of things? That girl is now promising to remove everything, and therefore, could the newspaper be stopped so that they do not go on from there?

(Laughter)

**Mr. Deputy Speaker:** Order, hon Ndicho! Ordinarily, most men would like to see women in that position. On a more serious note, we cannot sit here as a House and let such lewd things continue to be exposed to our children. Who is in charge of this? I believe this falls under the Office of the President.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I think this should be handled by the Attorney-General and not the Office of the President.

### MONOPOLY IN TELECOMMUNICATIONS SECTOR

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, yesterday hon. Gatabaki asked the Minister for Information, Transport and Communication, Question No. 361 regarding the monopoly and duopoly of cellular phones. The Minister did allude to the issue of monopoly as passed by this Parliament in the Communications Act. Section 55 of the Communications Act says: "Any policy guidelines, rules and regulations issued by the Minister shall maintain the role of the commission provided in Section 23(2) of this Act and no monopoly or duopoly licensed to operate a telecommunications system or provide any telecommunications services shall be granted by the Minister or the commission."

Section 23(2) also talks against duopoly and monopoly so that it encourages competition. Despite this

fact, we know the commission has allowed Kensel and Safaricom to operate, thus effecting a duopoly. Of course, there is a proposal for exclusivity for Telkom Kenya for five years in Nairobi. That is a monopoly by all definitions. However, the Minister has cleverly decided not to bring that Section of the Act into effect. Instead, there is an attempt by the Attorney-General to smuggle in through the Miscellaneous Amendments Bill, the third schedule part two, a Section that says---

**Mr. Deputy Speaker:** Order! Is that Bill before the House?

**Dr. Ochuodho:** It was presented yesterday to the House. The third schedule, part two of the

Miscellaneous Amendment Bill says: "Notwithstanding the provisions of---

**Mr. Deputy Speaker:** Order, hon. Dr. Ochuodho! I think you have made your point. Although that Bill was presented in the House as the First Reading, it is not being debated now. In technical terms you are anticipating debate on it. I would request the Minister to come and respond to the first part of your statement because you have pointed out a part of the law which is discriminative against other operators in the telecommunications field.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I will leave that for now, but I have a question regarding the previous one. Why has the Minister failed to put into effect that Section? Yesterday the Minister did allude to the Telecom Sector Policy Document. Can he tell this House whether that policy document is above or under the Act passed by this House?

**The Minister Information, Transport and Communications (Mr. Mudavadi):** Thank you, Mr. Deputy Speaker, Sir. On the issue of monopoly or duopoly it is, indeed, true that this House legislated against the establishment of any such operations. I want to assure this House that although the first two initial licences for the cellular operators have been granted, that is Safaricom and Kensel, we have made it clear that, that does not prohibit the establishment of a third or fourth cellular operator. We have been considering, within the context of the industry, whether at this point in time the industry or Kenyans can accommodate a third player instantaneously when the first two have not even rolled out. In no circumstances are we saying that we want to stick to a duopoly or a monopoly because that would be going against the Act.

**Mr. Keriri:** Mr. Deputy Speaker, Sir, I think the Minister is being unfair in saying that initially they wanted to do it that way. When we passed that Bill into law we knew that this matter might arise. Parliament must have considered that there was no need for a duopoly or monopoly in the telecommunications sector. Yesterday the Assistant Minister told us that it will take time before the others are allowed to operate. I think they should be allowed to do so because they are in business. If they are too many, they will burn their fingers and stop it. Why insist on duopoly and monopoly at this stage?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, can the Minister really override the law? The law makes it very clear. In practice it may be a different matter. Then why do you not come back to Parliament and seek to change that position?

## MINISTERIAL STATEMENT

### EXTRADITION OF MR. OMWENO TO KOSOVO

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, following a request for a Ministerial Statement from hon. Magara with regard to the arrest and handing over of one Moses Tengea Omweno to the authorities in Kosovo, I would like to make the following Ministerial Statement.

Moses Tengea Omweno, formerly an employee of the International Organisation of Immigration, was wanted in Pristina, Kosovo for the offence of obtaining large sums of money fraudulently. In his capacity as an employee of the International Organisation for Migration, under the United Nations interim administration mission in Kosovo, an international warrant of arrest for the suspect was issued by the investigation judge of the district court of Pristina on 23rd May, 2000. The warrant of arrest was circulated to Interpol worldwide by Unimic and United Nations Regional Serious Crimes Squad in Pristina, Kosovo. Interpol, Kenya, received the warrant of arrest together with other relevant details on 29th May, 2000, and arrested Mr. Moses Tengea Omweno in Nairobi on 4th June, 2000.

The suspect left the country on 6th June, 2000, for Pristina, Kosovo under the escort of the International Organisation for Immigration and Interpol officers. He was handed over to the requesting authorities, that is the United Nations Regional Serious Crimes Squad in Pristina, Kosovo, on 8th June, 2000 and was detained at Pristina Detention Centre. As a Government, we are confident that the suspect will receive a fair

trial in Kosovo under the jurisdiction of the United Interim Mission in Kosovo. In the meantime we should let the competent authorities in Kosovo deal with the matter to its logical conclusion.

**Mr. Magara:** Thank you, Mr. Deputy Speaker, Sir. Indeed, this is a statement which was requested for over a month ago. Under what treaty was Moses Tengea smuggled out of this country?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, Mr. Tengea was not smuggled out of the country because indeed, the Government is aware of where he is. As a signatory to the Interpol charter and a member of the United Nations, we did accede to their request that Mr. Tengea be extradited and charged with the offenses I have mentioned.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the way a country treats its citizens, particularly those threatened with trial in another country, says something about the attitude of the leaders towards their citizens. Being members of the United Nations does not oblige you to extradite Kenyans to any country. You must have a treaty arrangement with the specific country for extradition. We do not have that with Kosovo. Kosovo is a turbulent region which has seen the most excessive outrages of racism perpetrated by Serbs. If a Kenyan has committed a crime it may be right for Kenya to say: "Have a trial done in our country." Why was this country in such a hurry to surrender a citizen to a country where there is no clarified infrastructure for the rule of law and without any obligation under any rule to do so except for this glib mention about the Interpol and the UN which have nothing to do with extradition rights?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, unfortunately, Mr. Tengea was involved in the disappearance of colossal sums of money from an organisation that has an office in this country. Due to the sensitivity of the issue and the amounts of money involved, the Government did consider it justified that Mr. Tengea should be extradited and charged. We are equally confident that Mr. Tengea will receive a fair trial.

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. If the Kenya Government had received a request from Interpol on Mr. Tengea, why did it not present it to a court in Kenya? The court in Kenya could have adjudicated and agreed that the Kenyan should be repatriated to Kosovo. Why was the Government in such a hurry? It received the request on 28th of May and within a few days, it had arrested and repatriated him to Kosovo. What was the hurry for? Why was he not presented before a competent court in Kenya?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, I do not think that there was any hurry. I think it is just a case of efficiency!

**Mr. Magara:** Mr. Deputy Speaker, Sir, I think there is something wrong with this Government! Indeed, if these are the kind of answers we will be getting from such Assistant Ministers, we are doomed! They are not serious with their own citizens and yet, they are paid with their taxes! It does not matter how much money Mr. Omweno stole from Kosovo. It was just a mere allegation. I think the Assistant Minister should go to the Attorney-General and get some simple technics to answer Questions of this kind. Whether he took billions from Kosovo or not, that should not have formed the basis on which the Government smuggled him out of the country. How can the Assistant Minister assure this House that Mr. Omweno Tengea will be given a fair trial? How can we know that his safety is guaranteed? As we are talking now, nobody knows where he is. He has never appeared in any court in this world. So, how sure are we that Mr. Omweno is in Kosovo and will face a fair trial? We do not know whether he is alive!

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, I did mention that Mr. Tengea arrived in Kosovo on 8th June, 2000. He was detained at Pristina Detention Centre. I think the allegations made by the hon. Member, to the effect that we have no value to our citizens, are not only unfair, but very untrue!

**Mr. Munyao:** On a point of order, Mr. Deputy Speaker, Sir. The other day, when Ocalan the Turk was abducted from Nairobi in the same circumstances, it was alleged later that some money was split among some individuals in the Front Bench. Might the same thing have happened in this case because already, the Assistant Minister has accepted that, there were huge sums of money involved? Might some of that money found its way anywhere around, where we can see?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, I think the allegation made by hon. Munyao, to the effect that Members of the Front Bench were implicated, are very serious! I think it is only fair to this House, the Front Bench and the country that, either he substantiates and provides evidence to the allegation or, for the sake of his dignity, withdraws and apologises to the House!

**Dr. Kituyi:** On a point of information, Mr. Deputy Speaker, Sir. I wish to inform hon. Munyao that, if you can demonstrate that Ministers of Government are so behold to easy money that they can outstep their docket, then you have reason to worry about what might have influenced their behaviour! In that regard, the hon.



Assistant Minister answering this Question knows what happened between him and Procession Way near Serena Hotel. Such a level can suggest a possibility of accepting money over selling a Kenyan to the authorities in Kosovo!

**Mr. Deputy Speaker:** Order, hon. Members! We are talking about the life of a Kenya! If you only had as much patient as I have, we will make a lot of progress! So, let us take this matter seriously! The hon. Assistant Minister, you have heard the sentiments expressed by hon. Members. All they are asking is for you do take this matter seriously, and make sure or confirm that, the said Kenyan is alive and will receive the due process of some court. We prefer that he does that in Kenya.

**Mr. Orenge:** Mr. Deputy Speaker, Sir, in fact, you have overtaken what I wanted to say. But it was basically this: I believe that this Government believes in the rule of law. Now, if you are served with an international warrant, and there is no implementing legislation, or a local law that allows you to obey that international warrant, then you are not under any duty to obey it. For example, the United States of America (USA) refused to sign the treaty for the establishment of an international criminal court because it believes that no American can be tried by any other court. Not even the United Nations can fire an American.

When a Rwandan was arrested in the USA, he was given the full mechanism of the law before he was handed over to the Tribunal in Arusha. Now, the way we treat Kenyans - this has happened before - we put them out there as if they are a burden. One of these days, I am afraid that if the same way we apply the law here is applied on them outside there, one of you will be faced with a citizens arrest, the way President Mugabe was faced with a citizens arrest in London, if you do not take care of the law!

### COMMUNICATIONS FROM THE CHAIR

#### NOTICE OF MOTION FOR ADJOURNMENT ON FAMINE RELIEF

**Mr. Deputy Speaker:** Hon. Members, I have one or two things to clear up. The first one is that I have received, and I, indeed, informed the House that, I had received a notice from the Member for Kimilili Dr. Mukhisa Kituyi, of his intention to raise a matter on a Motion of Adjournment at the end of the normal Sitting Day, pursuant to the provisions of Standing Order No.18(i), concerning unsatisfactory reply to a Question by Private Notice on Tuesday, 11th July, 2000, in connection with the supply of famine relief in Gem Constituency and the whole country in general. I have considered this matter and acceded to the request. Therefore, I will be calling upon the Member to move the Motion for Adjournment on Thursday, 20th July, 2000, at the interruption of business. This is because our Standing Orders require us to do that only after the interruption of business.

I also want to make it clear that this will not be a Motion to discuss hunger, famine or drought. That has already been done under a Motion on Adjournment by Dr. Omamo. This will be to discuss the mode of determining which district deserve what quantities of famine relief, and how it will be supplied. It will only be for half an hour.

