

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th July, 2000

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Administration, National Security and Local Authorities on Question By Private Notice QPN/1999/56, entitled Harassment of Innocent Farmers at Mavoloni Farm, Yatta, Machakos District.

*(By the Chairman of the Departmental Committee
on Administration, National Security
and Local Authorities (Mr. Kimeto))*

District Budgets for the 2000/2001 financial year as per the Treasury Circular No.10/2000 of 14th June, 2000.

*(By the Assistant Minister for
Local Government (Mr. Sirma) on
behalf of the Minister for
Local Government)*

ORAL ANSWERS TO QUESTIONS

Question No.364

SHOOTING OF MR. IRUNGU

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

(a) whether he is aware that Mr. Simon Peter Irungu of Kangema Township was on 3rd February, 1993, shot with a gun by the then police officer, Mr. Joseph Kipkoech Cheruch at Kahuruko Bar in the said township;

(b) whether he is further aware that the said Mr. Irungu suffered serious bodily injuries and that the bullet used was lodged in his left hand

from where it was removed at Murang'a General Hospital; and,

(c) whether he could confirm that the police officer was tried and imprisoned for a total of 30 years and that Mr. Simon Peter Irungu would be compensated for the bodily injuries he suffered as a result of the shooting and when the due compensation will be paid.

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

(a) I am aware that Mr. Simon Peter Irungu of Kangema Township was shot on 3rd February, 1993.

(b) I am also aware that the said person suffered serious bodily injuries.

(c) The police officer, Mr. Joseph Kipkoech Cheruch, was tried and jailed for a total of 30 years for causing the death of a fellow police officer and grievous bodily harm to Mr. Peter Irungu and Mr. John Mwangi Kiriro. The issue of compensation cannot be determined at this stage since the ex-police officer has appealed against the conviction and the matter has been pending in the High Court in Nyeri.

Mr. Michuki: Mr. Deputy Speaker, Sir, this Question is coming before this House for the second time. The

last time I brought this Question, I was given the same answer which I am being given today. At that time, the Assistant Minister undertook to investigate what I had alleged that this police officer, who shot Mr. Irungu is already dead. The Assistant Minister was supposed to go and investigate with the prisons authorities about this matter. Could he tell us now what he has found out? Is this police officer alive or dead?

Mr. Samoei: Mr. Deputy Speaker, Sir, to the best of my knowledge, the police officer in Question is alive.

Mr. Wamae: Mr. Deputy Speaker, Sir, could the hon. Assistant Minister confirm that this police officer was actually put in prison and he is still in prison now?

Mr. Samoei: Mr. Deputy Speaker, Sir, this police officer was sentenced to 30 years. He appealed against the conviction and the matter is still pending in the High Court. Once that is determined, the issues raised by the hon. Member will be considered.

Mr. Anyona: Mr. Deputy Speaker, Sir, whether this person is dead or alive is not very clear to the House. Here is a case where a police officer was in a bar and armed. I believe that is something that goes on all the time. Could the Assistant Minister confirm that, that was the case? If it was true, and we do not want to condemn a person who has already been convicted, would he give a categorical order that no police officer should wander around in bars while armed?

Mr. Samoei: Mr. Deputy Speaker, Sir, I admit that the police officer in question was in a bar while armed. The sequence of events that took place before this particular incident were that the police officer in question, Mr. Cheruch, was at loggerheads with the Officer Commanding Police Station (OCS) where he was working. He did go back to the police station to arm himself with the unfortunate intention to kill the OCS. Unfortunately, other members of the public got involved and they were shot and injured. We will see to it that justice is done.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Although the hon. Assistant Minister has stated that there is an appeal in court, I inquired whether this police officer, Mr. Cheruch, is still in prison and that question was not answered.

Mr. Samoei: Mr. Deputy Speaker, Sir, I thought I answered that question. Mr. Cheruch is being held, pending the determination of the court of appeal on the issues which have been raised by him.

Mr. Muchiri: Mr. Deputy Speaker, Sir, you have heard that this police officer was not on duty. He moved from the bar to the police station and armed himself with the intention of killing his OCS. If that is what happened, under what circumstances is the Assistant Minister telling the House that they are waiting for the outcome of the determination by the High Court? It is the police officer who is supposed to compensate the relatives of those he injured but not the Government.

Mr. Samoei: Mr. Deputy Speaker, Sir, it is true that Mr. Cheruch was not on duty, but he was in the service of the Government even when he was off duty. There is nothing I can do as things stand now until that case is determined by the High Court.

Mr. Anyona: Mr. Deputy Speaker, Sir, at least, the Assistant Minister can tell the House where this prisoner is so that we can know whether he is alive or dead. That issue is still hanging in the air. He did not also tell us whether policemen are going to be allowed to continue wandering in bars while armed!

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not know his exact location, but I could find out. But one thing I am sure about is that he is in good custody.

Mr. Muturi: Mr. Deputy Speaker, Sir, from the answer given, we know that the offense was allegedly committed way back in February, 1993. Could we be told when this police officer was sentenced by the lower court and when he filed the appeal so that we can also determine whether there was a miscarriage of justice?

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not have the date of conviction of the police officer by the lower court. But the delay that has been caused by the High Court in expediting this particular case is unfortunate to both the victims and all other people who are waiting for a logical conclusion to this matter.

Mr. Michuki: Mr. Deputy Speaker, Sir, as I said earlier on, the written answer given to me on this Question today, is exactly the same one that I was given before. Could the Assistant Minister confirm that after he undertook to investigate this matter, he has actually done so to ascertain that this man is alive? In fact, he is dead! Could he confirm that he actually did what he promised this House he would do?

Mr. Samoei: Mr. Deputy Speaker, Sir, Mr. Cheruch is very much alive.

Question No.454

BLOCKING OF ACCESS ROAD TO WATER SOURCE

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

(a) whether he is aware that one of the allottees of the ADC Ndabibi Complex Farm has denied other residents in the neighbourhood access to their water by closing the road leading to the water source; and,

(b) whether he could prevail upon the resident concerned to open the road to ensure access to water for all residents.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to seek the indulgence of the House to be given an extra week to be able to provide the answer to this Question. This Question had earlier been referred to the Ministry of Water Development. It was brought to our office yesterday. Unfortunately, I do not have a ready answer yet.

Mr. P. Kihara: Mr. Deputy Speaker, Sir, we are adjourning the House on Thursday, next week. Could I get a definite date when the Minister will be prepared to answer the Question?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I will do it on Thursday, next week.

Mr. Deputy Speaker: I will defer it to Wednesday next week.

(Question deferred)

Question No.348

NUMBER OF DONOR-FUNDED PROJECTS

Mr. Deputy Speaker: Mr. Wanjala is not in? We shall come back to that Question later. Next Question, Prof. Anyang'-Nyong'o.

Question No.445

COMPENSATION/RETIREMENT PACKAGES FOR KPTC EMPLOYEES

Prof. Anyang'-Nyong'o asked the Minister for Information, Transport and Communications:-

(a) how much money the former Kenya Posts and Telecommunications Corporation spent as compensation and retrenchment packages for its retrenched employees when the Corporation was restructured;

(b) how much money the Corporation owes the retrenched workers; and,

(c) how the Government is going to handle these outstanding entitlements.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Over the five years period; 1st January 1994 to 30th June, 1999, when KPTC was under restructuring, retrenched workers were paid retrenchment benefits as follows:-

(i) Kshs933,797,000 was paid as compensation in what is known as the "Golden Handshake".

(ii) Kshs350,760,000 was paid for service and lump-sum gratuity (Retirement packages).

(iii) Kshs647,455,750 was disbursed as Provident Fund and severance pay as part and parcel of the retirement package.

In total, the Corporation paid a total of Kshs1,934,012,750

(b) The Corporation does not owe the retrenched workers any money.

(c) There are no outstanding entitlements except for what is being paid monthly. Namely: The monthly pension being enjoyed by those who are pensionable as per the KPTC Pensions Regulations of 1985 and pension for five years to dependants of those pensioners who have since died.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the figures given by the Assistant Minister, on the face of it, seem very impressive. But if you considered another fact which the Assistant Minister should state to the House; the number of workers that were involved, you would realize that this figure is a paltry sum of money to give to people who have worked for many years. Further, when it comes to the question of monthly pension, we know that the KPTC invested a lot of money in financial and non-financial institutions which sunk in the late 1980's and early 1990s. Could the Assistant Minister explain to this House how many workers were paid these sums of money? From that, we would

deduce how many workers were paid and the extent to which the former KPTC owes a lot of money in terms of pensions funds which were put in those financial and non-financial institutions that could not pay KPTC that money.

Mr. Deputy Speaker, Sir, we have those figures and the Assistant Minister should let us know how much is still owed in that regard. Because, on a daily basis, KPTC workers are marching to Telkom and they are told KPTC is "dead"; they cannot get their pensions and the Assistant Minister is telling us that, that thing is going on monthly. We would like a clear explanation from the Assistant Minister?

Mr. Keah: Mr. Deputy Speaker, Sir, between 1994 to December 1997, which was the retrenchment period, a total of 5,925 KPTC staff opted for voluntary and early retirement and were paid their pensions or retirement benefits packages. Telkom Kenya Limited have today confirmed to me that there is no pensioner who is not paid his monthly pension. If there is any, I would be delighted to get hold of the names that the hon. Member of Parliament has and I undertake to have them verified with the Corporation so that I can brief him appropriately. But I have had confirmation from Telkom Kenya Limited that there is no single pensioner who goes without his pension on a monthly basis.

Mr. Anyona: Mr. Deputy Speaker, Sir, I am really puzzled by the Assistant Minister's answer. Last year, I filed a Question along the same lines for those people and I have a list, though I did not know this Question was going to come up. I renewed that Question at the beginning of this year and it has not come back. I am surprised to hear that these matters were settled in 1998. There must be something wrong. Could the Assistant Minister go back and actually find out what is going on? In fact, as late as early this year, these people were looking for a lawyer to take the case to court.

Mr. Keah: Mr. Deputy Speaker, Sir, the period I have here when payments were made is between 1st January, 1994 to 30th June, 1999. I am sorry, if I misled the hon. Member by talking about 1998.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, we are simply trying to help the Assistant Minister since he is in charge of finances and is supposed to be serving all Kenyans equally. Telkom Kenya Limited is a new legal entity and although when we passed the law here, we said that all the liabilities and assets of the former KPTC should be inherited by Telkom Kenya Limited, one liability is that, Telkom Kenya Limited is not accepting the liability of paying workers their rightful pension funds. If the Assistant Minister looks at this figure of 5,925 workers who voluntarily agreed to take early retirement, it excludes those workers who retired on reaching the age of 55 year after 1994. It is these people who subsequently retired because of age who are having it very difficult to get their pensions and the retirement packages. The Assistant Minister should go back and do his homework. The hon. Anyona and I will definitely bring the lists that we have and the Assistant Minister will find out that only is the KPTC unable to repay pension funds because they were sunk into financial institutions which also sunk, but also these workers do not seem to have redress with Telkom because it is not respecting those liabilities.

Mr. Keah: Mr. Deputy Speaker, Sir, I do not have the names they have. I will only be delighted to get hold of those names if they can be tabled here, upon which I will carry out research. But I have an unequivocal answer from Telkom Kenya Limited that there is no pensioner who goes unpaid with regard to his pension on a monthly basis. I am happy to be quoted anywhere, because this is an answer that I have received from Telkom Kenya Limited. I would like to reiterate that if my colleagues have specific names of people who have not been paid their monthly pension, I undertake to check those names.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Could we then request the Chair to defer the Question, because we do definitely have this information. I personally did not know that this Question was coming up; I was still waiting for mine to come.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. I get concerned when hon. Anyona catches the Chair's eye two times for a single Question and I cannot get any chance. Hon. Anyona speaks for his "one-man political party" and yet he is dominating the House whereas those of us who represent millions of Kenyans are not seen by the Chair?

Mr. Deputy Speaker: Next Question, Mr. Shambaro.

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 mangoes and other farm produce go to waste due to inadequate market outlets; and,

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

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

(a) I am aware of the predicament facing mango farmers in the Tana River Delta. This is due to poor infrastructure, especially during the rainy season when mangoes, bananas, citrus fruits and other horticultural produce are ready for marketing. This is also due to heavy infestation of mango fruits by the mango weevil which therefore reduces their marketability especially for the export market. The Ministry has put in place several strategies to improve marketing which include: The Ministry is currently exploring of expanding cold storage facilities at the Port of Mombasa to enable storage for longer periods. My Ministry is also encouraging utilization of sun dryers for on-farm-processing of mangoes. In addition, the Ministry of Agriculture continues to provide information of a regular basis on market outlets and trends through the Provincial and District Agricultural Livestock extension Officers and also through the Horticultural Crops Development Authority (HCDA).

(b) I am also aware that right now we are encouraging the formation of co-operative societies to assist these mango farmers and other horticultural produce farmers. The Ministry of Roads and Public Works, in particular, is working on a programme to improve feeder roads in those areas. Presently, the Malindi-Garissa Road is nearly ready and we expect that this will relieve the plight of mango farmers in those areas. At the moment, we are also working on proposals to induce private sector to invest in industrial processing of mangoes and other produce in the Tana River Delta. In addition, we have also introduced a new mango variety called the "Florida" which matures in stages, therefore, reducing the possibility of flooding the market with mangoes. This variety is also disease resistant and we expect that it will improve the productivity of mango farmers in that area.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, arising from the reply by the Minister, we know for sure that this Ministry "killed" all agricultural industries at the Coast Province, for example, the cashewnuts, the bixa and the rest. So, it is very hard to imagine that they are going to do something in the form of sun drying or cold storage at the Coast. If we are to believe what the Minister is saying, could he tell us how soon we will have those things on the ground and who is funding it?

Mr. Obure: Mr. Deputy Speaker, Sir, the hon. Member who comes from that area is aware that the Ministry of Roads and Public Works is on the ground working on improvement of feeder roads which are intended to assist farmers of that area. He should also be aware that the Malindi-Garissa Road which passes through the delta is nearly complete and, therefore, this will assist farmers. The Ministry of Agriculture is working on a programme whereby we are selling various proposals to investors to develop agro-based industries in the Tana River Delta to assist process these products. That is an ongoing exercise and it is not possible to put any specific date on that. We are serious and we would like to see horticultural farmers in the Tana River Delta prosper.

Dr. Omamo: Mr. Deputy Speaker, Sir, the Minister has said that the mango weevil is a menace and I quite agree with him. The mango weevil is a menace when it is allowed to stay in the mango fruit for a long time. Would the Minister consider harvesting mangoes a little earlier for the preparation of the "Madras Mango Chutney" which will make use of the fruit before the mango weevil destroys it? Could the Ministry consider the utilisation of immature mango fruits because even if the weevils are there, their number will be too minute. The fruit is used to prepare "Madras Mango Chutney" which is very delicious.

Mr. Obure: Mr. Deputy Speaker, Sir, I agree that that is a very good proposal. We will encourage our extension officers to reach the farmers and encourage them to adopt that technology which has been discussed by hon. Omamo. In addition, we are carrying out intensive spraying demonstrations of mangoes against these weevils. We have introduced a new variety of mangoes which is resistant to this particular weevil menace. I hope that combined with what hon. Omamo has suggested, we should be able to overcome this menace.

Mr. Osundwa: Mr. Deputy Speaker, Sir, the Minister admits that part of the problem faced by the farmers is poor road infrastructure. Could he tell this House how much the Government has set aside for the improvement of road infrastructure in this particular area and how far the work has gone?

Mr. Obure: Mr. Deputy Speaker, Sir, we recognise that some of the frustrations facing the farmers arise out of poor infrastructure. Under the current budgetary arrangement the sector comprising of infrastructure has been allocated far more resources than ever before. We, therefore, hope that the resources which have been allocated to this sector will assist in improving infrastructure, particularly roads, for the benefit of farmers.

Mr. Shambaro: Mr. Deputy Speaker, Sir, in his reply, the Minister stated that he has introduced a new variety of mangoes called "Florida". Could he tell the House when and where this variety was introduced and how it is doing?

Mr. Obure: Mr. Deputy Speaker, Sir, this particular variety has been introduced. It is available at the KARI Research Centres within the Coast Province. We are trying to ensure that mango farmers, particularly in the Tana River Delta, have access to it. I have confidence that it represents a major improvement in mango farming.

Mr. Deputy Speaker: Next Question, Mr. Ochilo-Ayacko!

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, before I ask my Question I would like to state that I have not received a written reply.

Question No.337

DEBT WAIVER FOR AFC LOANS BENEFICIARIES

Mr. Ochilo-Ayacko asked the Minister for Agriculture:-

- (a) if he could provide names of people from Rongo Constituency whose debts were written off by Agricultural Finance Corporation (AFC) in the years 1980 and 1990;
- (b) if Mr. Odhiambo Maingo of Central-Kamagambo is among the beneficiaries; and,
- (c) if the AFC could discharge the title deeds belonging to the members referred to in (a) above.

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

(a) I attach a long list - which I will not be able to read because it is very long - of a total of 369 AFC loan borrowers from Rongo Constituency who qualified for the 1989 loan write-offs as directed by the Government. The write-off criteria based on the devastating 1984 was as follows: All the farmers who had taken the Seasonal Crop Credit Loan in 1984 had their loans written off. All GMR loans were written off. Group Farm Rehabilitation Loans as well as approved wildlife compensation claims were all written off. I will table a list of the 369 borrowers who benefited from this arrangement.

(Mr. Obure laid the document on the Table)

(b) Mr. Odhiambo Maingo of Central Kamagambo was not among the beneficiaries because he was not holding any loans within the write-off criteria and therefore, did not qualify for the write-off. Mr. Maingo had been advanced a sugar-cane loan.

(c) The AFC has already discharged the titles of land belonging to those who qualified for the loan write-offs.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the Minister did not state what became of the written response that was supposed to be supplied to me. However, can the Minister say whether the people that benefited from the write-offs have been given subsequent loans?

Mr. Obure: Mr. Deputy Speaker, Sir, I believe the intention was to enable those who benefited from this arrangement to start afresh. Therefore, they qualify naturally for additional loans from the AFC, if they apply.

Mr. Otula: Mr. Deputy Speaker, Sir, can the Minister tell this House the qualification which was required for these peoples' loans to be written off because this is a common problem in most parts of the area where these loans were given?

Mr. Obure: The special consideration for this write-off was the devastation brought about by the drought of that particular year. All those who suffered heavily and had taken out Seasonal Crop Credit Loans had their loans written off. All those who were enjoying loans under the GMR system had their loans written off. In addition, groups of farmers who had been given loans to rehabilitate their farms had their loans written off. These were the people who benefited under this arrangement.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, it is certain that when there is drought, the crop output is affected. Could the Minister say what kind of concessions, if any, were given to those who obtained loans to grow sugar-cane?

Mr. Obure: Mr. Deputy Speaker, Sir, I did not quite get the question. But I imagine that he is talking about what amounts of money were allowed to be written off.

Question No.498

RURAL ELECTRIFICATION IN KIAMBU

Mr. Gitonga asked the Minister for Energy how much money was set aside for rural electrification in Kiambu District in 1999/2000, and how much, out of this amount, was meant for Lari

Constituency.

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

During the financial year 1999/2000, Kshs19,600,000 was set aside for the Rural Electrification Programme in Kiambu District. The Rural Electrification Programme budgetary estimates are normally based on district basis and not on the constituencies.

Mr. Gitonga: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House how many, of the many projects that were approved by the District Development Committee (DDC) during the financial year, 1999/2000, were implemented, or are being implemented, and in what area of Kiambu District?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I cannot precisely give the projects which were approved and done in the district. There are quite a number of projects which were done in Lari Constituency. There is a long list of projects which the hon. Member is aware of. There is Kinare High School, Kijabe, Kijabe Hospital, Magina and others. There is also the Gatamahu-Katha Rural Electrification Project in Lari Constituency, which is under implementation at a cost of Kshs4 million. There are so many projects in Kiambu. For example, there is the Murengeti Electric Project, Githiga and others. The Kiambu DDC Electrification Programme priorities are as follows: Mitahatu Market, Gititia Market, Githioni Market, Nduine Market, Rwamburi Cooker Market, Maingi Market and others.

Mr. Kamande: Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House how much money was collected by the Kenya Power and "Lightening" Company (KPLC), by the 5 per cent which they charged the consumers for the Rural Electrification Programme? How much was remitted back to the Government by the KPLC last year?

Mr. Chanzu: Mr. Deputy Speaker, Sir, in the first place, we do not have the Kenya Power and "Lightening" Company! We have the Kenya Power and "Lighting" Company (KPLC). Secondly, what the hon. Member has asked constitutes another question which, if he brings a Question, I can furnish him with the information.

Mr. Deputy Speaker: Well, the hon. Member was asking about "lightening"! I do not know whether he meant the real lightening!

(Laughter)

Mr. Gatabaki: Mr. Deputy Speaker, Sir, if the Assistant Minister was to tell the House how much money consumers from Kiambu District paid the KPLC, and how much money the KPLC invested in Kiambu, it will show that Kiambu District pays considerable amounts of money, and gets the least in terms of infrastructure! Could he tell the House why Kiambu District, which contributes about 30 per cent to the national economy, is given the least amount for rural electrification? It is one of the biggest contributors in paying to this "immoral" Government!