#### IMPROPER INSINUATIONS

Secondly, I was hoping that hon. Gumo would be in the House. I did see him earlier, but he has now made his disappearing act. I was also hoping that hon. Angwenyi would be in the House so that I could deal with what they said yesterday, and the day before. I have looked at the HANSARD and I can confirm to the House that, in fact, hon. Gumo did mention Mr. Mugo in the terms that were complained of. Hon. Angwenyi also did insinuate that this House spent Kshs150 million to clean up our benches and, that, we were spending Kshs800 million in renovating Continental House. They are both wrong. But I would like to give a more detailed ruling when they are here. For the time being, let me say this: They can run, but they cannot hide! So, I will wait for them for as long as it takes! We must put a stop to the accusations and condemnation by innuendo, if we were to restore the dignity of this House. It is all in our collective interests that, we really stand up and make our contribution based on facts. As it so happens, the facts that are required by those two hon. Members, to come into the House and make their statements, are available in the records of the House. So, there is no reason whatsoever, to come here with rumours and some positions for which you have no evidence or support. So, let me stop at that and say that, I will wait for hon. Gumo and Angwenyi to be in the House before I make my considered ruling. If I will not be in the Chair, the Speaker will be briefly so that he can do the same.

Next Order!

## MOTION

### ADOPTION OF ANTI-CORRUPTION SELECT COMMITTEE REPORT

THAT, this House adopts the Report of the Anti-Corruption Select Committee laid on the Table of the House on Tuesday 9th May, 2000 and further recommends that the Attorney-General introduces a Bill entitled The Anti-Corruption and Economic Crimes Bill, 2000, contained in the Report.

*(Mr. Kombo on 5.7.2000)*

*(Resumption of Debate interrupted on 12.7.2000)*

**Mr. Deputy Speaker:** Mr. Nassir, was on the Floor. You have ten minutes.

**The Minister of State, Office of the President** (Mr. Nassir): Thank you, Mr. Deputy Speaker, Sir. I think that is more than enough.

Nilisema jana kwamba ni lazima Kamati imalizwe na tuimalize kabisa. Hii ni kwa sababu aibu yote ambayo inatokea si dhara ya yule mtu ambaye jina lake liko katika orodha ya aibu. Ni dhara ya Kenya nzima. Si dhara ya Serikali peke yake. Katika ulimwengu huu ambao tukona kila wakati tunapojitokeza nje kuonyesha kwamba kuna wizi na kadhalika kwa, wale wanaotusaidia, kutakuwa na taabu sana. Mimi ningeomba wafikirie sana juu ya mambo haya na tuweze kuyaondoa. Nataka kuwafahamisha ndugu zangu ambao waliaandika "List of Shame", kwamba hawaibiki wao ambao majina yao yaliandikwa. Wao kama wafanyakazi na Wabunge wema, kule wanapewa kura, wanajenga, wanafanya Harambee na wanawasaidia watu. Wale wanaoinuka kuwalaani, ikiwa watu wao wanawataka na wewe unawatakana, hata ukifanya lo lote kwao hawatakusikiza bali watawapatia kura tena na waterejea hapa Bungeni vile vile.

Bw. Naibu Spika, ikiwa ni habari ya Serikali, ikija kwa Kamati ya ufisadi basi iaambiwe maneno na serikali nyingine ambazo zitakuweco katika siku za usoni na tutaendelea hivyo hivyo. Lakini ukweli ni kwamba hasa nawaomba watu wa magazeti waache kutukana Serikali sana. Sisi tuna vyama vya siasa na hatukujua kama kuna vyama vya magazeti. Kwa hivyo, kama wao wana vyama vya siasa kwa magazeti, wajiandikishe. Lakini kama ni kuandika mambo yaliyo katika Kenya, waandike upande wote. Sio eti Nassir akiongea watu wengine wakimbie wakisema "eti wacha kumsikiliza mtu huyu; wacha aende." Lakini hasa nataka kuwafahamisha ndugu zetu kwamba ikiwa ni kwa sababu ya kujaribu kuvunja heshima ya chama, chama na Serikali ya KANU iko na nguvu sana; hata mtu akifanya nini anapoteza wakati wake. Na nguvu ya Serikali na hasa ya chama cha KANU ililetwa kwa sababu wametengamana na makabila mengi. Watu wajifundishe kwamba kama wanataka kuwa kiongozi, basi tangamana na kabila zote. Ukifanya hivyo, utakuwa huna taabu. Kujaribu kumkejeli mwenzako sana haisaidii kitu ikiwa kazi yake nzuri inaonekana.

Bw. Naibu Spika, watu wa Kenya wameelewa mambo mingi sana. Mtindo huu sio wa leo bali si wa jana lakini ni wa tangu zamani. Lakini nasema Kenya iko ndani ya Africa na imekuwa uhuru hivi karibuni. Hatuwezi kuwa na mipango kama nchi ambayo ilipata uhuru miaka 200 au 300 iliyopita. Ni lazima tuone kuwa kuna mambo mengi wakati tunapopeleka nchi yetu na tutaendelea tukifanya hivyo. Lakini mambo ikifanyika kati yetu, wakumbuke tu kama watu wa magazeti, mimi sijali jinsi watakavyo aandika. Katika ukurasa wao wa uhariri wanaweza kutukana jinsi watakavyo lakini mimi naomba wakija ndani ya Bunge wachukue maneno ya pande zote na ya vyama vyote. Hata kama wanachukia mtu basi waandike maneno yake lakini hata watu wanaosoma gazeti siku hiyo wanasema "Hii iko DP, KANU au NDP". Kwa hivyo, watatoa utamu wa magazeti yao kwa kupenda ukabila mwingi.

Bw. Naibu Spika, hata mimi nastaaajabu kuona watu wa magazeti wakizungumza siasa juu yangu ndani ya gazeti. Mimi sina chuki na gazeti lolote, lakini vitendo vyangu yeye aandike na atie katika gazeti mpaka asubuhi lakini kwa watu wanajua kazi yangu na yeye anaketi katiki ofisini na anachora tu haitamsaidia kitu. Mimi najulikana kwa vitendo vyangu na gazeti lake haliwezi kunivunja.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Nassir has digressed from discussing the Motion before the House and he has introduced an alien Motion discussing the conduct of the Press. Is it in order?

**The Minister of State, Office of the President** (Mr. Nassir): Bw. Naibu Spika, nikizungumza mambo ya nchi yetu ya Kenya, ikiwa kuna kitu kibaya katika hospitali, press ama ko kote, nitasema. Hiyo ni haki yangu.

**Dr. Kituyi:** Jambo la nidhamu, Bw. Naibu Spika. Hata wewe mwenyewe umemsikia mhe. Nassir akisema kwamba amelemewa kufahamu Hoja gani tuliyonayo. Ni vyema wewe kumkubalia kuendelea kutupotosha eti anaweza kuongea mambo ya hospitali, press na mengine badala ya ile Hoja ambayo iko mbele ya Jumba hili?

**Mr. Deputy Speaker:** Wacha mhe. Nassir aweke msingi wa maoni yake.

**The Minister of State, Office of the President (Mr. Nassir):** Bw. Naibu Spika, unajua watu huenda wakasoma na wakawa wakili lakini hawawezi kuwa wanasiasa. Kazi yao ni kutumiwa tu.

*(Laughter)*

Nilikuwa nikisema kwamba haya mambo ya kujaribu kumwadhiri mwenzako, hakuna atakaye kuwa na aibu. Ijapokuwa kazi ya Kenya itakuwa ikijivua nguo barabarani ili ulimwengu mzima kutuona. Lakini Kamati ya aina hii ni lazima izuiliwe kutaja majina. Tukisema kuna ubovu fulani basi tutafute njia ya kuondosha ubovu ule. Leo naona kuna watu wameitwa katika hoteli kupewa chakula na wasafarishwe hadi Mombasa ili waende wakaambiwe maneno ya kusema. Nasema kwamba Serikali na nchi hii ya Kenya, tajiri yeyote hatutawali. Tutatawaliwa na maskini wa kabila lolote. Msifikiri kama watu hawafahamu jinsi munaita watu mukitoa bahasha mukizitoa pesa. Tunazona lakini nasema ukweli ni ukweli. Kazi ya chama cha KANU ni ngumu na hakuna chama chochote cha Upinzani ambacho kinaweza kutoshana nasi. Tunafanya vitendo; hausemi maneno. Na hii Ripoti nafikiri jinsi nilivyosema jana ichukuliwe na itiwe baharini ama tuiweke pahali ikae. Nawaambia watu wa magazeti waende kule katika vijiji na waseme au watukane watakalo lakini wataniona mimi hapa. Aandike atakacho lakini asinitukane kwa sababu hasira ni hasara.

Kwa hayo, napinga vikali Hoja hii.

**Mr. Obwocha:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

*(Mr. Gumo entered the Chamber)*

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. You obliged us to assist you in the administration of justice in this House. It is incumbent upon us to report to you at the earliest opportunity that hon. Gumo has arrived in the Chamber.

**Mr. Deputy Speaker:** I have seen hon. Gumo, but I think this debate is important. I cannot interrupt it because doing that would take some time. However, I will deal with him as I promised. Proceed!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I would like to start my contribution to this very important Motion by saying that this is one of the greatest things that this Eighth Parliament has done. Indeed, the Eighth Parliament will go down in the annals of history if we pass this Motion on the Anti-Corruption Report.

The work of Parliament is to represent society in the corridors of power. It is inscribed at the entrance to the Chamber, "For the welfare of society and just Government of men". Men include women. Secondly, Parliament's other duty is to make laws and thirdly, it has a role of overseeing the Executive. Precisely, this third duty is the one we would like to perform. When the Motion which formed this Committee went through in this House, there were certain terms of reference given to the Committee. However, before I go to those terms of reference, let me just tell those who are for the eradication of corruption in Kenya that this Report was fought tooth and nail. Before I even start on the Report, I wish to lay on the Table the first copy that was produced by the Government Press. As a Committee, when we discovered that certain pages had been edited, we refused to accept it and we sent it back to the Government Press. This is to show you how this Report was fought. The part on the Goldernberg issue had been removed. The minutes of 17th March, 2000, as I speak now, are doctored. What we agreed in the Committee is not in this Report.

*(Mr. Obwocha laid the document on the Table)*

**Mr. Deputy Speaker:** Order! We cannot have two reports from the same Committee.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, **[Mr. Obwocha]**  
the terms of reference for our Committee by this House was to investigate---

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. Even if we might not discuss two reports from the same Committee in this House, hon. Obwocha has made very serious allegations. He has said that the Report that we are debating here is not the full Report that was prepared by this Committee. Would I be in order to ask that we be told which particular information was left out so that we discuss the full Report?

**Mr. Deputy Speaker:** Order, hon. Munyasia. The House has a Report of the Select Committee on Anti-Corruption moved by its Chairman and Seconded by its Vice-Chairman. That is the Report before the House and none other.

**Mr. Obwocha:** Thank you, Mr. Deputy Speaker, Sir for correcting hon. Munyasia. I said that some people tried to doctor the Report.

**Hon. Members:** Who are they?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the mandate that was given to us by this House was to investigate the causes, the nature, the extent and the impact of corruption in Kenya. The Committee was also supposed to identify the key perpetrators and beneficiaries of corruption.

**Mr. Kanyauchi:** On a point of order, Mr. Deputy Speaker, Sir. The allegations by hon. Obwocha are, indeed, very serious. He has alleged that the original Report was doctored and he has sought to introduce the earlier Report. He is not introducing the same Report, but he wants to introduce the earlier Report which was allegedly doctored. Would it not be in order for hon. Members to have the opportunity to look at this original Report and compare the two Reports? This will enable them to see whether it is true or not that the original Report was doctored.

**Mr. Deputy Speaker:** Order, hon. Kanyauchi! The Committee had specific terms of reference and it was appointed as per our Standing Orders. The Committee has complied with the terms of reference in every respect. The Members met, took evidence, produced minutes and at the end, produced a Report with recommendations, which are now the subject of this debate. The House cannot now go back and say: "Right, you produced another Report which you did not table before the House. You should produce it now so that we can see whether the one you tabled is more accurate than the one you did not and vice versa". We simply cannot do that. If, however, the Chairman of the Committee, while moving the Motion on the Report, had brought in a supplementary Report, that would have been acceptable. This cannot be done now.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I would plead with you not to take most of my time. You all misunderstood me. I was substantiating the fact that the Report was tampered with.

I want to join my colleagues by saying that, indeed, the work of the Committee was basically to carry out the mandate that this House gave it. For those of you who have read the Report I believe every hon. Member has read the Report - you have seen that the names we identified are names which have been in previous Reports by this House's Committees and which were adopted by this House. Some of us in that Committee do not understand the fuss that is being created in this House that the Committee has come up with new names. There are no new names. We are saying that with regard to those people who have been named by the Controller and Auditor-General, discussed by the House Committees whose reports have been adopted by this House, their names should be forwarded to the Kenya Anti-Corruption Authority (KACA) for further investigation. We have not condemned them or sent them to jail. If, indeed, they are innocent as they claim, why are they worried? They should basically go ahead and say: "Look, my name has been mentioned here, but I have this evidence to prove that I am not the one". I was very shocked by my friend, hon. ole Ntimama, who was even associating himself with a name similar to his. If the name in the Report is not "hon. William ole Ntimama", then it may be of another Ntimama. Why did he get very worried?

Mr. Deputy Speaker, Sir, my plea to the House is that if it rejects this Report, Kenyans and the international community will, indeed, know that the Government is not serious about tackling corruption.

Mr. Deputy Speaker, Sir, in going about our business, we used three approaches to get our evidence. First, we got volumes of documents sent to us by way of memoranda by members of the public. If it has been alleged that you grabbed this and that, basically, you need to appear before the Kenya Anti-Corruption Authority (KACA) and clear yourself. Maybe, that is an allegation from a person who hates you or who is malicious. The second one was in respect of the evidence we got from the provincial visits. I want to emphasize here that the evidence we got was sworn evidence; evidence on oath. If a person named you that you did this and that, and it is false, then that man could be accused of perjury. I am not a lawyer, but I believe my friend, hon. Orengo, would tell you that, that would be perjury.

Mr. Deputy Speaker, Sir, finally, on the Public Accounts Committee (PAC) and Public Investments Committee (PIC) reports, names that have come under the PAC and PIC reports have gone through four systems. First, it is the auditor himself who discovers the query after examining the vouchers and documents in that particular organisation. Then, the query is raised by the Controller and Auditor-General. It is sent back to that organisation to reply. After replying, if the Controller and Auditor-General is not satisfied, then he puts it in the Report. The Report comes to this House and then the House Committee examines that audit query. After examining and getting evidence, then it comes to this House which discusses it and either adopts the Report or

does not adopt it. So, from that angle, I do not understand how we can be accused of getting those names from the air.

Mr. Deputy Speaker, Sir, there is a precedence in this Report; that, we picked names from the previous reports from way back in 1974. There are certain Members who are saying we should not have done this. They are even going as far as threatening us that they are going to bring an amendment to this Motion. I want to cite the PIC Report of 1993 which was chaired by one of the prominent Members of this House; hon. George Anyona, who was given that slot by the then Chairman of FORD-K, Jaramogi Oginga Odinga. In page 130, about the Milling Corporation of Kenya, he said the following - the last paragraph because I cannot read everything:-

"The Committee recommends that the Chief Executive and the Attorney-General must resolve the dispute of the outstanding debt of Kshs1,497,781 owed by Mr. Lawi Kiplagat. That the Committee also recommends that the Attorney-General should institute criminal proceedings against Mr. Kiplagat with immediate effect."

That was George Anyona naming Lawi Kiplagat---

**Mr. Deputy Speaker:** That was not George Anyona, but the PIC Report.

**Mr. Obwocha:** Thank you, Mr. Deputy Speaker, Sir. That was the PIC Report naming Lawi Kiplagat under the chairmanship of hon. Anyona.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. On the first day, when hon. Kombo was moving this Motion, hon. Obwocha rose on a point of information and read to us the same report. Is he in order to repeat the same thing, because during this debate, he has already read the same report to us?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, we took those names from the previous reports---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I would like to know the manner in which my name features in a report of a Committee of which I was not a Member. In what context is my name being dragged into this sordid affair?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I am saying that he chaired that Public Investments Committee (PIC) and that they named people. We just took the names from that Report; that is all I am saying. I am not saying anything funny. I am not imputing any improper motives on hon. Anyona---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. If I take you up or down the memory lane, you would remember that there was a time when my name was maligned in this House in the same context when I was not in the House. When I came, I sought to know from the Chair if the matter could be substantiated. The hon. Member now making the allegation disappeared from the House. I let the matter rest, because I did not want to bring any petty Kisii politics into Parliament. The matter is coming up again. Is this fair? Is the debate about a Report of a Committee I chaired in 1993 and which was passed in this Parliament? Is that what is being debated here?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the Committee went through all the reports from 1974 and we picked some names; five years in the Kenyatta era and six years in the Moi era. All I am saying is that, we picked the names from those Reports and I have given one which featured when hon. George Anyona was Chairman. I do not know what is aching him. There is no Kisii politics here, I am sorry about it. If there is, I wish to withdraw.

*(Laughter)*

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

Mr. Deputy Speaker, Sir, please, my time is valuable.

I want to say that---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. You know that I raised this matter with you and you assured me, because my name was slurred in the House. That slur still stands. It is being wrapped in. I would now like to ask from the Chair, if the Member, because in that context, the hon. Member was saying that I was obstructing the fight against corruption. Can he now substantiate this and the previous slur he made on my name?

**Mr. Deputy Speaker:** Right now, if I understood the Member correctly---

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I have not made anything derogatory against Anyona and, so I am not going to substantiate anything.

**Mr. Deputy Speaker:** Order! Are you quoting from your Report or from another report?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I am quoting from our Report.

**Mr. Deputy Speaker:** Which page?

**Mr. Obwocha:** The one I do not want to quote straightaway is on page 893.

**Mr. Deputy Speaker:** You have quoted something already. What page is it?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, if you look at page 85 I am not quoting anything outside there - where Lawi Kiplagat is mentioned. That is all I am quoting; it is there.

Mr. Deputy Speaker, Sir, the most important part is No.6. I would like to say that the solutions to the issue of corruption are more important to this country than anything else.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir. On page 85 they are talking about Lawi Kiplagat. That ease is emanating from the Public Accounts Committee (PAC) not Public Investments Committee (PIC) and hon. Anyona was not in PIC! He was not there!

**Mr. Deputy Speaker:** That is correct!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, hon. Sankori is not reading the Report properly. The PIC cases and PAC cases in that Report are put together.

**An hon. Member:** Yes, they are together!

**Mr. Obwocha:** Yes, they are together! So, this is the problem of not reading the Report properly!

**An hon. Member:** It is a question of being unable to read!

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, can you protect me so that I can have my time to contribute?

**Mr. Deputy Speaker:** The point hon. Sankori is making is quite valid. He is saying that, in places it is shown that this has come from PIC Report and this has come from a PAC Report. In respect of Lawi Kiplagat, you show that it has come from the 1995/96 PAC Report.

**Mr. Obwocha:** Which one, Mr. Deputy Speaker, Sir?

**Mr. Deputy Speaker:** On page 85 of the Report. But in any event, you can proceed.

**Mr. Obwocha:** No, Mr. Deputy Speaker, Sir. There are two cases for Lawi Kiplagat; there is one in respect of ECU and while there is one in reference to the Milling Corporation and they are there!

Mr. Deputy Speaker, Sir, there is a more important issue in this Report than the list that the Press calls "The List of Shame."

One of the mandates given by this House to that Committee was to produce an Economic Crimes Bill. That Economic Crimes Bill has been done very carefully in consultation with the Attorney-General and the Director of KACA. It would be a grave mistake to reject this Report, yet this Parliament had set itself to try and resolve this issue of corruption. Chapter 65 of the Laws of Kenya was found to be inadequate because it does not address the issue of economic crimes. So, the Anti-corruption Select Committee has come up with the Economic Crimes Bill.

Mr. Deputy Speaker, Sir, we have come up with the issue of the revival of the Parliamentary Implementation Committee. It is very important because there many things we pass in this House, but nobody puts them into effect. Nobody bothers to find out whether they are put into effect. There is no implementation!

When we went to Uganda, with hon. Kombo, hon. Mkalla and hon. Kitonga, we found that, they have a Leadership Court. We have recommended this for our Parliament. In Uganda, they have a declaration of assets and interests. Some people think that, declaring your assets is to go the *Daily Nation* and have them displayed from A to Z. That is not the case! When you declare your interests, there is a public register put in a particular office so that, if you want to find out what so-and-so owns and what so-and-so owes who, you go to that particular register and find out; it is not to publish the names!

Mr. Deputy Speaker, Sir, with regard to the issue of Harambee, I do not want to overemphasize this issue because my colleagues have touched on it. Harambee has been a source of corruption! We have redefined it here; that this Harambee issue must be handled properly.

I do not want to go into any specifics about the issue of Goldenberg. The cases of Goldenberg have taken too long; from 1993 up to now. The Committee came up with an overall view and found out that, it is in four phases.

Phase one, relates to the money that was taken from Treasury without authority and we have three letters on the amount of Kshs5.7 billion.

In phase two, money amounting to Kshs13.5 billion which is equivalent of US\$210 million was fraudulently taken from the Central Bank of Kenya, in the hope that they were bringing in foreign exchange and they never brought it.

With regard to phase three, Mr. Speaker did rejected documents that were tabled in the House. Audit

Reports are not---

*(Loud Consultations)*

If you can give me attention, Mr. Deputy Speaker, Sir. Serikali inyamase kidogo!

Audit reports are not signed! Only the first ten copies are signed! I have the audited accounts of the National Bank of Kenya by Deloitte & Haskins; they are not signed!

**[Mr. Obwocha]**

Mr. Deputy Speaker, Sir, you can have a look at one copy and see that they are not signed. So, these documents that were presented and which have been prepared by an audit firm; Price WaterHouse, a reputable firm cannot be rejected just because they are not signed.

When we went through the issue relating to the money that had been taken through pre-shipment, we found out that they were paying through all sorts of facilities that were being operated by the Central Bank of Kenya in the guise of diamonds and other jewellery exported. This amounted to US\$30 billion and the information is here. That was phase three!

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. We want to know whether the ruling to the effect that this matter is *sub judice* has been waived because we will be happy to discuss this matter of Goldenberg. We want to know if it has been waived. If it has been waived, I am ready to come with proper documentation and we discuss it. But there is a ruling and I want to know whether it has been waived.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I want to---

**Mr. Deputy Speaker:** Order, hon. Obwocha! That Report you are referring to, was it a special audit a regular audit?

**Mr. Obwocha:** It was a special audit.

**Mr. Deputy Speaker:** It was addressed to who?

**Mr. Obwocha:** The Central Bank of Kenya.

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I have little time and I am not going to agree.

**The Vice-President** (Prof. Saitoti): No, no, Mr. Deputy Speaker, Sir. He is talking about the issue of pre-shipment, I want to declare that, that was much later. But this matter is before the court. That particular Report, I have it---

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

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, could you preserve my time?

**Mr. Deputy Speaker:** Order! Order! Indeed, the Speaker has ruled that this matter is *sub judice*. But the Attorney-General did say here yesterday that, in fact, there are certain general matters of principle that are not in court that can be discussed.