Mr. Chanzu: Mr. Deputy Speaker, Sir, I did not get what the hon. Member asked. But I do not think it is true that, Kiambu District alone, contributes 30 per cent to the economy of this country. Again, I have just read here that there was an allocation that was made for Kiambu District for rural electrification. So, I do not know whether the Member has followed what I have said.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the Assistant Minister is right in reading that long list of projects which were approved by the DDC. But may I inform him that none of those projects were implemented. I am particularly concerned about Lari Constituency, where none of the projects were implemented. Where did the Kshs19 million go to?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the Kshs19 million was a budgetary allocation. It is true that the money may not have been there. But it was an allocation. But I have also said that there are quite a number of projects which were implemented in Lari Constituency. I itemised a few of them here; the list is long. If the Member is willing, he can come so that we can go through the list together. I will be very grateful to do that with him.

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. I have already indicated to the Assistant Minister that I have the list of the projects which he read. But none of those projects have been implemented. That is the reason why I am asking where the money went to! What projects in Kiambu utilised the Kshs19 million?

Mr. Chanzu: Mr. Deputy Speaker, Sir, for those which were implemented, I do not know whether he wants me to read the amounts or not. But actually, the hon. Member is in a better position to know the projects which were implemented. I have got a schedule of projects which were implemented and the amounts spent.

Question No.367

COMPLETION OF THE SITATUNGA

/SIBANGA WATER PROJECTS

Mr. Deputy Speaker: Is Mrs Kittony not here? We shall leave her Question until the end. Let us move on to the next Question.

Question No.018

RUNDOWN OF CITY COUNCIL ASSETS

Mr. N. Nyagah asked the Minister for Local Government:-

- (a) whether he could order the Chief Valuer of Nairobi City Council to reconcile the inventory of property held as at January, 1964, and separately indicate all surrendered plots (acquired through sub-dividing of utilities), and those others purchased up to and including 1999 by the Council;
- (b) whether he could give a breakdown of all property disposed of with reference to their authority for the same period as in "a" above;
- (c) how many properties were disposed of without authority of the Council; and,
- (d) whether he could repossess those sold without the Council's authority.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Minister has already ordered an inventory of properties of Nairobi City Council to be reconciled by the Chief Valuer as at January 1964. I have a long list of properties showing the plot number and situation according to the zones. In all, there are 225 properties, including such areas as Thika District, Ndakaini where the water dam is, City Centre where City Hall is, Lavington area, Thompson Estate, Woodley, Upper Hill, Parklands and the rest which, if I read, would take the rest of the time remaining of Question Time and I wish to table it.

(Mr. Kiangoi laid the document on the Table)

(b) The Nairobi City Council is now compiling a list of all the properties that have been disposed of, looking at what it had in 1964. In view of what the Council had in 1964, the list of which I have tabled, the Council is now compiling an inventory of the properties which have been disposed of and the authority for such disposal for the period between 1964 and 1969. The inventory will be provided to the House when the exercise is completed. I wish to add that, indeed, we have some inventory already done for 1960, 1992 to 1999.

(Mr. Biwott walked into the Chamber)

Mr. Kiunjuri: On a point of order, Mr. Deputy Speaker, Sir! Is it in order for hon. Biwott to come to the House wearing a military uniform? Is he properly dressed?

(Laughter)

Mr. Deputy Speaker: Order! I do not know which military he belongs to, but he is certainly not in the Kenya military uniform. Proceed, hon. Assistant Minister!

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I am surprised that when I am answering a very important Question that has been in this House before, a Member is standing to ask whether another Member is properly dressed. I am informed by hon. Biwott that, that is a proper suit which he bought from a "house of fashion".

Hon. Members: Those are lies!

The Assistant Minister for Local Government (Mr. Kiangoi): I am informed because I sat next to him.

(c) I am aware that there are some Council properties which have been disposed of without following the laid down procedures. The Ministry is sifting through the Council records to establish the number of properties involved. We have gone half-way through the exercise and Members will appreciate that it is a very tedious exercise and as soon as it is complete, a full report will be tabled in the House.

(d) The Ministry will act in accordance with the law where there is evidence of properties of the Council having been disposed of without proper authority and disciplinary action will be taken against those people who are involved.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, since you were very keenly and attentively following the answer, you can obviously see that the Assistant Minister, in the first place, should have said: "I am not ready to answer the Question". This is because he has used a lot of English words which do not represent anything. He has apparently made no attempt to answer any of the four parts of my Question. Probably, the Chair should order that he answers what I have asked in my substantive questions. The list he tabled contains things like slums, Campus Ribello Street and York Street. Where are they situated? We know that the former Director of Planning, Mr. Kuria wa Gathoni, has taken off with a lot of files. Can the Assistant Minister be honest and own-up that they are facing those problems? However, since he is not being honest, when will the Assistant Minister come back to this House with a full comprehensive answer that will be satisfactory to us all, instead of trying to organise young, innocent little boys in his Constituency to disrupt hon. Kibaki's "meet-the-people tour"?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I will respond to the Kibaki remark later, but let me deal with the substantive matter. Part "a" of the Question asks: "Could the Minister order the Chief Valuer of Nairobi City Council to reconcile the inventory of the property held as at 1964?" I could have stood here and said: "Yes, I am going to order." I have gone a step further and, in fact, said: "I have already reconciled that." I have brought the list here and the Member has even not looked at it. Maybe the Member has looked at it, but it is here on the table.

Mr. Deputy Speaker, Sir, however, the remark about hon. Kibaki's visit is irrelevant.

Mr. Deputy Speaker: Order! That is not part of the Question.

Mr. Mwenje: Mr. Deputy Speaker, Sir, I seek your guidance here because we have not seen this list which has already been tabled here. We already know that very many of the City Council's assets were disposed of without authority. Would I be in order to request you to defer this Question so that we have a chance to see the list that has already been tabled and come back to it later? It is a very important issue and we need time.

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Deputy Speaker, Sir. I need your guidance. If a Member stands up and refers to me negatively, is it in order for me to respond here and now so that this House can know the truth? This is because the Member has talked about hon. Kibaki's visit and I am saying---

Mr. Deputy Speaker: Order! If you want to stand on a point of order to raise a matter that touches on you personally, you do not do it under Question Time, when you are answering a question as a Minister of the Government. If you want to do so, stand under Standing Order No.69. Could you now respond to what Mr. Mwenje has asked?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, it is true that hon. Members have not seen the list that I have tabled. I need the guidance of the Chair, whether I should read out the list or not. It is here, but it is long.

Mr. Deputy Speaker: I will defer the Question to Wednesday, next week.

(Question deferred)

Question No.456

CEMETERY FOR MAVOKO MUNICIPAL COUNCIL

Mr. Deputy Speaker: Mr. Kaindi is not here? Next Question!

Mr. Wanjala: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No.348

NUMBER OF DONOR-FUNDED PROJECTS

Mr. Wanjala asked the Minister for Finance:-

- (a) if he could table the list of several donor-funded projects aimed at benefiting the co-operative movement since 1969 through the Co-operative Bank of Kenya Limited on concessionary terms;
- (b) how many are paying promptly and how many have not complied; and,
- (c) if he could table the list of those projects which are considered irrecoverable.

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The earliest donor-funded projects through the Co-operative Bank of Kenya Limited was funded in 1972 and not in 1969. The list of all the donor-funded projects is here and I will table it before this House.

(Mr. Okemo laid the document on the Table)

(b) Out of the 20 donor-funded projects, only one project is paying promptly; namely, the Second Coffee Improvement Project (SCIP).

(c) I am not sure that I understand part (c) of the Question because I have two versions. One is talking about "irrecoverable" projects and I have seen another version which is talking about "irrevocable" projects. I seek the guidance of the Chair. If the correct term is "irrecoverable", I will answer the question, but if it is "irrevocable", I am totally at a loss.

Mr. Wanjala: Mr. Deputy Speaker, Sir, the correct term is irrecoverable. The mistake was made by the typist; it was a typographical error.

Mr. Okemo: Mr. Deputy Speaker, Sir, if the correct term is "irrecoverable", I am comfortable and I have a list of all those projects whose loans are irrecoverable. In other words, these are projects in which we are not able to recover the money from those who were lent it.

Mr. Wanjala: Mr. Deputy Speaker, Sir, for the interest of the House, could the Minister read out this list to the hon. Members?

Mr. Okemo: Mr. Deputy Speaker, Sir, the information is with hon. Wanjala and it is also before the House.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. I want to seek the Chair's guidance on this Question. If you look at part (a) of the Question, it has no reference to which region's list of projects should be tabled before the House. Is it a constituency, district or a national list? What list was tabled before this House? The Question has not specified which list should be tabled.

Mr. Okemo: Mr. Deputy Speaker, Sir, my understanding of the Question is that it was demanding information on donor-funded projects whose funding was channelled through the Co-operative Bank of Kenya. The donors do not think of constituencies when they give us funds for on-lending.

Mr. Wanjala: Mr. Deputy Speaker, Sir, looking at the list of projects which the Minister has tabled, under item No.31MOCD, we have cotton processing and marketing. In Busia District, we have Nambale and Luanda Ginneries which are in Nambale Constituency. These ginneries should have been beneficiaries of donor funds, but they were ripped off and they have collapsed. Could the Minister consider writing off these debts so that these ginneries can seek funding elsewhere?

Mr. Okemo: Mr. Deputy Speaker, Sir, the question of writing off these debts, which were on-lent by the Co-operative Bank of Kenya, is currently subject of an investigation by the Controller and Auditor-General in conjunction with the Efficiency Monitoring Unit from the Office of the President. I would like to seek the indulgence of the House not to refer to that until we have had the full outcome of that investigation.

Mr. Kajwang': Mr. Deputy Speaker, Sir, the Question has talked of loans on concessionary terms. Is the Minister aware that most of the money which comes in through the Co-operative Bank of Kenya is given to the bank to lend out at about 4 per cent interest rate? Yet the Co-operative Bank of Kenya lends it to the farmers at more than 17 per cent interest rate? Who makes the profit and why does the bank exploit the farmers?

Mr. Okemo: Mr. Deputy Speaker, Sir, I am aware that there is a big difference between the rate at which the money is lent and the rate at which the same money is on-lent to the customers. But the on-lending is done at the discretion of the lending institutions. They do their own calculations, incorporate administrative and other costs and their profit margins. So, that accounts for the difference in interest rates.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, given that this money is given to these projects by the donors to improve specific areas, and I have in mind SCIP 11 which the Minister has said is functioning properly. Is the Minister aware that SCIP 11 Programme, has led to the decline in coffee production in this country? This is precisely because the co-operative societies are unable to pay the interest rates charged by the Co-operative Bank of Kenya, whereas the money was given by the donors to assist farmers. This bank is ripping off the farmers. When will the Minister license a farmers' bank so that money from donors can be channelled through that institution?