Hon. Obwocha, you are not go into the details of that case.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I am not going into the details. I am saying there are only four phases; they have listed three.

**Mr. Deputy Speaker:** We cannot re-visit that document, because it has been ruled out.

**Mr. Obwocha:** It is alright, Mr. Deputy Speaker, Sir. I have named the third one. The fourth one is the 15 per cent, and everybody knows that the law was broken. That involved a total of Kshs65 billion that was taken out of the country, thus destroying the lives of our people, leading to the sky-rocketing of bank interest rates---

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, could you protect me? I have very little time left.

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

**The Vice-President** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I would like to draw the attention of this House to Section 99 of the Constitution, which reads as follows:-

"Subject to Sub-section 2, all revenues or other moneys raised, or received, for purposes of Government of Kenya shall be paid into and form a Consolidated Fund from which no money shall be withdrawn except as may be authorised by this Constitution or by an Act of Parliament, including an Appropriation Act---

Mr. Deputy Speaker, Sir, I beg to lay this document on the Table. That money was approved.

*(Prof. Saitoti laid the document on the Table)*

**Mr. Deputy Speaker:** Order! Order! As I said, as many hon. Members are prepared to contribute to the debate on this Motion, will be given time.

You may proceed, Mr. Biwott.

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

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

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I would like to seek your guidance. This matter is getting more and more complicated and, unless we are guided by the Chair, I do not know how we are going to go about it. The Motion before this House is about corruption; it is not about the Goldenberg issue and all the other matters that have been mentioned here. These matters may only be mentioned as examples.

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

**Mr. Michuki:** Mr. Deputy Speaker, Sir, my confusion arises from the observation that we seem to be debating the examples rather than the substantive Motion that is before this House. The interruptions that are coming in between seem to be leading us away from the point.

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

**Mr. Michuki:** Mr. Deputy Speaker, Sir, could we concentrate on the substantive Motion that is before this House now?

**Mr. Deputy Speaker:** Order! Order, hon. Michuki! Proceed, hon. Biwott.

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

**Mr. Deputy Speaker:** I am sorry, Mr. Kanyauchi; I am not allowing any more points of order.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, I am rising on a genuine point of order.

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

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, if you recall, immediately Mr. Kombo presented this Committee's Report, hon. Biwott rose under Standing Order No.69 to make a Personal Statement on the issues before this House. The import of all that was to exonerate himself from blame and explain how other people who have been adversely mentioned in this Report ought not to have been mentioned. In the circumstances, is it not in a breach of the Standing Orders of this House for us to give Mr. Biwott a second chance to do what he has already done?

*(Applause)*

**Mr. Deputy Speaker:** Order! Order! Hon. Kanyauchi, I hope that you have read Standing Order No.69.

**Mr. Kanyauchi:** I have read it, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Well; for your benefit, I will read it out again. Standing Order No.69 reads as follows:-

"By the indulgence of the House, a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated."

So, when a hon. Member stands up under this Standing Order, he has taken the privilege of making his statement without giving the House an opportunity to ask him questions or debate what he has said. Now, if that is what you want, Mr. Kanyauchi, you are wrong, because this House must have the opportunity to ask hon. Members questions on what they state here. Hon. Biwott must now go on record, stating what he said then so that hon. Members can ask him questions and debate what he said. That is his right within the provisions of our Standing Orders. So, on that day, there was no question before the House.

Proceed, hon. Biwott.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Thank you, Mr. Deputy Speaker, Sir. There seems to be an attempt to stop me from contributing to this Motion. This Motion is very important, and I would like to begin my contribution by stating the facts.

Mr. Deputy Speaker, Sir, the first fact is that corruption is outlawed in this country, and the Kenya Anti-Corruption Authority (KACA) has been formed to, exclusively, deal with the "cult" of corruption. Also, we appointed this Select Committee to look into corruption matters. I would like to read out the terms of reference of this Committee. This is our own Committee, and there is no doubt about it. It is a Parliamentary Select Committee that was duly appointed by this House. What we are debating now are the findings of this Committee. Therefore, there is no question as to the authenticity of this probe Committee. However, this Committee was given specific tasks. These tasks are mentioned in its terms of reference, which include identifying the key perpetrators and



beneficiaries of corruption.

Actually, the Committee was supposed to identify the key perpetrators and beneficiaries of corruption and name them. After identifying and naming those persons, the Committee was supposed to recommend effective and immediate measures to be taken against such individuals involved in corruption. Therefore, this is not a trivial matter, as the Committee's Chairman has said severally. This is a serious matter. So, any statement that is made with regard to this matter is serious. We asked this Committee to do the job it has done for us, so that we can know who are corrupt and how they have been corrupt, so that action can be taken.

Mr. Deputy Speaker, Sir, in order to identify an individual as having perpetrated corruption, or benefited from it, you must go into great depth to prove that there is undisputable *prima facie* case against him. You have to prove beyond reasonable doubt that, that person perpetrated, or benefited, from corruption. You must have evidence that can sustain such charges in a court of law, or justify any action that is taken against a named person. Therefore, you cannot say that the names of those who have been mentioned in this Report have just been appended therein for the purpose of handing them over to KACA. KACA is competent enough to identify and prosecute such people.

When we appointed this Committee, we were looking for new material that would enable us to identify the actual causes of corruption, its perpetrators and beneficiaries. However, what this Committee has done was to divide their job into two bits: One, the Committee went round the provinces, collected and collated information in order to find out who the perpetrators and beneficiaries of corruption are. Two, the Members of this Committee, as they admitted, merely copied the findings of Public Investments and Public Accounts Committee (PIC and PAC).

Mr. Deputy Speaker, Sir, PIC and PAC are independent standing Committees of this House, which carry out their respective mandates and come up with appropriate recommendations. PIC and PAC have tabled their Reports in this House. Their findings are available to KACA, the Attorney-General and the police. So, what business did this House's Select Committee on Corruption have in copying other Committees' findings, which are already with KACA? It is not mentioned anywhere in this Committee's terms of reference that it shall collate the previous Reports of PIC and PAC. In fact, I fail to understand how they can stand here and justify that they have done a wonderful job when they have merely copied the work of other Committees.

**Mr. Kanyauchi:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Biwott to say that the fact that the PAC and the PIC had identified some corrupt persons earlier on, then the Committee of the House had no business looking at those cases of corruption? Does the fact that they had earlier on been identified now make them not to be corrupt? Is that the argument?

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I think he is now dwelling on what they call "trivial matters". What is available is available. You cannot stand and study, collate, report or identify it. There is this table here, you cannot identify everybody on a table like this. Maybe, what they would have done is to ask the Attorney-General the action---

**Mr. Orenge:** On a point of order, Mr. Deputy Speaker, Sir. Actually, I have the benefit of listening to hon. Biwott and I do not want to interfere with his speech, but he has used a very ridiculous example. If I am asked to identify hon. Biwott, do I go and ask his mother or his father whether this is hon. Biwott? I just point that this is hon. Biwott. If he is on a police parade, I just point that this is hon. Biwott. I do not need to go to his mother.

(Applause)

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, in fact, if I were to identify hon. Orenge's mother, I would not even bother because I do not even know why she brought him into this world to talk about trivialities.

I am one of those people who have been parachuted into this Report. My name is in a list of people who are supposed to have been adversely mentioned in the Report. I have tried everywhere to find out the actual transcripts of the discussion that took place; the actual minutes and HANSARD, but I have not found them. I hope that when the Chairman replies, he will produce those transcripts where I was adversely mentioned. I would like to read this Report to show how ridiculous it is. On page eight---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is saying that he has sought the HANSARD record of this Committee to establish how his name was mentioned and he cannot find it. A report of the House is informed of three things; the recommendations, the HANSARD and the minutes. Could the Chair tell the House whether or not these things exist?

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I am glad

because I was precisely asking the same thing. I wanted the actual HANSARD which I cannot find and I would like it to be produced here. I have the minutes here. All the minutes on page 12---

**Mr. Orengo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Biwott to mislead the House that he has looked for his name in the Report and the HANSARD, but he has not seen it? I would like to say that the PAC Report is there. Hon. Anyona is saying---

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I am asking for the HANSARD. If he is rising to table the HANSARD here, I will give way and allow him to do that, because I need it. I am contributing and I do not want him to waste my time.

**Hon. Members:** On points of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! These are fairly simple matters to resolve hon. Members. The verbatim record of what the hon. Members say is never part of the Report, but it is available in the library. So, I cannot believe that the HANSARD report of the proceedings of the Committee have suddenly gone missing, but I will take what hon. Biwott has said, and I will personally check to make sure that all the HANSARD records of the Committee's proceedings are made available for those who care to look at them.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I will be very grateful.

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Biwott to impute that we did not have records? First of all, it is correct the way you have said that the HANSARD containing the proceedings of a Committee of this House remains in the library, which is there. Secondly, on what he is asking, let him look at page 371, where the Committee deliberated that issue and [**Mr. Obwocha**] took the details that were given in the PIC. He should look at the minutes and see how they arrived at the decision that he abused office by influencing the investment of the Soya Beans Extraction Plant.

**Mr. Deputy Speaker:** No! No! Hon. Biwott has merely said that he did not find the HANSARD record and I have undertaken to see that it is there not only for him, but for all the hon. Members who wish to inspect it.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I believe that he was the Chairman of the PAC and he was the one who also parachuted this one.

**Mr. Orengo:** On a point of order, Mr. Deputy Speaker, Sir. First of all, it is wrong to impeach a record of the House. It is not right for a record of the House to be impeached and we are just sitting down and saying that it is all right because hon. Biwott is talking. If you look at page 371 - you will find that it is not just a question of making recommendations, but it is a question of looking at the observations made by the Committee. I can assure the Chair that I was in that Committee when Mr. Salvage was giving evidence. He told us the role hon. Biwott played in the whole saga. He was mentioned many times, just like he is mentioned in the Dr. Ouko murder, but he makes money out of that.

*(Applause)*

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I cannot stop, but be amazed by a learned lawyer, who having sat for days in the court defending a client could not call me as a witness. Actually, I have also gone to court, but he has not come and, yet, he comes here to tell us stories because he is covered by the House's privileges. I would like him to go out and repeat what he has said. I have just won the case and let him go and dispute it. I do not want to be detracted. I was saying that my name has been parachuted here. If it is the question of impeaching this document, I would because there was no reason, starting from page H11---

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. Is hon. Orengo in order to bring the issue of the late Dr. Ouko and hon. Biwott and the Kshs10 million without mentioning corruption? Was he in order to bring the late Dr. Ouko's case in this present day?

**Mr. Deputy Speaker:** Order! The Motion before us is fairly important. I will now proceed to ignore anybody standing on a point of order. If he stands on a point of order and instead asks a question, he will face the consequences.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I think truth is very painful. It is already paining those who are standing here on points of order. I am telling the truth. On page 811, under matters arising, 742/2000(b) of this report, it was agreed that the names of the hon. Members who had been adversely mentioned be added to the list. They gave a number of names. Then all of a sudden, on page 12, they introduced my name in connection with Soya Beans Project by ICDC. If, indeed, I was adversely mentioned, why would my name not have appeared just like any other? You were trying to find a justification to

include my name in this list.

Mr. Deputy Speaker, Sir, under Vol.1, page 88, under the names from the previous reports of PIC and PAC, my name appears at the top, along with that of Mr. John Savage---

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Biwott to continue to mislead the House? The list of those names was in connection with the Committee calling them. In fact, we were compiling a list of all those people who had not been called to appear before the Committee, to give their side of the story. That is how his name is mentioned there and not in connection with Soya Beans Project. So, he should not mislead the House. It was in connection with calling him, to tell us how he "ate" that money.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, people have eyes and they can read. If, indeed, I was to be summoned to give evidence before the Committee, then why would my name not have appeared like any other names because of being adversely mentioned? Why did you have to connect me with Soya Beans Project? It is because you wanted to cover-up somebody. I will prove it right now.