Mr. Okemo: Mr. Deputy Speaker, Sir, when money is lent to the Government, the risks are borne by the financial institutions. So, they have to do their own credit ratings and determine the rate at which that money has to be on-lent. They are in business and they have to make some profits. Of course, this should not be at the expense of the farmers. I did not say that the projects are functioning 100 per cent perfectly. There are problems and the only thing that we can do is to ask for this money to be lent to other institutions other than to one institution so that they can compete among themselves. For example, the GPE Scheme is one example where the money goes to more than 12 institutions. They compete among themselves and determine the rate of interest at which the money is lent. So, it is a self-correcting mechanism.

As to the licensing of a farmers' bank, once I receive the recommendation from the Central Bank of Kenya, I

will act accordingly.

Mr. Raila: Mr. Deputy Speaker, Sir, hon. Wanjala asked the Minister a very pertinent question. He asked whether the Ministry was willing to consider writing off some of these loans so that some of these institutions can operate. I have been to Luanda and Nambale Ginneries and these institutions are not operating. This is a great disincentive to cotton farmers in those areas. The fact that the Controller and Auditor-General in conjunction with the Efficiency Monitoring Unit from the Office of the President are investigating this matter does not stop the Government from taking a policy decision to make these institutions operational. Will the Minister inform this House whether the Government is willing to consider writing off some of these loans?

Mr. Okemo: Mr. Deputy Speaker, Sir, as a matter of fact, I tabled a Sessional Paper in this House which we will be debating later. The only reason why we have not debated it is because of the investigation going on. The essence of that Sessional Paper is that we should write off these loans. So, this House will have an opportunity to recommend what action we should take in so far as those loans are concerned.

Mr. Kibicho: Mr. Deputy Speaker, Sir, would the Minister agree that the Co-operative Bank of Kenya Ltd has been charging commercial rates and thereby impoverishing the beneficiaries because of the protocols the Kenya Government has signed with the donors and agreed to lend that money at commercial rates? Would he consider renegotiating those protocols, so that the interest rates can come down?

Mr. Okemo: Mr. Deputy Speaker, Sir, if the protocols have been signed, I think I am really "powerless".

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House that he is going to consider licensing a farmers' bank when he received recommendations from the Central Bank of Kenya, and when he knows that the Central Bank of Kenya and other highly placed individuals have already said they are not going to licence the farmers' bank? Can he give an undertaking to this House that he is, indeed, going to ask the Central Bank of Kenya to make the recommendations to him without delay and then, report back to this House? Is it in order for him to mislead the House?

Mr. Deputy Speaker: No! No! That does not make it a point of order, but I will allow it, as a question.

Mr. Okemo: Mr. Deputy Speaker, Sir, I would repeat what I said. If the Central Bank of Kenya presents to me a recommendation saying that I should licence the farmers bank, I shall do so.

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. Considering the rate at which co-operative societies in the country are collapsing, especially the ones that are dealing with farming even the gunnery in Nambale and Funyula, the same district where the Minister comes from, today the Government has denied us to establish the proposed Busia Sugar Factory. Could he urgently consider revoking that loan, so that we can now depend on those ginneries?

Mr. Okemo: Mr. Deputy Speaker, Sir, at the expense of repeating myself, and I hope the hon. Member can now listen; I did say that we have a Sessional Paper here which is recommending the write off of those loans. But the delay is caused by investigations going on, for possible misuse of those funds. I think this House would like to ensure that we do not just write off loans, but we should also ensure that the loans have been properly utilised. As far as the proposed Busia Sugar Company is concerned, I do not think it is a co-operative society. I do not think it is a relevant issue for me to deal with under this Question.

Mr. Deputy Speaker: Mrs. Kittony's Question for the second time?

Mrs. Kittony: Mr. Deputy Speaker, Sir, I am sorry for coming late.

Question No.367

COMPLETION OF SITATUNGA/SIBANGA WATER PROJECTS

Mrs. Kittony asked the Minister for Water Development how much money the Ministry has allocated to complete Sitatunga/Sinyerere and Sibanga Water Projects in Trans Nzoia.

The Assistant Minister for Water Development (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

These water projects were initiated and are run by the community on self-help basis. During this Financial Year, 2000/2001, Kshs2.5 million has been allocated to Trans Nzoia District for the construction and rehabilitation of water projects in the district. However, no funds have specifically been allocated for the completion of the two projects.

Mrs. Kittony: Mr. Deputy Speaker, Sir, I agree that the projects were initiated by the community, but they were taken over by the Ministry. As I am talking now, none of those projects is functioning. Now that the Ministry has not allocated money for those projects, what will the community do, considering the extensive contribution they have made of digging the trenches and buying the pipes?

Mr. Kofa: Mr. Deputy Speaker, Sir, it is true that those projects are not functioning; they are inoperational.

One is inoperational because of excessive leakage caused by re-routing of the main pipeline and reticulation during the construction of Kitale-Ziwa Road. However, the road contractor offered to repair the same, but to-date, he has not. The other project is inoperational because of outstanding electricity bill of Kshs36,000. The beneficiaries should raise that money, so that the Ministry can come in to assist.

Mr. Ndicho: Mr. Deputy Speaker, Sir, sometimes the Government of the Republic of Kenya promised this nation that by the year 2000, every Kenyan home will have clean drinking piped water. That was a policy of the Government. Can the Assistant Minister tell us how far that policy has been implemented today, or whether it is still in place, or whether it has been pushed to the year 3000?

Mr. Kofa: Mr. Deputy Speaker, Sir, that is a different question.

Mrs. Kittony: Mr. Deputy Speaker, Sir, I do not think that the question of policy on water is different from what we are discussing now, because the community has been able to do what they could. But upto now, the source of water comes from Nzoia River which never dries, but the money that has been allocated is Kshs2.5 million for the whole district. Can the Assistant Minister tell us how much is going to those two projects, which have stalled for a number of years because wananchi are suffering?

Mr. Kofa: Mr. Deputy Speaker, Sir, that is upon the DDC to prioritise the projects. So, it is upon her to go back to the DDC and see how much each of those two projects can be allocated.

Mr. Deputy Speaker: Next Question, Mr. Kaindi for the second time!

Question No.456

CEMETERY FOR MAVOKO MUNICIPAL COUNCIL

Mr. Deputy Speaker: Mr. Kaindi is not there! The Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

RELIEF SUPPLIES TO SAMBURU EAST

Mr. Keynan Mr. Deputy Speaker, Sir, on behalf of **Mr. Leshore**, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that the people of Samburu East have not been receiving famine relief despite several Government assurances?

(b) When will the Minister provide enough supplies to all locations in Samburu East?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, we have already agreed with the Questioner that this Question be deferred until I go there to assess the situation myself and then, I will report back to the House.

(b) I have already sent enough food for them because the Member of Parliament for the area is still in hospital in London. So, I am taking much more care about that.

Mr. Deputy Speaker: Order, Mr. Minister! When are you going there?

The Minister of State, Office of the President (Mr. Nassir): Any time from now, we are expecting to receive food from UK and other places.

Mr. Deputy Speaker: When are you going?

The Minister of State, Office of the President (Mr. Nassir): I am going there in two weeks' time, Mr. Deputy Speaker, Sir.

Mr. Keynan: Mr. Deputy Speaker, Sir, the Minister has only simplified it. These same Ministers are on record-- First of all, I want this House to know that hon. Shariff Nassir has become "a perpetual professional misinformer".

He is on record to have said the other day, that he was going to visit Wajir West; the Constituency I represent. Six months down the line, he has not done so. I am sure what he is telling this House is not true. Hon. Leshore is disturbed because during his absence from the country, his constituents are not getting what they ought to get. Could the Minister assure this House that the residents of Samburu East are not going to suffer because of the absence as their Member of Parliament?

Mr. Nassir: Mr. Deputy Speaker, Sir, I have given my answer and it surprises me to hear that there are some

Kenyans suffering. We have sent food supplies and I will go there myself as I promised.

Mr. Deputy Speaker: Mr. Keynan, you will fix the date with hon. Nassir and tell us on Tuesday next week. Have a definite date!

Mr. Keynan: Mr. Deputy Speaker, Sir, I will do that, but I am sure what the Minister is saying is not true.

Mr. Deputy Speaker: Next Question, hon. Murungi!

NOMINATION OF KCB DIRECTORS

Mr. Murungi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that four validly nominated persons for election as directors to the Kenya Commercial Bank Board, namely: Messrs. Fredrick Cheserek, Kihara Waithaka, Eng. Hilary Nyanga and Joram Kariuki were disqualified by the Central Bank of Kenya during the Annual General Meeting on the 23rd June, 2000?

(b) What were the reasons for their disqualifications?

(c) What urgent steps is the Minister taking to ensure that the wishes of the shareholders of Kenya Commercial Bank are respected, and that the four persons assume office as directors with immediate effect?

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) It is, indeed, true that four validly nominated persons, namely: Messrs. Fredrick Cheserek, Kihara Waithaka, Hilary Nyanga and Joram Kariuki were disqualified by the Central Bank of Kenya (CBK) for appointment to the Board of Directors during the Annual General Meeting (AGM) on 23rd June, 2000.

However, at the same AGM, the shareholders, including the disqualified directors, agreed to proceed and appoint other directors. Therefore, the reasons for their disqualification are irrelevant.

(c) Since the current directors were appointed by the shareholders at the AGM in accordance with the Articles and Memorandum of Association of the bank, the Minister cannot intervene in any way.

Mr. Murungi: Mr. Deputy Speaker, Sir, you have noticed that the Minister avoided answering my Question. My Question was not whether those reasons were relevant or irrelevant. My Question was: What reasons did the CBK consider in disqualifying these four gentlemen, who had been validly nominated by the shareholders to be directors of Kenya Commercial Bank?

The CBK is supposed to act in accordance with the law. But in this case, they acted in a most discriminatory and capricious manner. We want to know whether the bank was satisfied on reasonable grounds that the four gentlemen were morally unfit to be directors of KCB; and two, whether they were professionally qualified? Could the Minister tell us the reasons which he says are irrelevant?

Mr. Okemo: Mr. Deputy Speaker, Sir, the hon. Member is absolutely right that the CBK has the power under Section 4, sub-sections (3) and (4) to disqualify or otherwise, any executive management and directors to be appointed for the purposes of running the bank.