Mr. Deputy Speaker, Sir, on page 88 of this report, my name is mentioned in connection with Soya Beans Project. It was also mentioned in the previous reports of PIC and PAC which I disputed. Those reports are already with KACA. So, it was needless to mention my name in connection with that project in this report. What did they accuse me of? They accused me of fraudulent involvement and misuse of public office. They recommended that I be investigated by KACA. I am ready for them. Why did you not call me to appear before the Committee? Why did you not call me if you knew you would pin me down on the Soya Beans Project? Furthermore, the previous PIC and PAC reports which adversely mentioned my name in connection to that project, I refuted them on 6th October, 1999. Why did you not summon me after I had refuted that report?

Mr. Deputy Speaker, Sir, I feel that this Committee---

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to dispute a report which was discussed and adopted by this House?

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I disputed them when they were being debated in this House. I have a copy of the HANSARD. I refuted those reports on 6th October, 1999. I explained in detail that I did not have anything to do with ICDC? How could I have been fraudulently involved in that project when I was not even the Director of ICDC?

Mr. Deputy Speaker, Sir, this Committee was selective in its work. When Mr. Kombo was moving this Motion, he laid some documents on the Table of this House. One of them was a letter which was incidentally not signed. There was a letter which was laid on the Table of this House. The same letter was also read by hon. Ntimama which was purported to have implicated me in that project. I would like to read this letter in full, because the Chairman of this Committee read part of it because he wanted to hoodwink this House and the public at large. This was the letter purported to have been written by Mr. John Savage to a Mr. Kilele of ADC, Ref: 600 Tonnes per Day Soya Beans/Solvent Extraction Plant. It says:-

"I am sorry you were unable to be present at the meeting with Mr. Tencey, First Commercial Secretary of the British High Commission, today, concerning the application which Simon Rosedowns are submitting to the British Department of Trade, for A.T.P. assistance for the above project. This application, which I am given to understand will be lodged tomorrow requires approval from the following British Government Departments: - Department of Trade; Minister, hon. Alan Clarke, Overseas Development Agency; Minister, hon. Chris Patton, E.C.G.D., Treasury and Bank of England.

It is not expected that there will be any problems with regard to the departments 1 and 2, although I shall ask the Minister, hon. Biwott, if he is able to hasten the approval.

We may still have problems with the E.C.G.D. regarding guarantees. However, Mr. Tencey did say that they may now accept a K.C.B. or National Bank of Kenya undertaking rather than insisting on a Kenya Government guarantee for over the past 12 months; their policy has become somewhat more relaxed. I would ask Simon Rosedowns, by a copy of this letter, to pursue this matter immediately with Mr. G. Breach, the gentleman in E.C.G.D. London, to whom the Prime Minister referred our problems after I had written to her in September, 1986. (His direct line in London is 01-382-7088).

If the application has been given approval at this stage, not too many difficulties should be encountered thereafter."

Mr. Deputy Speaker, Sir, the letter is not signed and it does not state the address. So, why Mr. Biwott? I do not know. Why the Prime Minister of Britain was mentioned, I do not know. The fact is that if you are saying I am corrupt, then you are saying that I was in cahoot with the Prime Minister of Britain, all those Ministers, ECGD, among other players, it is impossible. Why did you not summon Mr. Savage? Why did you not summon me? Also, why lay on the Table the letters which are not signed? These letters are in respect of the British

Government, but the project itself was not financed by the---

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, is the Minister in order to continue misleading this House by being selective? Regarding that particular letter which says he should have been contacted, he was never the Minister for Industry; he was the Minister for Energy, and this project was under the ICDC and the Ministry of Industry. Therefore, why contact Mr. Biwott? That is the question that he should answer! That was abuse of office!

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I receive so many letters everyday, and some people copy letters to me without my knowledge. I had absolutely no knowledge of that and I would even like the Committee to interview Mr. Savage and all those Ministers named in order to find out if I had anything to do with the project. Furthermore, the Soya Beans and Edible Oils Project was never financed by the Kenya Commercial Bank (KCB), because the Committee is saying a letter which was written to Mr. Benjamin Kipkorir, the Managing Director of KCB, was also copied to me. According to the letters which were laid on the Table, and which again I will not read them out, because they are already available to the House, and it also does not concern me, the project was funded by another Government altogether. I think it was financed by the Belgians, and Indo Suez Bank, which Mr. Simba signed. Therefore, it is authentic and he signed on [**The Minister for Tourism, Trade and Industry**] behalf of the ICDC, and they had a feasibility study which was done by the ICDC which found it viable. So, why should that be---

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, is the good hon. Biwott in order to mislead the House that the mere fact that this project was financed by the Belgium Government, Kenyans cannot question the corruption that went with it? That is a loan that eventually, Kenyans have to pay. Is he in order to imply that we should not question it simply because it was financed by the Belgium Government?

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, that is a very good question. I am not at all saying that it should not be questioned; I am saying that everything in this country which involves public funds ought to be questioned, and that is why I have prefaced by contribution by saying that corruption is evil and must be stamped out, and we should also pass the Bill on the Kenya Anti-Corruption Authority (KACA) and the Economic Crimes Bill when they are brought to this House, but not this Report, because it is very shoddy.

I am saying that if the Anti-Corruption Select Committee was serious, they should have looked at all those documents and found out that Mr. Biwott had absolutely nothing to do with the project, because the people who had to do with that are the people--- The Committee, and especially the one chaired by hon. Obwocha was responsible, and Obwocha himself must have had a reason to cover-up because those documents are very clear---

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. The Chair is sitting there and I am being attacked as a person; that I had an agenda and I was being unfair. All those documents on the Soya Beans and Edible Oils Project laid on the Table showed that every letter of that project is copied to hon. Nicholas Biwott. He was not in charge of the project, and therefore, the question that we were raising is: Why hon. Biwott, if he was not influencing or had no hand in that project? I am not against him!

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, the letter that I read out is the one which had my name on it, and there were two others which, again, I have tabled, and were written to Mr. Benjamin Kipkorir of the KCB and his manager. Mr. Savage was applying for a loan and he copied it to me, but he never succeeded. Does Mr. Obwocha want to say that all those correspondence that I have here, and bearing the name "Mr. Simba" everywhere on the project, have anything to do with Mr. Biwott? Hon. Biwott has absolutely nothing to do with it!

Hon. Obwocha, you feared, because if you have had any reason to believe that I participated in any corrupt dealings, you would have called me. Why were you shy? You shied away because you wanted to malign my name, by parachuting my name and connecting me to the whole thing! I am asking the House to expunge my name completely from this shoddy Report!

With that, I reject this shoddy, shoddy, shoddy Report!

**Mr. Orenge:** I thank you very much, Mr. Deputy Speaker, Sir, and I want to recognise that the Chair has really helped us during the course of this debate because it is an emotive matter and is not easy to discuss a Motion like this, particularly when individuals are named. But before I come to the points that I want to make today, I asked the question: Did the Committee carry out its mandate, because at the end of the day, we must ask ourselves whether it effectively stuck to the mandate and responsibility that we gave to it and reported to us in this House in the pattern in which the matter was debated?

I would refer to the Motion itself as approved by the House which established the Select Committee, and the first 10 lines of that Motion are not important, but the most important that concerns us today are the following

words, which was the mandate that we gave to the Committee:-

"This House resolves to set up a Select Committee to study and investigate the causes, measure, extent and impacts of corruption in Kenya."

That was the first mandate. Was that mandate fulfilled? If you look at page 31 of the Report, it analyzes the nature of corruption; on page 33, it talks about the causes of corruption; on page 35, it talks about the extent of corruption, and that is quite a long chapter. It, then, goes on to deal with the second ambit of the mandate that it was given.

The second mandate was as follows:-

"Identify the key perpetrators and beneficiaries of corruption."

The word "identify" is very important, if you have looked at the various Committees which have been established by this House, including the one on Mr. J.M. Kariuki, or Dr. Robert Ouko, where the identification of the key players was important, and you will find that different words were used, but in this particular Committee, this Parliament decided to use the word "identify."

On page 40, it talks about perpetrators of corruption, and it went about that responsibility. The third limb of its mandate was to recommend immediate and effective measures to be taken against such individuals. Those recommendations are there in the Report, but first, I want to deal with the point which may be of interest, particularly on the basis of the debate which has been generated in this House concerning personalities. In my contribution, I would not want to dwell on personalities, but I just want to mention this: If you are complaining now, it is a little bit too late; you should have complained when we were giving the mandate to the Committee.

The Committee tells us how it carried out its investigations; that is the methodology, on page 26, which says:-

"Pursuant to the Constitution of the Republic of Kenya, the National Assembly Powers and Privileges Act and the Standing Orders of the National Assembly, the Committee embarked on its assignment and investigations and fact-finding arm of Parliament."

It was an investigative process; it was not inquisitorial process. They did not undertake an inquiry; they were merely investigating. Again, if you look at the so-called "list of shame", you will find that at the top of it, the words that are used are very careful. On page 82, it talks of "alleged perpetrators"; it does not talk of "perpetrators", because the Committee was sure and knew that they were not sitting over judgements. That is why they talk about "alleged perpetrators" of these acts of corruption, and that is like the police, where when they call you, or if they do not call you, they can take you to court without calling you, because it an investigative process.

There are a lot of people here with that experience. I have also had that experience. I have been arrested and taken to court in an investigation which I was not even involved. Hon. Lotodo knows this. Even hon. Biwott who was arrested once knows this. The police did not ask you to go there; they simply arrested you and released you later. The Committee has not even carried out an arrest.

My only problem with the Committee is this: The underlying causes of corruption. I think, you should have dealt with this to some extent. You have dealt with the underlying causes in some part. In analyzing them, if they had started from 1963, they would have found out how things started going wrong right from the time we attained independence. There were things that happened at that time that interfered with the whole process of governance. The first thing that I want to draw the attention of the House to is the PAC Report of 30th June, 1963. This Report was compiled by a Committee which consisted of very patriotic Kenyans most of whom are dead, but some are alive. It was chaired by hon. D.T. arap Moi. This was the first Report of a PAC in independent Kenya. Some of you who ask why it does not go until 1963 are not serving the President well because you have not looked at this Report of 1963. Yet you sit here and say it was not dealt with.

Listen to what he said about a problem which has existed up to date. On page three of this Report which dealt with Section 122 of the Constitution which is now Section 99, the Controller and Auditor-General was quoting this: "No money shall be withdrawn from the Consolidated Fund except to meet expenditure that is charged upon by this Constitution by an Act of Parliament." The wordings are a little bit different. "Where the issue of those monies has been authorised by an Appropriation Act or Vote on Account passed by the House of Representatives under Section 124 of the Constitution---." Where the House of Representatives is provided should read "Parliament" because now we do not have a House of Representatives.

The complaint at that time was that money had been withdrawn from the Consolidated Fund without the authority of Parliament in 1963. What happened when that complaint came to this House? This is what shows the difference of what happened then and what is happening now. In its findings, the Committee chaired by hon. Biwott's boss read as follows: "The Committee---"

**The Minister for Tourism, Trade and Industry (Mr. Biwott):** On a point of order, Mr. Deputy Speaker,

Sir. Is the hon. Member in order to mislead this House by saying that the person he refers to in the 1963 PAC Report is my boss alone when he is the boss of everybody in this House, including himself?