In this particular case, I think, what the hon. Member is asking for is the criteria used. Actually, he wanted to know very correctly, but by the same token, he avoided the reasons that were considered. If you read Section 57 of the Banking Act, it is very clear. The criteria for determining professional and moral suitability of persons proposed to manage or control institutions are very clearly spelt out. Among the considerations to be looked at are: The general probity of the candidate, his competence and soundness of judgement for the fulfilment of the responsibilities of the office in question; the diligence with which the person concerned is likely to fulfil those responsibilities.

It is for those three reasons that these four directors were disqualified.

Mr. Keriri: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to refuse to answer a Question but just take us round on what the law says? We know what the law says! What we want to know is, among those conditions provided for in the Act what were the reasons why these four directors were disqualified? Each of the directors must have been disqualified for certain reasons. All of them could not have been morally the same! We want to know the reasons given in the Act which disqualified each of them.

Mr. Okemo: Mr. Deputy Speaker, Sir, I just stated three considerations, and it is a combination of one, two or three of those considerations, which were taken into account when arriving at the decision of disqualifying them. I do not think it is proper for me here to discuss the moral conduct of the directors. In fact, it is not in your interest.

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. The question which the Minister is being asked is very specific. We want him to make an undertaking today, that we are not going to give the CBK a blank cheque to be denying people to vie for directorship without a valid reason which must be said at the AGM. He must tell the shareholders that we have stopped Mr. Okemo because of one, two and three reasons. Otherwise, we are going to have

a situation where people will be denied the opportunity to vie for directorship at the whims of the Governor or the directors in charge of banking at the CBK. Could the Minister undertake to tell this House that in future, he will instruct the CBK to state the reasons compelling them to disqualify the people from vying for directorship?

Mr. Okemo: Mr. Deputy Speaker, Sir, as the law stands today, the CBK has committed no mistake. But, if you really insist that you want me to tell you the reason for stopping these four directors---

Hon. Members: Yes! Tell us! List the reasons!

Mr. Okemo: I do not think that it is in the interest of the House to do so.

Mr. Wamae: Mr. Deputy Speaker, Sir, this is a very important Question! Here are shareholders who own 65 per cent of this bank and they wanted to elect their own directors. Here is the Governor saying that the directors whom the shareholders had nominated cannot be elected and no reason is given. Is the Minister satisfied that this position should continue or does he want the shareholders to dispose of their shareholding in KCB and make this bank collapse, if they feel that they are not being represented properly?

Mr. Okemo: Mr. Deputy Speaker, Sir, it is my considered view that the disqualifications of these four directors was in the interest of KCB.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. The Minister is treating us in this House as if we are children! He said that if he gives the reasons why the four directors were disqualified, it will not be in the interest of this House. Which interests of the House are those? The House is interested in transparency in the management of our banks and transparency in decision-making processes. Could he now give those reasons because, if he cannot give those reasons, it is contrary to the interests of this House?

Mr. Okemo: Mr. Deputy Speaker, Sir, I really strongly believe that it is not in the interest of this House to discuss the conduct of those people who are not before this House because it is touching on their moral standing.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister is treating this House with contempt. When a Question is asked and approved by the Speaker, it means it is in accordance with the Standing Orders of this House. Therefore, the Minister cannot purport to have overruled the Speaker by saying part of the answer is not in the interest of this House. I am asking whether it is in order for him to continue refusing to give the reasons and whether his conduct does not amount to gross misconduct, because of the contempt he has shown for this House? I am calling upon the Chair to consider naming him under Standing Order No.88(3), unless here and now, he gives the answer to this House.

(Applause)

Mr. Okemo: Mr. Deputy Speaker, Sir, we are waiting for your guidance because I thought the hon. Member said you should name me under Standing Order No.83(3)?

Mr. Deputy Speaker: Order! As I made a ruling last week, if hon. Members are dissatisfied with an answer, the cause of action is to do what hon. Kituyi did; namely, to seek a debate on the adjournment to discuss the unsatisfactory manner in which the Minister concerned answered that Question. Indeed, this evening at the interruption of our business, we shall be doing precisely that. It is also true that total refusal to answer a legitimate Question is disorderly conduct. But where questions arise in supplementary issues, we do appreciate that, that puts the Minister in a rather difficult position. But Mr. Minister, if it is possible for you to answer the question that has been asked without you impugning the characters of those individuals---

Hon. Members: He is refusing to answer!

Mr. Deputy Speaker: Order! In fact, if he can answer that question without putting himself at risk of prosecution, he should go ahead and do so.

Mr. Okemo: Mr. Deputy Speaker, Sir, if you have ruled that I must answer that question, I shall obey the Chair. Mr. Cheserek was found lacking in professional banking experience and skills to be of value to the KCB's board. Eng. Nyanga, was formerly a treasurer of the Ufundi Co-operative Society and he was removed on grounds which were suspicious. Therefore, he had no moral aptitude to be appointed to the board of KCB. Mr. Kihara Waitthaka was a board member of HFCK whose performance was less than satisfactory. Therefore, CBK considered him inappropriate. Mr. Joram Kariuki is currently a board member of NBK which is a competitor to KCB. I do not think it will be appropriate for him to perform his functions in the interest of KCB which is a competitor of NBK.

(Applause)

Mr. Murungi: Mr. Deputy Speaker, Sir, I really appreciate this answer from the Minister, but we are shocked by the statement that Mr. Cheresek was rejected on the ground that he lacked banking skills. Mr. Cheresek was an

Assistant Minister in this Government. We do know in the current board of KCB, there is a former Member of Parliament, Mr. Arte. Could he tell us what banking skills Mr. Arte has which Mr. Cheresek does not have?

Mr. Okemo: Mr. Deputy Speaker, Sir, I thought I was answering the Question in relation to the four nominated directors that were not appointed to the board of KCB.

Dr. Kulundu: Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the real reason why Mr. Cheresek was disqualified was because the bank feared that he will be privy to the following information. First, this bank is indebted to the tune of Kshs18.8 billion, out of which, M/s Mugoya Construction Company has more than Kshs3 billion?

Secondly, the Diani Reef Hotel which is owned by one of the Ministers here, owes this bank Kshs500 million. Could he deny or confirm that?

Mr. Okemo: Mr. Deputy Speaker, Sir, could you please save me from hon. Members because I thought we were addressing the issue of the directors? Before I conclude on the directors, Mr. Arte is a qualified professional accountant.

RELEASE OF FUNDS TO TEA FACTORIES

Mr. Muiruri: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Could the Minister confirm whether Kenya Tea Development Authority (KTDA) is holding a sum of over Kshs1.4 billion which belongs to 45 tea factory companies countrywide?

(b) Could the Minister give a breakdown of the ownership of the monies per factory?

(c) When will the money be released to the respective factories?

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

(a) A sum of Kshs1.4 billion referred to is in respect of savings on income realised by KTDA over the years. The KTDA's main source of income is from management fees, which was being charged at the rate of 5 per cent on net sales, in accordance with the agreement between KTDA and various factories.

(b) The savings realised form part of KTDA stock assets which will be shared out between 45 tea factories through shareholding in the relevant agency. This exercise is at an advanced stage and it is expected to be finalised by the end of September 2000.

(c) The money together with other assets of KTDA will be distributed in the form of shares to 45 factories, when the valuation of assets is completed and the formula for distribution are agreed upon by the board of KTDA.

Mr. Muiruri: Mr. Deputy Speaker, Sir, the answers given by the Minister are very misleading. The KTDA is not supposed to be a profit making organisation, but it is a farmers service organisation. It is not a savings bank. The information I have is that KTDA is holding about Kshs1.9 billion and not Kshs1.4 billion. I am also informed that this money is in the form of Treasury Bills in the Central Bank of Kenya (CBK). Since this money belongs to the farmers of the 45 tea companies, and it is not in shareholding form, but is in actual cash--- The Minister is talking about distributing it in form of shares instead of giving it to the owners. The farmers would like to have this money in cash.

Part "b" of my Question has not been answered, because I have asked for a breakdown of this amount of money per factory and not in form of shares. Could the Minister answer part "b" of the Question by telling this House the exact amount of money that is owed to each factory? Could he also confirm that this money is lying at the Treasury---

Mr. Deputy Speaker: Order! Hon. Muiruri, are you reading your supplementary question?

Mr. Ngure: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to read a question to this House?

Mr. Deputy Speaker: Mr. Ngure, which Standing Order has he offended?

(Laughter)

Mr. Muiruri: Mr. Deputy Speaker, Sir, that fat man there wants to cause some problems for himself!

Mr. Deputy Speaker: Ask your question!

Mr. Muiruri: Mr. Deputy Speaker, Sir, when will the Minister release money, not in form of shares, but in actual cash, to the owners of the 45 tea companies because they are the owners of this money?

Mr. Obure: Mr. Deputy Speaker, Sir, as I said earlier on, this money represents the excess of income over-expenditure in the KTDA and it forms part of the assets of the KTDA. In the next few weeks, it is expected that the new Kenya Tea Development Agency Limited Board of Directors will meet to discuss and decide on the distribution

of these funds. I expect that the distribution will be in the form of shares to be allotted to the 45 tea factory companies.

Mr. Wamae: Mr. Deputy Speaker, Sir, as the hon. Minister has admitted, this is money in excess of what the farmers have contributed in financing the former KTDA. As it is excess amount, why can the Minister not direct that this money now be distributed to the 45 factories, so that the shareholders of these factories or the farmers can benefit? Why does he need to keep this money with the Kenya Tea Development Agency?

Mr. Obure: Mr. Deputy Speaker, Sir, evaluation of the entire assets portfolio of the KTDA has just been carried out by Ernst, and Young Accountants and Auditors. I would like to inform this House that they have made their report which will be discussed in the course of the next few days by the Board of the KTDA. That Board, which is newly elected and installed, has the mandate of the farmers to take a decision on the future of the KTDA. But what I want to emphasise is that the KTDA has not been wound up, it is being taken over as a going concern. Therefore, the question of distribution at this stage does not arise. We are not liquidating the KTDA, but it is expected to continue providing a service based on the assets which it possesses at the moment.

Mr. Ndwigwa: Mr. Deputy Speaker, Sir, it does appear that the Minister is somehow misleading the House because, on one hand, he says that the Board of the KTDA will meet in two weeks time to decide how this money will be distributed; and, on the other hand, he says that the money will be distributed in the form of shares. This, therefore, means that a decision has already been made. Now, could the Minister be clear and tell this House how this money will be distributed to the farmers? It is true that the KTDA is not being wound up, but this being excess liquidity, it means that the KTDA, as it is now, does not require this money because the Agency will continue to make profit. The farmers are asking that they be given this excess money because it is theirs and not in the form of shares. When will that be done?

Mr. Obure: Mr. Deputy Speaker, Sir, you will recall that this is a question that was discussed at length in this House, when we were discussing the Sessional Paper which formed the basis of The Revised Tea Act. It was agreed at that time, and a recommendation has been made, that the network of the KTDA, which has now been established after this audit by Ernst and Young--- It is now up to the KTDA Board to consider the report and the valuation that has arisen out of this recent report, and on the basis of that consideration decide, and this is in accordance with the guidelines given to the KTDA, that the ownership of the new KTDA will be based on the contribution of each tea factory; based on the management fees given to the KTDA by each of the 45 tea factory companies. Therefore, in accordance with the instructions of this House through the approval of the Sessional Paper, I expect that there will be an allotment of shares to the 45 tea factory companies which will, in fact, entail the entire network of the KTDA.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, so far, the Minister has earned credibility among tea farmers in the way he has handled the liberalisation process, but there must be questions. In fact, that money is not Kshs1.4 billion; it maybe Kshs2 billion. This money did not resurface like that. It was due to an audit report going back to the days of the *El-Nino* rains. Could the Minister now assure tea farmers that this money, which the Government wants to "steal" for election, will go to them because it is farmers' money?

Mr. Obure: Mr. Deputy Speaker, Sir, do you accept those remarks by hon. Gatabaki? I take strong exception to the remarks by hon. Gatabaki that the Government intends to "steal" that money. The money does not belong to the Government but to the farmers. Now that the KTDA has been fully liberalised, I as the Minister for Agriculture has no role whatsoever in determining the fate of this Kshs1.4 billion. This is entirely up to the newly elected directors who have the mandate to decide on the fate of that money.

Mr. O.K. Mwangi: Thank you, Mr. Deputy Speaker, Sir. The Minister is talking about the Sessional Paper that was tabled in this House and the processes that have followed in terms of liberalisation of the tea industry. It is in my knowledge and that of the Members of this House that the management of the tea industry has been placed on the factory companies. Now the Minister is saying that the issue of the farmers' money, which belongs to the 45 factories, will be decided upon by the Agency. Why is the Minister not distributing the money to the factory companies so that it can be distributed to the farmers? The Agency has no authority over this money.

Mr. Obure: Mr. Deputy Speaker, Sir, I do not know whether you got the hon. Member's question; I did not.

Mr. Murathe: Mr. Deputy Speaker, Sir, the Minister is not being forthright. Mr. Muiruri asked a very specific question. He said that if the Authority was a parastatal, it would have been paying surplus income to the Government as dividends; and, that, if it was not a parastatal, but a farmers' organisation, it should have been paying the surplus income to the farmers. The issue is this: What are the assets of the KTDA - which the Kenya Tea Development Agency has assumed - according to the audit report by M/S Ernst & Yong? Why has KTDA not been paying the surplus money to tea farmers?

Mr. Obure: Mr. Deputy Speaker, Sir, in fact, this was one of the issues raised in the special audit report on KTDA. The criticism then was that if KTDA had acted properly, it should not have accumulated this money, but should have paid it out to the farmers; KTDA did not pay the money to the farmers and that, therefore, the farmers lost

and suffered then. What has happened is that, in the last three years, we have reduced the rate at which management fees is paid to KDA from 5 per cent to 4 per cent, to three-and-half per cent and, currently, to 3 per cent, so that these surpluses do not arise any more. Now that the surpluses arose through that mistake on the part of KTDA, those surpluses have formed part of the assets of KTDA, which are being valued. It is these assets that will be distributed to the respective tea factories on the basis of the contribution each factory made in the form of management fees to KTDA. This is an exercise we expect to be completed in the next few weeks, before the end of September, after the KTDA Board sits.

Mr. Deputy Speaker: Could you ask the last question, Mr. Muiruri?

Mr. Muiruri: Mr. Deputy Speaker, Sir, a surplus of over Kshs1.4 billion is quite enormous. The Minister has neither denied nor admitted that this money is placed with the Central Bank of Kenya (CBK) in form of Treasury Bonds (TBs). Could he tell this House whether he is going to refund this money to the owners? The owners want to own the money in form of shares. They want their money back with interest, of course.

Mr. Obure: Mr. Deputy Speaker, Sir, I think there is a misconception. The money belongs to the farmers. The Kenya Tea Development Agency is a farmers' organisation. The money is in that organisation. In essence, I am being asked to pay that organisation, so that it can pay out the money to the farmers. We are not liquidating the Kenya Tea Development Agency. The farmers' money is with that organisation; it forms part of its asset base. I cannot order the liquidation of Kenya Tea Development Agency.

Mr. Deputy Speaker: Could you ask the last question, Mr. Karume?

Mr. Karume: Mr. Deputy Speaker, Sir, I do not understand what the Minister is arguing for. If you put your money into a bank today and decide to withdraw it tomorrow, you can do so. The money we are talking about belongs to the farmers. The farmers do not want to own shares in place of their money; they want cash. Time has come and farmers are saying: "We want our money paid back to us. The other things are details". Could the Minister order the reverting of that money back to the owners? The farmers want their money paid back to them in cash, and not in form of shares. If they decide to have shares, they know how to go about buying shares. They want their Kshs1.4 billion!

(Applause)

Mr. Obure: Mr. Deputy Speaker, Sir, Kenya Tea Development Agency is a farmers' organisation, which is fully liberalised; it belongs to them. We have recently carried out elections. The farmers who were obviously voted into office on the basis of the promises they made and the fact that they would distribute this money, have a fresh mandate to distribute the money, if they so wish. Therefore, it is up to the newly-elected directors to decide what to do with that money, because it forms part of the Agency's asset base.

Mr. Deputy Speaker: Hon. Members, we have now come to the end of Question Time.

(Loud consultations)

Order! Order, hon. Members! Could you raise your point of order, Mr. Kibaki?

POINTS OF ORDER

MISREPORTING OF PROCEEDINGS BY THE EAST AFRICAN STANDARD

Mr. Kibaki: On a point of order, Mr. Deputy Speaker, Sir. I would like to raise a matter which I believe you can help us, because it impinges on the dignity of this House as well as on our dignity as Members of this House. One of the newspapers that covers the proceedings of this House, namely, the *East African Standard*, has reported in a libelous and scandalous manner, that when debate on the Motion of this House's Committee on Corruption was going on, Mwai Kibaki and his group were touring Nyanza and that they were not in the House when the voting took place.

Mr. Deputy Speaker, Sir, you, I and everybody else know that we were in this House when that Motion was being discussed, that we voted and participated in every way. For a newspaper to publish such a story in its editorial shows not only malice against me and the other hon. Members referred to, but also a deliberate effort to create mischief within the nation. So, would I be right to ask you, on my own behalf and on behalf of the other hon. Members, to order the *East African Standard* to publish an apology? Otherwise, would I be right to demand that, if the newspaper insists on distorting the status of hon. Members of this House, it be barred from covering this House's proceedings?

(Applause)

Mr. Deputy Speaker: Hon. Members, my attention was drawn to the particular editorial piece. I wondered whether the particular *East African Standard* reporter was in this House's Press Gallery, because I did see and talked to hon. Kibaki from the Chair on that particular day. Therefore, I cannot do less than ask the *East African Standard* to publish an apology on the first page of its next publication.

(Applause)

Hon. Members, if the *East African Standard* picked on a Member of this House, who is as "distinguished and honourable" as Kibaki, what does it think of the rest of us? I, sometimes wish that hon. Members behaved like they are leaders in this House, because their behaviour earns this House respect and dignity. So, I would like the *East African Standard* to do precisely what I have said - print an apology to hon. Kibaki on the front page of its next publication.

PAYMENT OF TERMINAL BENEFITS
TO PEARL DRYCLEANERS EMPLOYEES

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I made a request for a Ministerial Statement from the Minister for Labour on behalf of former employees of Pearl Dry Cleaners Limited, which is owned by the former Managing Director of the Kenya Railways Corporation, Mr. D.K. Ngini, on how their terminal benefits are going to be paid. These benefits amount to Kshs15 million from the company, and Kshs4.5 million from the co-operative savings and credit society. The award of Kshs50,000 by Justice Cocker of the Industrial Court, if divided by 400 former employees works out to Kshs125 per month. How can a man or woman live on Kshs 125 per month? I would like to request the Chair that this matter, which is so grievous, be referred to this House's Departmental Committee on Health, Housing, Labour and Social Services, to deliberate on it and come up with suggestions and recommendations on how to resolve it?

Mr. Deputy Speaker: Let me say this: It is not absolutely necessary for the Departmental Committees to come here all the time in order to get directions. They can do some of these things on their own Motion, but I think that the matter raised by hon. Obwocha is important enough for that Committee to delve into it.

AFFAIRS IN KISII LAW COURTS

Mr. Magara: On a point of order, Mr. Deputy Speaker, Sir. I stand to request for a Ministerial Statement from the Attorney-General (AG) in respect of what is taking place at the Kisii Law Courts. As we are talking today, a population which was being served by 10 magistrates is being served by only three magistrates at the moment. The officer in charge of the courts at the moment is selling justice for money. There are many cases of corruption, as we are talking today, going on there, because three magistrates are serving more than 10 districts---

(Mr. Wako entered the Chamber)

Hon. Members: Hon. Magara, repeat your point of order!

Mr. Magara: Just a moment, Mr. Deputy Speaker, Sir. I will repeat, since the AG has just come in now. I need a Ministerial Statement on the position of the Attorney-General on the issue of staffing in the Kisii Law Courts. There were 10 magistrates in those stations who were serving the population there, but as we are talking today, there are only three magistrates dealing with all the civil and criminal cases. As a result corruption is rampant. Indeed, there is no justice that is being dispensed in those courts. At the moment, the officer in charge---

Mr. Deputy Speaker: Order! You have made your point.

Mr. Magara: Mr. Deputy Speaker, Sir, I have not finished.

Mr. Deputy Speaker: Order! The AG has heard you, and you have made your point, and that is what you have asked me to do.

RETRENCHMENT IN THE CIVIL SERVICE

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Office of the President why the code of regulations on the on-going Civil Service retrenchment is being shielded from general public. Some regulation say that the first to be retrenched will be those people from the financially stable areas.

Section 82 of our Constitution states clearly that nobody shall be discriminated upon because of his or her origin. I would like the Minister to issue a list of over 33,000 people to be retrenched, according to their Ministries, job groups, tribes and places of origin.

CLASHES IN SOUTH MUGIRANGO AND RONGO

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the President. A couple of weeks ago, the people of South Mugirango and Rongo constituencies got involved in clashes along the border, and about six people were killed, in spite of the fact that the Member for South Mugirango is a very good friend of mine. In the Ministerial Statement, we would like to know how many lives have been lost so far in those clashes; what action the OP will take against the chiefs and their assistants who were involved in those clashes; what is the value of property that has been lost, and finally, what permanent solution does the OP, or the Government in this matter, intends to offer for the people of South Mugirango and Rongo constituencies.