**Mr. Orengo:** If he was my boss I would die; I would disappear. If he was my boss I would not be charged in court everyday. Hon. Biwott cannot be charged, but I can be charged. This is what the recommendation said: "The Committee noted that the Government had expressed its regret to Parliament." The Leader of Government Business came to the House to apologise to Parliament that they had used money without authority. Parliament was in control at that time, although a mistake was made. It says: "--- over the unconstitutional action taken in making money available to Ministries without Parliamentary sanction and the assurance that steps were being taken to avoid a recurrence."

Dr. Oburu made a sterling speech here about the invasion of the Consolidated Fund. It is being done time and again, and yet this Government does not have the courtesy to apologise to this House when such conduct occurs. That shows a big difference between that time and now. Things nearly went wrong in 1963, but at least they came back to Parliament to give the apologies. I also wanted to point out the type of complaints made during those days. If I may quote from the PAC Report of 1964/65 which was chaired by hon. Oginga Odinga. Look at what concerned them in those days.

"Examination of expenditure incurred in the Vice-President's office revealed that purchases of furnishings were made without reference to the Central Tender Board. Purchases of foodstuffs were made in bulk and could not be related to the entertainment of official guests. Purchases of household items were made in bulk just prior to the closing date of the financial year. The Committee accepted the explanation of the Accounting Officer that purchases of furnishings and foodstuffs were due to new and inexperienced staff and that the ambit of the Vote had not been clarified. The Committee recommended some form of control of the household staff of the Vice-President's residence, possibly along the line of State House."

In those days, if you spent a little bit on entertainment like Kshs3,000 or Kshs5,000 you would stand sanctioned, but it is not so these days. Yesterday, you could hear hon. Nassir say that a quarter of an acre is too small to be written about in a Report. In fact, if you look at all these three Reports of the first Parliament, the complaints are about little things because we had not learnt to steal Government property in the way that people are stealing today.

The first point that I wanted to make in referring to this document is that we may even come up with an Anti-Corruption and Economic Crimes Bill, but unless we have values about leadership and management, then we can make as many laws as can fill this House, but at the end of the day, there will be no consequence. We must have values, be patriotic about Kenya and have people in leadership who believe in this country as an underlying and fundamental principle.

Without that, we are wasting a lot of time. That is what happened in 1963. The period between 1963 to 1969, when there was an Opposition, things went on quite well. But, thereafter, the speech which the late President Mzee Jomo Kenyatta made in Kandara, pointed out the good at the time. Mr. Kaggia was asked: "You, Kaggia, what have you done for yourself?" Mr. Kaggia was one of the most active Members in this House. He talked about corruption and land grabbing. Today, Mr. Kaggia is living with respect but in poverty! But he has a name in this country. He was being asked to show what he had done for himself. Things took a turn. We were telling people that democracy could wait because we needed development. But we did not know that we were being conned! When they talked about development, it was of their "own selves" and not of the people of Kenya. So, they went on to acquire land and grabbed public property without impunity.

The second thing which has made things to become worse in this country is the question of impunity. People can commit crimes and go unpunished. Whatever people may say about this "list of shame", whether they like it or not, the public have made up their conclusion. The public knows that the people who have been mentioned here are thieves! You may try to use the Standing Orders or the rule of *sub judice*, but out there, they know that you are thieves! There is no other perception! The worst thing is when a thief is riding in a Government car!

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to preach a culture of condemning people who are innocent, purely on account of perception?

**Mr. Orengo:** Mr. Deputy Speaker, Sir, do you know the fundamental principle of trials in court, if you care to know? They are never held in secret. They must be held in open. So, judgement is not on that person who is sitting there. It is with the people who sit in that court. That is why people are tried by juries so that they are judged by their own peers. So, I am your judge and you are my judge! The people of this country have judged you whether you say this or that! So, I am saying this---

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House by comparing a court, which works judiciously and meticulously, and in full consideration of the people's rights, and accords the people the opportunity to defend themselves, with a Committee which did not give anybody a chance to defend himself?

**Mr. Deputy Speaker:** Order! I think the hon. Member was merely talking in parables. He is quite entitled to that.

**Mr. Orengo:** Thank you, Mr. Deputy Speaker, Sir. Precisely, for that reason, the doctrines that work in courts are very different. When I appear in court, I use different rules. For example, in this Parliament, there is nothing that talks about a *prima facie* case. Where, in the Standing Orders, does it require to establish anything beyond the reasonable doubt? Those are principles that do not apply here. They are not applied here. For that reason, in my own judgement, the Committee of the House did a wonderful job to let the country know that we are being torn down because of bad and poor leadership.

Mr. Deputy Speaker, Sir, today, if, you went out into the slums in this country, people are drinking water from the sewers. Why, after more than 30 years after Independence, people are drinking water from the sewers? A lot of people, including hon. Members, are living in houses without water. We have darkness in this country not because there is no water. If you told an Egyptian that Kenya lacks water, he will laugh at you! All the water that flows into Egypt is from Kenya. Have you ever heard of a power failure in Cairo? But when you have people who plan on the basis not of the country, but of their own bellies, they take a project to Turkwel River, which is a seasonal river, and leave out all the other rivers that feed Lake Victoria. That is a question!

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! We have done very well so far! Let us not make this a session of questions and answers. Hon. Members are standing on points of order merely to ask questions. I will not allow that.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I did say, and I am very capable when it is a question of trading accusations, I am quite ready for that. But I said that today, my speech will be quite different.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that Turkwel project is only a seasonal river? In fact, it is a river like any other river in Kenya. It is sustaining Kenyan today. Some electricity that we enjoy come from Turkwel!

**Mr. Deputy Speaker:** Order, hon. Members! A point of order does not become a point of order merely because you ask in the end: "Is it in order?" A point of order is a point of order if you do it in accordance with Standing Order 68. From now on, be guided accordingly!

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I am quite grateful. The worst thing that has happened in this country is that, we have transformed our economy into a predatory economy; it is an economy of plunderers. Those who can plunder it can survive; those who cannot plunder it, cannot survive. Therefore, we can be told that Turkwel is working, but ask a lot of Kenyans out there whether it is working. They will tell you that you live in another country.

Now, look at the President of the United States of America, Mr. Bill Clinton. The guy has been a Governor for five years. He was the Attorney-General. He has been a President for two terms. But he cannot afford a house! He has to look for a mortgage to buy a house. That is the type of leadership that we look for in this country. We are not looking for the leadership of hyenas and predators! Even the Lord saves those who repent. But you know, they abuse our conscience when, instead of repenting, somebody comes here and reads a letter saying that, it is his defense in a matter which is so serious! Instead, he should have explained to us the impact of the money which was printed in 1991/92 on the economy! Have you taken full stock of why Kenyans are paying huge loans in banks? Somebody who borrowed Kshs20 million is forced to pay Kshs200 or Kshs300 million because of bad management of the economy! You have made this country to become debtors. You have made people, who should not be beggars, to become beggars because of your misconduct. We must say it time and again!

Mr. Deputy Speaker, Sir, such matters should not be taken lightly. I am saying this because I know that Kenyans deserve a better Government. We were not born to be led by people who only think of their bellies. We were born in this country to take full charge of our destiny! Kenyans are proud people and even when they are hungry, they stand up to fight for their rights. But one day, they will fight for it in a way that we will not lift these books that we are lifting here. There is something coming out there, that you will have to come to terms with it.

There should be an explanation from this Government. I am not saying that this "list of shame" is accurate or anything, but it has been mentioned. PAC and PIC have mentioned them many times. We have passed these reports in this House. This is a Government that has about 11 Ministers and four State House employees mentioned in a report of corruption. We need an explanation. There must be something wrong with you really that you should be mentioned time and again, and there is no explanation. We should be explained as to why Kenya is becoming a staging post in the narcotics trade. When people said that narcotic plants were grown in Mount Kenya, everybody was saying it is not true. However, when the police finally went there to stop that conduct, Kenyans finally confirmed that on top of Mount Kenya people were planting marijuana and this Government does not see it. If you cannot see things on top, how can you see things below you? You are done, and this is only happening because the Government is part and parcel of this whole corruption gimmick.

Mr. Deputy Speaker, Sir, I wanted to finish by saying that Section 23 of the Constitution of Kenya places executive authority of the Government of Kenya on the President. In fact, Ministers, including the Vice-President, under the Constitution, are just advisers. You are nothing really; you are just advisers.

*(Applause)*

Even hon. Biwott who calls himself a "total" man, but he is just a small fly, as far as I am concerned.

*(Laughter)*

So, under the Constitution, they are merely advisers and a Cabinet meeting is full when the President meets with only one other person. So, at the end of the day there must be somebody who takes responsibility. I want to say here without any fear of doubt that if corruption was being dealt with from the top, that is the President himself, then there would be no corruption. However, so long as we are touching the small flies, talking about hon. Biwott, then corruption will continue. These are small flies.

*(Applause)*

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. This is no small fly which is speaking. However, are you really satisfied with the hon. Member's assumption that all the Ministers of the Government are small flies? This is because that is a very vague and difficult statement.

**Mr. Orenge:** Mr. Deputy Speaker, Sir, what I am saying is backed by the Constitution. I set a basis why I am saying so. Section 23 of the Constitution states:-

"The executive authority of the Republic of Kenya shall rest in the President and nobody else".

Not even a Provincial Commissioner or the Head of the Civil Service.

**The Minister for Public Health** (Prof. Ongeru): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Orenge:** Mr. Deputy Speaker, Sir, I am on a point of order.

**Mr. Deputy Speaker:** He is responding to a point of order.

**Mr. Orenge:** I am responding to a point of order. Section 77 states:-

"There shall be a Cabinet consisting of the President, the Vice-President and other Ministers.

The function of the Cabinet shall be to aid and advise the President".

You are no different from that man who stands behind the President. That is what I mean.

*(Applause)*

**The Minister for Public Health** (Prof. Ongeru): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Orenge in order to reduce a human being with the title of a Cabinet Minister to a fly and is he in order to---

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

**The Minister for Public Health** (Prof. Ongeru): Can I finish my point because it pays to be patient? He has read the Constitution very well which states: "They shall" - which means mandatory. "They shall advise". But is he in order to equate Ministers to flies?

**Mr. Deputy Speaker:** Order! Hon. Prof. Ongeru, just a few minutes ago I pointed out to you the



correct Standing Order to use when you want to stand on a point of order. Now, I do not know which Standing Order hon. Orengo has broken.

**An hon. Member:** Mr. Deputy Speaker, Sir, time is going!

**Mr. Deputy Speaker:** Order! Time is going which is alright, but hon. Orengo has an opinion to express. If he has expressed it in a manner that you find objectionable, when you have time to reply, do your bit.

*(Applause)*

**Mr. Orengo:** Thank you, Mr. Deputy Speaker, Sir. The point that I want to make, because it is not beyond the powers of this Committee,--- I will challenge this Committee. I support this report. The Economic Crimes Bill is a wonderful idea and it should have come yesterday and not today. I know you are co-operating on this Bill because the World Bank is chasing you and not because you want. However, what I am saying is that this Committee should not have been scared of the President. You should have summoned him to appear before you. This is because all the corruption that is happening in this country including all that is mentioned here, the buck stops with President Moi. That is the man who has made this country become a corrupt country.

*(Applause)*

*(Prof. Ongeri stood up in his place)*

**Mr. Deputy Speaker:** Order! Are you standing on a point of order or to contribute?

**The Minister for Public Health** (Prof.

Ongeri): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Yes, then we can hear you.

**The Minister for Public Health** (Prof. Ongeri): Mr. Deputy Speaker, Sir, I refer to Standing Order 73 (1) which states:-

"Neither the personal conduct of the President nor any conduct of Mr. Speaker or of any Judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely except upon a specific substantive Motion moved for that purpose".

Is hon. Orengo in order to refer adversely to the President of the Republic of Kenya?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Order! That is quite correct. You are quite right. No Member is permitted to do that. Now, what are the words you are complaining about?

**The Minister for Public Health** (Prof. Ongeri): Mr. Deputy Speaker, Sir, he should withdraw the reference he made to the President because we are not discussing the personal conduct of the President here.

**Hon. Members:** No! He should not withdraw!

**Mr. Deputy Speaker:** Order! Hon. Prof. Ongeri, just do me a favour. I missed the words. What were the words you were complaining about so that I can make a ruling?

**The Minister for Public Health** (Prof. Ongeri): Mr. Deputy Speaker, Sir, I would like in this incidence, the HANSARD to be extracted because he has used adverse words incriminating the President and we want to know why he has done so.

**Hon. Members:** There is nothing like that!

**Mr. Deputy Speaker:** Order! Prof. Ongeri, just help me so that I can make a ruling. What are the words you are complaining about?

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

**Mr. Deputy Speaker:** No point of order from you. Hon. Prof. Ongeri is still on a point of order. What are the words you are complaining about?

**The Minister for Public Health** (Prof. Ongeri): Mr. Deputy Speaker, Sir, first, he said "to summon the President", and he knows very well it is not provided for in the Standing Orders. Secondly, he is making an allegation that if corruption should be tackled, it should start from the top and he knows the rule that should be followed. I would like those words expunged from the HANSARD.

**Hon. Members:** There is nothing like that!

**Mr. Deputy Speaker:** Order! In respect of the first point you raised, you are quite right. Hon. Members of Parliament are never summoned by committees of the House. We use some more polite word, which is "invite" them. So, to that extent, hon. Orengo used a wrong word. However, in respect of the second point you raised, I

have understood hon. Orengo to say that it is the President who should take action against corrupt officers.

*(Applause)*

Order! If I am wrong, I will check in the HANSARD and take action against hon. Orengo, if in fact, that is what he said.

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. Can we, therefore, go by your understanding of what hon. Orengo said? You have just said that, that is what you understood him to mean. We hope that that will be reflected properly.

**The Minister for Renewable Energy Development** (Mr. Lotodo): Mr. Deputy Speaker, Sir, I stand to oppose the Report. I wish to inform hon. Members, through you, that I own properties in two districts in the Republic of Kenya; namely, West Pokot and Trans-Nzoia Districts.

Let me go to the pages of the Report where my name has been mentioned. This is appearing in Volume II of the Report on page 72. It is under minute No.289/99 which was evidence given by the eighth witness. It reads:-

"Mr. Ernest Muumbu Kiarie, the Town Clerk, Nakuru Municipal Council, P.O Box 124, Nakuru, appeared before the Committee and gave evidence on oath. He went on to say that the estate was sold without being advertised and that the councillors just decided to allocate the plots to people who paid for them. The Town Planning Committee sat and allocated the plots. The beneficiaries were Ms. Alicen Chelaite, the former Nakuru Mayor, hon. F. Lotodo, the Minister for Natural Resources and Mr. Rotich, a former councillor, who paid Kshs350,000. He went on and obtained a title deed. Others have not paid and the land is still with the Council".

Mr. Deputy Speaker, Sir, that was the evidence given by the Town Clerk, Nakuru Municipal Council, Mr. Kiarie. Councillors, be they City, Municipal or Town Council councillors, are mandated to allocate plots. I have been said to have given a plot in Nakuru, but the number of the plot has not been given. In all fairness, Government or municipal council plots have numbers. It should have been fair for hon. Kombo and his Committee to have taken the numbers of those plots that hon. Lotodo, Ms. Chelaite and Mr. Chelule were allocated. The Committee should have put down the plot numbers, when the plots were allocated and how much these people paid. I have not at any time applied for either a residential or a commercial plot, but I have applied for an agricultural plot in Kitale. Hon. Obwocha said a few hours ago that they transferred some portions from the Public Investments Committee and Public Accounts Committee Reports to this Report. If the Committee talked about the Kitale plot of 20 acres, I have said several times that I have it. If you go through Volume I of the Report, you will see that at least some justice was done to Mr. Bernard Chunga, the Chief Justice. The Committee mentioned the plot number, the estate, the road and the house number. But hon. Lotodo does not appear again in this Volume, but he appears in the other volume. A few minutes ago, hon. Orengo said that the hon. Members who have been mentioned here are thieves. There is no way that I can get my name out of this Report.

I was here in 1975 when the late Member of Parliament for Nyandarua North was picked from Hilton Hotel by his best friend, Mr. Ben Gethi, the former head of General Service Unit at that time, and the MP was never seen alive again until he was subsequently found dead 72 hours later in Ngong Forest. This House formed a Select Committee and people who were mentioned in that Committee's Report were summoned to give evidence. A very arrogant person who had been a district commissioner in Turkana and Siaya Districts, Mr. Stanley Thuo, appeared before that Committee with a pistol and put it on the table, but the hon Members of Parliament in that Committee went on asking him questions. I expected to be summoned and be told: "You have been mentioned here, come and defend yourself". I am always in Nairobi and my office is located in Nyayo House. So, the question of the Committee not having had money does not arise. I was not going to ask the Committee to provide transport for me, but I was going to drive my own car down to Nakuru and cross-examine the councillors who had made allegations against me.

**Mr. Kariuki:** On a point of order, Mr. Deputy Speaker, Sir. Referring to what the hon. Minister has asked, on page 672, the Report does not talk about councillors, but it has talked about a very authoritative source in the name of the Town Clerk of Nakuru Municipal Council. That is a very authoritative source that does not require to be checked anywhere else. It is an authority within the Government. It is the Government accusing itself and not an hon. Member of the Committee pointing a finger at the Minister.

Is it in order, therefore, for the Minister to misguide this House that it was the Committee that made these accusations?

**Mr. Deputy Speaker:** Which page?

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, this is on page 672 under minute No.289/99. The evidence was

given by the eighth witness. It reads:-

"Mr. Ernest Muimbu Kiarie, the Town Clerk, Nakuru Municipal Council, P.O Box 124, Nakuru, appeared before the Committee and gave evidence on oath".

He is the one who mentioned the Minister's name. This is a Government organ telling another Government organ that it is corrupt and not an outsider telling anybody else. That is the authority.

**The Minister for Renewable Energy Development** (Mr. Lotodo): Mr. Deputy Speaker, Sir, I will read to you a letter addressed to the Speaker, National Assembly, from the same council. I do not know whom we shall believe between the hon. Member, who was an hon. Member of this Committee, the Town Clerk or the Mayor.

Mr. Deputy Speaker, Sir, I have a letter addressed to the Speaker and it reads:-

"Mayor Harimon Herman Nderi  
Nakuru Municipality  
P.O. Box 124, Nakuru

17th May, 2000

To: The Speaker  
National Assembly,  
Parliament Buildings  
Nairobi.

RE: Parliamentary Select Committee on Corruption  
on the Municipal Council of Nakuru

I take this great exception to the allegations of massive corruption going on at our Council as alleged by the above Committee and repeated every single day, since the Report came out, by the biased anti-government newspaper; *Daily Nation*. The information that the Members of the Committee collected was not factual, but pure fabrication collected by the DP councillors, who were unable to unseat me in the last mayoral elections after I teamed up with KANU councillors and whipped them up clean. What is sad is that our Clerk then, Mr. Muibu - the gentleman, hon. Kariuki is referring to, went to great length to explain Members of the Committee not to adopt any trash that was going to be passed onto them with an aim of ruining the reputation of their political rivals.

The Members of the Committee sat for two days and for most of the time, they could not form a quorum. Some of them, like hon. Obwocha, were bed-ridden in the hospital and had to be brought to the Town Hall straight from the hospital and spent four hours dosing. The Chairman, hon. Musikari Kombo, did not show up at all. Hence, it was apparent from the first day that, Members of the Committee except for Prof. Anyang'-Nyong'o, were incensed, lazy and only intent on a compiling allegations from members of the public, so as to embarrass the Government. Even after being explained by the Clerk at great length, they still went ahead to publish all the unsubstantiated and outright lies that were fed to them without verifying the facts as the truth."

Mr. Deputy Speaker, Sir, if you may allow me to read the part which concerns me, the last page, it says: "Hon. Lotodo - The above Minister did not buy any council house" and yet, the newspapers, especially the *Daily Nation* had a field day repeating the falsehood over and again. In short, the whole Report of the Anti-Corruption Committee was a waste of the taxpayers' money and Members of Parliament should throw it in the dustbin where it belongs---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Hon. Lotodo, if you look at the minutes, in fact, that Town Clerk is also named as one of the allottees and he is the one who provided that information.

**The Minister for Renewable Energy Development** (Mr. Lotodo): Mr. Deputy Speaker, Sir, that is why I am saying there must be some confusion because the Town Clerk is saying this; the letter I have here and which I am to table, although you have it in your files; has been written by the Mayor. Who do we believe now? If I had been called, the story would be different. That is why I said from the beginning that once your name is here, it becomes difficult because those people who made the allegations against me are not here. You have no choice except to go by this one. So, it is a one-sided story and the whole thing was substandard.

Mr. Deputy Speaker, Sir, I want to conclude this letter by reading the last paragraph which says: "The Committee Members are not patriotic since they are hell-bent on portraying the council as a haven of thieves

without giving a damn of the consequences of the Report to would-be investors not to mention the negative image." Mr. Nderi is the Mayor---

*(Mr. Lotodo laid the document on the Table)*

Mr. Deputy Speaker, Sir, it is necessary because there are two big people from that council---

**Mr. Kariuki:** On a point of order, Mr. Deputy Speaker, Sir. On page 673, the same Mayor who is complaining in that letter is the same Mayor who was mentioned by the Town Clerk as one of the beneficiaries of the houses allocated to hon. Lotodo, Prof. Ongeru and Jennifer Moi. Those names did not originate from us, they originated on a sworn statement from an officer of the Government. After all, the mayor has no authority to write letters without, first of all, going through a full council meeting to give him the authority to do that. If anything, he would have got a letter from the Chief Executive Officer at the Municipal Council who happens to be the Town Clerk, who gave us the authoritative version of the allottees of the houses in Nakuru.

**The Minister for Renewable Energy Development (Mr. Lotodo):** Mr. Deputy Speaker, Sir, if the Members of the Parliamentary Select Committee on Anti-Corruption saw it fit to call the people, like me, the story would be different. But now, the Town Clerk says this and the Mayor says something different. If I may refer you to page 662, it says: "A group of nine councillors from Nakuru Municipal Council led by Councillor Ngali Balai of P.O. Box 386, Nakuru, appeared jointly before the Committee---" I have never been a magistrate, but I am sure all of us here are conversant with what goes on in court. If hon. Michuki, or hon. Muniyao, has something to say, he is called alone, sworn and then gives his evidence. But collectively, it is as if nine of them were arraigned and they spoke together in one language and that was all. Surely, this has never happened. I do not understand what sort of Parliamentary Team we had there, because they know the procedure. If hon. Muchiri has something to say here, he speaks alone at any given time and not nine people at the same time. That is why I maintain that the whole thing was substandard. It was done in the way it was not supposed to be done. I have been here from 1969 and I know the procedure. This is a matter of life and death. You just cannot say that hon. Michuki took a house from the DC, Muranga, and that is all. He has got to be in the dock just like in a court and cross-examine the witnesses.

I stand to oppose this Report in the strongest terms possible.

**Dr. Kituyi:** Thank you, Mr. Deputy Speaker, for giving me this opportunity to make a few modest remarks about a very important milestone in the history of the struggle of Kenyans to regain their honour and dignity in the community of nations.