TABLING OF MBUGUA INSPECTION REPORT

Mr. Muchiri: Mr. Deputy Speaker, Sir, on 10th of May, 2000, under Question No.074, I requested the Minister for Local Government to table the Mbugua Inspection Report here, and when replying he promised to table the Report to this House within good time. Yesterday, under Question No.405, the same Question was brought to this House by hon. Mwenje of Embakasi Constituency, and an Assistant Minister gave a different answer to the effect that he will not table that Report in this House because he is prevented under Section 248 of the Local Government Act. Could the Minister now give the correct statement to this House?

The Minister for Local Government (Mr. Kamotho): Mr. Deputy Speaker, Sir, we believe in the rule of law, and as my Assistant Minister said yesterday, the Mbugua Inspection Report was ordered by me to be withheld, as the Minister for Local Government. According to the relevant section of the Local Government Act, I am supposed to receive that Report, study it, give it back to the Council and give a copy to the Controller and Auditor-General. This House will receive the Report through the Controller and Auditor-General because it deals with the finances of the local authority.

Ms Karua: Mr. Deputy Speaker, Sir, I rise to propose an amendment to the Motion before the House---

Mr. Deputy Speaker: Order! We have not reached that Order yet!

Hon. Members: No yet!

Mr. Deputy Speaker: Order! Yes, Mr. Wambua.

PERSONAL STATEMENT

REFUTAL OF BRIBE ACCUSATION

Mr. Wambua: Mr. Deputy Speaker, Sir, under the Standing Order No.69, I would like to make my personal statement in this House because of the accusation that was levelled against me; that I was given Kshs2,000---

(Laughter)

It is clear that all the reporters of the media houses were in the gallery, and I sat in my normal position. The money which was put on the Table was removed from the pocket of hon. Magara, and he is the one who laid it on the Table.

Mr. Deputy Speaker: Order! I do not think that you can clear yourself by accusing others. Under the Standing Order No.69, you make that personal statement by purely referring to what you have asked me to give you permission to do, and not to accuse any other hon. Member.

Mr. Wambua: Mr. Deputy Speaker, Sir, I apologise for having mentioned the name of hon. Magara, but I would like to state the following: I voted with my own conscience on the Motion as amended, and there was a reason behind it. The reason is that I did not vote to bail out any corrupt persons in Kenya, but I voted that way because, for instance, regarding the Kenya Agricultural Research Institute (KARI) plots in Naivasha, there are some people who have been mentioned, and their names were picked from the PIC Report and other documents---

Mr. Deputy Speaker: Order! Hon. Wambua, that Motion is still before the House. If you want to contribute, you will do so, but you have done enough.

COMMUNICATION FROM THE CHAIR

DISTINGUISHED GUESTS FROM BANGLADESH

Hon. Members, it is with great pleasure that I welcome our distinguished guests from Bangladesh, who are seated in the Speaker's Row. The delegation consists of Mr. S.M. Akam, MP, who is the Chairman of the Public Accounts Committee of the Bangladesh Parliament. He is accompanied by Dr. Sayyed Yusuf Hussein, who is the Controller and Auditor-General. I am sure I speak for you when I say we wish them a very enjoyable and fruitful stay in our country, Kenya. Welcome.

(Applause)

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, 19th May, 2000, and further recommends that the Attorney-General introduces a Bill entitled The Anti-Corruption and Economics Crimes Bill, 2000, contained in the Report, provided that:-

- (i) All matters in the Minutes in Volume II of the Report (Minutes 125-510, 560, 562, 564, 565, 568, 569, 592, 614, 619) (Pages 560-841) relating to the Appendices in Volume I of the Report as well as all matters connected thereto be excluded;
- (ii) All matters in the Report relating to Appendices I, II, II/A, II/B, II/C, III, IV, IV/A, IV/B (Pages 80-398) in Volume I of the Report as well as all matters connected thereto be excluded; and,
- (iii) All matters relating to corruption be investigated and established beyond any reasonable doubt by *prima facie* evidence in accordance with the provisions of the Constitution and the Law as well as the Rules of Natural Justice.

(Mr. Kombo on 5.7.2000)

(Resumption of Debate interrupted on 19.7.2000)

Mr. Deputy Speaker: Ms. Karua, you were on the Floor.

Ms. Karua: Mr. Deputy Speaker, Sir, I would like to propose an amendment to the Motion before the House under Standing Order No.46 (3) which states that any amendment to the Motion which an hon. Member wishes to propose in accordance with the provisions---

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

Mr. Deputy Speaker: Order! Proceed.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): My point of order is that---

Mr. Deputy Speaker: He is not on a point of order. We are now on Order No.7 which is the Motion.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir. Ms. Karua was contributing to Order No.8 and not Order No.7.

Ms. Karua: Mr. Deputy Speaker, Sir, Order No.7 is clearly the debate on the Anti-Corruption Committee and I proceed with your leave to give my proposal to form an amendment.

Mr. Deputy Speaker: Order! Indeed, hon. Karua was contributing to the Motion on the Constitutional Amendment Bill. She had already contributed to this Motion, but she is proposing an amendment on a point of order which is quite permissible.

Ms. Karua: Mr. Deputy Speaker, Sir, I am proposing an amendment under Standing Order No.46(3) which says that:

"Any amendment to the Motion which a Member wishes to propose in accordance with the

provisions of these Standing Orders, may be moved and if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put."

The Motion before the House was amended a day ago. That amendment was disposed with. We have a Motion before the House to which I beg to propose an amendment. The amendment I propose is this: I have duly given notice under Standing Order No.47 to the Clerk of the National Assembly. I am proposing that this Motion be amended by inserting a full stop after the word: "Report" and deleting all the words appearing after the words: "Provided" including all the words after I, II and III.

(Applause)

The reason for the amendment is that as the Motion stands now, it defaces the Report of the Committee on Anti-Corruption. The Motion as it stands is actually contradictory. On the first part, the Motion reads 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 said Report."

If we take that first part of the Motion, the remaining words contradict that first part. Therefore, if we continue debating the Motion as it is, we do not even know which direction to take. The Motion cannot propose the adoption of the Report and in the same breath propose that certain sections of the Report be left out. It does not propose that parts of the Report be adopted. It proposes the Report, as a whole, to be adopted. Therefore, the Motion as it stands is contradictory and offensive.

If you look at what is being left out, we are obliterating historical facts given the fact that a section of Kenyans appeared before the Anti-Corruption Select Committee and gave evidence. We are, therefore, removing the fact of those meetings and the evidence given by Kenyans. Therefore, the Motion before the House seeks to gag a section of the Kenyan population. We seek to pretend that those Kenyans never appeared before the Anti-Corruption Select Committee and that they never made any allegation which needs or requires investigation against certain members of the Kenyan population who include Members of this House. By continuing to debate this Motion we are now telling the public that we can name them with impunity in this House, but when they have an avenue like a Select Committee they dare not name us because we shall frustrate their efforts by obliterating the fact that they even appeared before the Committee and gave the evidence thereof.

It is in the light of this that we are seeking to gag our very electorate; that it is wrong to continue debating the Motion as it is. I am trying to show the contradiction in a Motion seeking to adopt a Report, which means the whole Report. I am also seeking to remove the bowels of that Report and leave it hollow. I am referring to this Motion which I seek to amend and it says in section III that all matters relating to corruption be investigated and established beyond any reasonable doubt by *prima facie* evidence in accordance with the provisions of the Constitution, our laws as well as the Rules of Natural Justice. It is not necessary to state that in a Motion. Is it not an obvious fact that any investigation in this country must be in accordance with the Constitution and the laws of this country? Do we need to add that to the Motion?

For the benefit of those who may not know, rules of natural justice are presumed to apply to all statutes. It is, therefore, irrelevant and unnecessary to restate it in the Motion. If you look at the Report of the Committee which is before the House, it had already accomplished what section III seeks to accomplish. It had referred all the allegations to KACA for investigations. What is the logic of removing the section that refers it to KACA and then returning it with a watered-down Clause which does not have any name or the historical facts of people appearing and giving evidence before the Committee? Whom will KACA investigate, shadows?

Is the Kenya Anti-Corruption Authority (KACA) going to investigate in the abstract? The allegations are not there. Roman Two removes all the appendices containing the memoranda and the PAC and PIC Reports which have further evidence and allegations against the perpetrators. So, what is KACA going to investigate? Who is fooling who? I think the public in this country is entitled to demand the highest standards of this Parliament. We have been naming them since time immemorial in the PAC and PIC Reports, and in our Questions to Ministers. We have been accusing Kenyans of this and that crime and calling for investigations. It is, therefore, hypocritical of us to now tell those Kenyans, who are our masters and not our servants that: "You cannot name us! We are special! If you call for investigations against us, we shall stop business and frustrate your efforts!" We must not gag Kenyans.

An hon. Member: Please stop there!

Ms. Karua: A little more is coming; do not torture me!

(Laughter)

We are saying that every Kenyan has a right to call for investigations. Those Kenyans that we are seeking to gag--- This Report is doing nothing more than to call for investigations. With your permission, I recall that when hon. Anyona was moving his Motion, you said that you could not rule on it until he finished moving, so that you could know the contents. I ask you to grant me the patient to put my case before any ruling is made, so that the public may not see it as though I am also being gagged, like those members of public who have been gagged by this House!

Mr. Deputy Speaker, Sir, on the issue of natural justice, no rules of natural justice are likely to be violated by this Report as it is including the rules of natural justice apply where the rights of citizens are being adjudicated. The Committee never proposed to adjudicate on the guilt or innocent of any of the parties. The Committee simply said: "Here are the allegations. Here are the Minutes to show you when and by whom the allegations were made. Here are the appendices containing the memoranda."

Mr. Deputy Speaker: Order! I do not want to cut you short. All I want to do is to tell you this: Do not revert to the debate on the original Motion. That now means that you are talking twice. But under the point of order, I allowed you to move your proposed amendment. So, you should speak on your proposed amendment.

Ms. Karua: Mr. Deputy Speaker, Sir, I will talk very briefly because I do not want to contribute twice.

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

Mr. Deputy Speaker: Order! She is on a point of order! Proceed!

Ms. Karua: Mr. Deputy Speaker, Sir, gagging those Kenyans and telling them that they cannot give their evidence because those Minutes are wrong--- We have had an hon. Member of this House no less than Dr. Godana, who admitted having been given a house. I do not doubt his allegation that he was given lawfully. Why can he not go and tell the KACA: "I was given this house lawfully!"