Mr. Deputy Speaker, Sir, from the outset, there is something that has been very worrying to me. When you listen to the Ministers of Government contributing to the debate about the "cancer" of corruption, the most recurrent motive is the exoneration of the self. I have not seen a single Minister standing up in this House to defend the Government, they are defending themselves. What does that mean? If you say we are corrupt in plural, we have no problem with that, if you say that, "I am individually corrupt", I have problems with that. Who will stand up for the Government?

**The Assistant for Environment and Natural Resources (Mr. Kimkung):** On a point of order, Mr. Deputy Speaker, Sir. Every Minister or individual who has stood up here to defend himself was accused individually. The Report has not accused the Government *per se*, it accused individuals. Is the hon. Member, therefore, in order to mislead this House that the Government is being accused in this Report?

**Dr. Kituyi:** Thank you very much, Mr. Deputy Speaker, Sir. Hon. Kimkung is my neighbour and friend. He has not been here to benefit from your lengthy assertions of the need for us to read Standing Order 68.

Mr. Deputy Speaker, Sir, there is no authority in this country outside Government which can sign a letter to allot you public land and a Government house. So, if we say that you have illegally acquired a Government house, we are saying that, somebody has illegally given you that house. Nobody is defending the person who has illegally allocated Government houses.

There is another interesting thing. People are complaining about not being asked to come and defend themselves. But nobody has stood up to say that, "that house that I am said to have acquired is not mine." That means, maybe I acquired a house illegally, but because I was not asked to come and appear to defend myself, it does not matter that I acquired that house illegally.

**The Vice-President (Prof. Saitoti):** On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member is misleading the House. He is taking the view that the people who have given the houses have illegally taken them. The issue here, and I think that is the one that will have to be dealt with, is how come that, Members alleged to have been beneficiaries of those corrupt deeds were not called by the Committee to defend themselves? That is the fundamental issue that the Committee will have to answer.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, you can see that, His Excellency The Right Hon. Vice-President, still has problems of a certain fundamental nature. He is just reinforcing what I said; being called to defend themselves. The mind-frame is wrong! The mind-frame is not Governmental! The mind-frame is banal!

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I have never had any problem with my mind, perhaps, the hon. Member is having hallucinations.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, that is a very interesting statement about the point of order. I would love to have a chance to engage the Vice-President about his mental clarity; it is so clear that he does not remember the fundamentals.

*(Applause)*

I will deal with that at an appropriate time.

**Mr. Deputy Speaker:** Order! Order! I think that humour is very good, but we cannot continue with it forever. Let us now go back to the substance of the Motion. Proceed!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, what is before this House, in many ways, has a lot to do with the honour of political leadership in this country. To the average person out there, there is no fundamental political problem for persons who are not able to defend themselves in this House as the common cliché has become. The fundamental problem is that, if the head of the fish is rotten, how can we celebrate the body of the fish? The fundamental problem is how do we redeem the honour of being hon. Members of Parliament? How do we redeem the honour of the institutions of governance at the time when the country's economic is on its knees; at a time when uncertainty is at the worst it has ever been since Independence; at a time when Kenyans are looking for signals that can give them hope, that there can be a better day tomorrow than today? The least they expect of their political leaders is to show repentance of sins committed.

Mr. Deputy Speaker, Sir, we are at the starting phase of a sequence of events. Through mostly international pressure, the Government will attempt selectively to pick components of this Report, bring them before Parliament as their own way of fighting corruption and as their own way of redeeming the country. But there is a certain fundamental that every State in the world has. For criminals to get embarked upon new routes, first of all, they must confess their sins. They must acknowledge that they have sinned, they must seek repentance, they must seek forgiveness for their sins and seek new routes. But we are in a situation where people deny individual sins and then say that they want forgiveness; where the Government will want us to say: "No, this list of shame is wrong; these people have not perpetrated these crimes against our society". However, the same Government will say: "Let us have a code of ethics, which is founded on forgiving past crimes".

Mr. Deputy Speaker, Sir, if you do not confess past crimes, how can we forgive and erase them? The first statement that must come from this country's Legislature - the first and foremost fundamental statement that Kenyans want to hear from this House - should be that every criminal who has stolen from the people of Kenya will be punished. People should not be playing around with words about appearing before Committees; they should appear before a court of law. Let all those who are saying that they are innocent say: "We challenge all the instruments of law in this country. If there is any good case against me, I would like to appear in court and prove that I am innocent."

*(Applause)*

If one is ready to say that, go to court and prove that he is innocent, that is fine. One should not just say that because he did not appear before a Parliamentary Committee, the crimes that he has committed against Kenya are null and void. Other people who have been named in this Report argue: "Because I was allotted public land, and so was my neighbour from a certain tribe, but his name is not on the list of shame, my name, too, should not be on that list". Now, what sort of logic is that? Those people believe that because they are only some of the thieves whose names appear in the list of shame, and because they know other thieves whose names do not appear in the list, the crimes they have committed are not crimes.

What we are talking about in essence is that we are living in an angry country, where the people are fed-up with us, because they see us masquerading as their saviours through *Harambees*. They see us go out there, pretending that we have very rich friends, and donate hundreds of thousands of shillings at *Harambees*. They are now discovering that for every Kshs100 we give at those *Harambees*, we have stolen Kshs1 million from them. They are discovering that we are not worthy to be called "honourable Members". Is it not some individuals who have perpetrated this vice?

Mr. Deputy Speaker, Sir, every time an African man cuts the hand of a little girl, as was done in Sierra Leone, I feel as if I have partly lost my manhood as an African man. Every time a Member of this House is known to be misappropriating money that belongs to the taxpayers, I feel diminished as a Member of this House. The more dishonourable some individuals here become, the more dishonourable all of us become. This is a fight for the honour of this House. Such hon. Members steal on their own, eat it alone, load it on us, and we suffer the guilt. We suffer the public diminishing of our stature, because of crimes that have been committed by a few amongst us. And what do they do? They denounce the honour of even redeeming our House. The most honourable thing that any Member of Parliament could do to lead by example to Kenyans, as Parliamentarians, we should be the first ones to appear before KACA, and, if need be, even appear before a court of law, to prove that we did not steal; and if we stole, to submit ourselves to the consequences of the law.

In an honourable and cultured society, leaders whose conduct has been falling short of the expectations commit suicide - the immensity of the stigma on their own selves - they want to carry it alone; they do not want to soil the reputation of the institutions they represent. But what do we see of ourselves? Even an invitation to be "cultured" is beyond our capacity to comprehend it. An invitation to protect the institutions of governance is beyond our ability to understand it. The rest of us have to remain baffled in the theatre of the absurd, discussing who appeared before who, who has been left out of what, and what intentions some people have. For instance, a whole Government Minister said that some people want to remove KANU from power, and he thinks that, that is a big secret. Of course, some of us are "dying" to remove KANU from power; that is not a secret. For one to stand here and say that this Report shows that some people want to remove KANU from power and think that he has exonerated himself from pilfering public resources is an absurdity and shows poverty of thought.

**An hon. Member:** Who is he?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, how far shall we go? Who will redeem the institutions that we hold so dearly and the honour of political leadership in this country? Who will be able to say: "We are wrong, and are ready to pay the price individually to save the institutions of governance of this country"? Who has the cultural capability to do that in a lot that is so obsessed with the narrow path of self-cleansing and vindication of the earth? Simply because the USAID gave some money to the Centre for Governance and Democracy (CGD), which facilitated an anti-corruption workshop in conjunction with the Committee, some people here claim that the Members of this Committee were bribed to come up with this Report. These are the same people who attended CGD-facilitated and USAID-funded workshops in Mombasa, Mbagathi and Safari Park. Did we say, then, that the USAID bribed those people to attend a Parliamentary Conference? However, when the USAID facilitates another workshop, it is bribery. Is this the essence or the intellectual capacity of the collective leadership of this country? Is this what is honourable?

**Mr. Deputy Speaker:** Order, Dr. Kituyi! Let us now take hon. Members' Statements.

### MEMBERS' HALF-HOUR STATEMENTS

**Mr. Munyao:** Mr. Deputy Speaker, Sir, in accordance with Standing Order 20(A), I rise to request for two Ministerial Statements; one from the Minister of State, Office of the President, and the other one from the Minister for Renewable Energy Development.

#### FAMINE-RELIEF FOOD DISTRIBUTION IN MAKUENI DISTRICT

On Monday last week, hon. Ndambuki, hon. Mboko, hon. Maundu, hon. Kalulu, hon. Mwewa and I, while attending the DRC in Makeni District, had a chance of talking to the DC because of the general complaint of irregular distribution of famine relief food in the district. I would like to inform this House that famine-relief food agencies in Makeni District headed by the AMREF and the World Vision have gone into sub-locations and locations and picked about 10 or 15 people, and said that these are the people who qualify to get this food. As a result of this, the famine-relief food which goes into that district is distributed unfairly, because many people do not get it. It is for this reason that we are demanding that the chiefs, assistant chiefs and even councillors, be involved in determining the people who should get famine-relief food in a particular area, because many people go without food and, yet, it is available.

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, hon. Nassir will respond next week.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I am wondering why the Minister should respond next week and,

yet, he received the paper today? This matter is urgent because we will have a meeting in Makueni District on Monday, next week. What guideline will we have? The Minister had received this paper at 3.00 p.m. What should I do? We followed the Standing Order and sent copies of this statement to the Office of the President on time. There would be no reason for him to respond next week, because this matter is urgent. Why are we stepping on peoples' rights?

**Mr. Deputy Speaker:** Hon. Munyao, proceed with your next statement.

#### RATIONING OF POWER BY THE KPLC

**Mr. Munyao:** Mr. Deputy Speaker, Sir, as it is now, the Ministry of Energy knows that the Kenya Power and Lighting Company (KPLC) has given power rationing schedule. That is okay, but our worry is in the residential areas. I would like to inform this House that the power rationing programme is punishing many families. We would like to request the Minister

concerned to re-schedule the power rationing timetable, so that we can have power between 5.00 p.m and 11.00 p.m for the purpose of cooking and in order for school going children to make use of it. This will also enable people to listen to and watch news on TV. We need power between 5.00 a.m. and 7.00 a.m. or 8.00 a.m. so that parents can prepare breakfast for their children before they go to school. Why should we have light after midnight when everybody is asleep? We do not listen to news because this country is in darkness. God said: "there shall be light". Which is this KANU Government which says: "there shall be darkness?"

*(Applause)*

We would like the Minister for Renewable Energy Development to tell us what is happening. Could he tell us when we will come out of this mess?

**The Minister for Renewable Energy Development** (Mr. P. Lotodo): Mr. Deputy Speaker, Sir, I will give a comprehensive reply on Tuesday afternoon, but I am torn apart. Everybody wants power not to be rationed. For example, those in the universities and hospitals. What should I do? I will give him a reply on Tuesday afternoon.

**Mr. Deputy Speaker:** Order, hon. Members! If you look at Standing Order No.20(A), you will find that it gives guidelines on what should happen when hon. Members make Personal Statements. They are required to have their statements approved by the Speaker before 1.00 p.m. and the Ministers concerned to have been informed before 4.00 p.m. The reason for that is that Ministers are expected to respond on the same day. These are not requests for Ministerial Statements, but they are Personal Statements upon which a response must be immediate. So, please, be guided. In future, try and get the response on Thursday when hon. Members have raised it. If there is a problem, let the hon. Member know in advance, so that he can raise it the week after, but we cannot postpone responses to next week, because that defeats the whole purpose of this Standing Order.

*(Applause)*

#### ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members it is now time for the interruption of our business. The House is, therefore, adjourned until Tuesday, 18th July, 2000, at 2.30 p.m.

The House rose at 6.35 p.m.