To wind up, I would like to state this: The amendment that I seek does not negate the intention of the Motion, in case anybody thinks that under Standing Order No.48, the proposed amendment may negate the Motion. The Motion before the House is simply to adopt the Report and the Bill annexed to it. The other one actually contradicts the Motion. I am seeking to remove that contradiction, so that we may be seen as a Parliament that is seriously fighting corruption.

With those few remarks, I beg to move and, with your permission, ask hon. Maundu to second.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who has just purported to move a Motion, has not moved a Motion. Under our Standing Orders, she has no capacity to stand on a point of order and move an amendment. For once, I agree with hon. Orenge. The point is that the hon. Member who has already contributed to the Motion before the House, wants to contribute again! If you want to move an amendment, you move it when you contribute. If you have contributed, you cannot, under our Standing Orders, take the Floor again and, under the pretext of standing on a point of order, move an amendment. In fact, a point of order must be left to the rules and procedure of the House, and an hon. Member cannot raise substantive issues by way of amendments. Therefore, no amendment has been proposed. That is the position!

Mr. Orenge: On a point of order, Mr. Deputy Speaker, Sir. I think the case of justice must tilt on both sides. Yesterday, when hon. Anyona was moving his amendment, nobody stood up. But in moving that amendment, hon. Anyona had stood on a point of order. There was nobody from the other side of the House. Ms. Karua on moving an amendment, cannot move a Motion under the guise of raising a point of order. That is clear. It is as clear as daylight! So, what she is doing is moving a Motion to amend the Motion before the House! The Chair made it very clear that she was moving a Motion. After moving that Motion, as she has already done, nobody can speak on that Motion until it is seconded and proposed by the Chair. Then, the debate will ensue.

I am one of the persons who would really want fairness in this House, especially when it comes to matters of procedure. But I think for the hon. Minister for Foreign Affairs and International Co-operation, who has been a Deputy Speaker, to stand up and try to change a Motion to move an amendment to be a point of order, I think he has been living too long on that plot in Kileleshwa, instead of being an hon. Member of this House!

(Applause)

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir.

Hon. Members: Hon. Maundu should second first!

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I am entitled to stand on a point of order! Do I have the Floor?

(Loud consultations)

Mr. Deputy Speaker, Sir, I seek your protection! Do I, or do I not have the Floor? With your permission, I will now proceed!

Mr. Deputy Speaker: Proceed!

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I am on a point of order. I think it is perfectly right. I want to plead with my colleagues on the other side of the House to appreciate that, even before Ms. Karua's Motion get seconded by hon. Maundu, I am entitled to stand on a point of order. It is valid. It is in accordance with the rules of this House.

Mr. Deputy Speaker, Sir, I feel very strongly that this House is being treated to vexatious proceedings. Under Standing Order No.42, which reads:-

"No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same Session."

We do not have to wait for six months. When Ms. Karua talks about natural justice, and she is my learned sister, she knows very well that the reason the words "natural justice" have appeared in the amended Motion, is because there has been an abuse of the same rules of natural justice! So, it is important to be able to guide this House, so that we do not end up going round in circles. I, therefore, feel that this is a vexatious Motion and should be treated as such.

Mr. Anyona: Mr. Deputy Speaker, Sir, it is up to the Chair to guide the House on this matter. I will be raising a procedural issue later. However, at the moment, the next Order has been called which is Order No.7 and which is the Motion we are still debating and Members were going to rise up to contribute. It appears that hon. Ms. Karua had indicated that she wanted to amend the Motion if she can, and that she had given notice accordingly, apparently. Therefore, I want to presume that when she stood up, you were giving her the opportunity to move that amendment. Now, if that is correct, then she goes on until she finishes, like you ruled. After the Motion is seconded, then we shall raise technical points of procedure.

Hon. Members: That is correct! At least, for once, you have behaved! Mr. Maundu, go on!

Mr. Maundu: Mr. Deputy Speaker, Sir, thank you.

I rise to second that amendment moved by my hon. colleague. I do not intend to take a lot of time. The points of view that are necessary in that particular amendment have been clearly stated and we are saying that this Report, with all the amendments that we have seen moved by hon. Anyona, will reduce it to a mere skeleton that does not require to be buried.

Mr. Deputy Speaker, Sir, it is not the intention of Parliament to conduct a futile exercise in the struggle to resolve a national issue.

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. Well, I do not wish to interrupt my learned friend. I demand the Speaker's ruling. How does the Chair allow this Motion to be seconded when it is, in the first place, flawed? I am just demanding your ruling that we are being treated to vexatious proceedings.

Mr. Maundu: Mr. Deputy Speaker, Sir, I intend to proceed because it is not necessary to respond to that point of order. The points that have been raised are very critical to this particular Motion. If you looked at one of the points for the purposes of the amended Motion, you will realise that Item III states:-

"All matters relating to corruption be investigated and established beyond any reasonable doubt by *prima facie* evidence."

Mr. Deputy Speaker, Sir, it is not the business of the House to investigate matters beyond reasonable doubt. If we do so, we will be taking up the business of yet another arm of Government. What we have done is to ventilate and bring in matters relevant to the mandate given to the Select Committee. In respect of that, I would like to state that---

Mr. Kajwang: On a point of order, Mr. Deputy Speaker, Sir. A point of order has been raised which goes to the root of the matter before this House; that is whether or not my learned friend, hon. Ms. Karua has moved a Motion. Now, you must rule on that.

Mr. Deputy Speaker: Order! Hon. Karua has not moved a Motion. She has moved an amendment to a Motion, which I have here signed by her. So, she is perfectly in order to have done what she did.

(Applause)

Mr. Maundu: Mr. Deputy Speaker, Sir, thank you. We are saying that the particular amendment that has been proposed particularly Section III goes beyond the purview of Parliament and, therefore, it is irrelevant and wrong in law. We would like to state that what we have done in this particular Report, is to bring material to the House for it to either accept it or to disapprove it. This matter about this particular Motion and the debate before this House has

clearly been stated by none other than the editorial in today's *Daily Nation*, part of which I would like to quote just once more. It states:-

"Interestingly, the Report did not condemn anybody. It only suggested that KACA investigate those names with a view to prosecution."

It then proceeded on a very fundamental matter which I believe the Kenyans have grasped; that is:-

"We are not talking about endlessly debatable and philosophical concepts here; we are referring to verifiable investigations followed, where need be, by due process, which includes an elaborate system of plea bargaining and appeals."

This Parliament does not have those tools.

(Applause)

We are saying that this Parliament does not have those tools and, therefore, it is absolutely necessary that the matter in this House goes yet to another arm of Government for thorough investigations and where need be, natural justice be applied in totality.

Mr. Deputy Speaker, Sir, when we have been talking about natural justice in this House, there is a big misconception in law because if you seek natural justice, you must come with clean hands. You cannot pass through polluted waters and rise to claim natural justice.

(Applause)

If you do that, I can only liken you to the man who killed Bobby's parents and when he was about to be sentenced he pleaded for mercy on the basis that he was an orphan.

Mr. Deputy Speaker, Sir, I would like to conclude this statement by saying this: This Parliament will not be judged on what it does today. A nation's capacity is not judged on the basis of the wealth that it has; it is judged on the basis on which it stands on moral principles.

With those few remarks, I beg to second.

(Applause)

Mr. Anyona: Mr. Deputy Speaker, Sir, it is important that we follow the correct procedure while dealing with this matter. Before you decide whether to propose the Question or not since that is your prerogative, I just want to raise a matter of procedure. The amendment which has been moved and which has not been proposed yet, is brought under Standing Order No.46(3) which states:-

Ms. Karua: Paragraph 5!

Mr. Anyona: Is it Paragraph 5 or Paragraph 3?

Hon. Members: It is Paragraph 5!

Mr. Anyona: She said Paragraph 3 but nevertheless, I will take the two. In fact, you have do it in conjunction with Paragraph 5. So, let me start with Paragraph 3. However, first of all, what is a Motion? A Motion is that portion of the Report which notice was given at the very beginning. The Motion was that; "This House adopts the Report." That is the Motion before the House. Now, then Standing Order 46(3) states that you can amend that Motion. It states:-

"Any amendment to the Motion which a Member wishes to propose in accordance with the provisions of these Standing Orders may be moved and if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put."

In other words, hon. Kombo brought a Motion. He moved it. It was seconded. The question was proposed. After that, you can amend that Motion. It was seconded and proposed and upon that, debate ensued and this Standing Order is stating that you can, indeed, amend that Motion at that point in time before the question has been put and that is precisely what I did.

Then the Standing Order continues to state this and that is where Paragraph 5 (c) comes in:-

"When every such amendment to an amendment has been disposed of, Mr. Speaker, shall either again propose the question upon the Motion---"

This is because the amendments could be more than one. Now, in the event that all those amendments do not succeed, the original Motion remains. So, you either propose it in that form or propose the question upon the Motion as amended. In this case, it was, indeed, amended and so you propose the question as amended, as the case may require. If it is the original, you propose it. If it is as amended, you propose it.

The Standing Order goes on to state:-

"--- and after any further debate which may arise thereon, shall put the question."

That is precisely what you did. You proposed the question on the amendment and debate arose and decision was made by the House. Debate arose and it was finalised, you put the question and a decision was made. Now, what is the meaning of Standing Order, No.46(5)? It means that any amendment to an amendment is still an amendment before a Motion becomes amended. The relevant Standing Order provides that:

"(5) (a) Any amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and put before it has been put".

In other words, as soon as I moved my amendment, someone else could have moved another amendment, and many others could have been moved. The original amendment was mine. In other words, you could not move an amendment if the debate on my amendments had been concluded. So, as the matter stands now, it is not possible to amend my amendment and it is not possible to amend the Motion as amended. Doing this will be a nullity and an illegality.

Mr. Deputy Speaker: Order, hon. Members! Hon. Members, I do not need to go back into the history of debate on this particular Motion because you are familiar with it. Here, we have a proposed amendment and I shall read it out in the terms that hon. Karua gave it to me. The proposed amendment reads:-

THAT, this Motion be amended by inserting a full stop after the word "Report" and deleting all the words appearing after the word "provided" including all the words after (i), (ii) and (iii)".

So, I have no doubt in my mind that we are discussing an amendment, not to a new Motion, but to an amended Motion. This is because the Motion that I proposed, was the amended Motion. I proposed that question after we took a vote, and we took that vote by a Division. The results of that Division were:- Ayes - 84 and Noes - 63. So, the effect of this amendment is to try and change the results of that Division. That, hon. Members, I cannot allow. One of the reasons I abstained then, and yesterday, was that the Chair must not influence the decisions of the House, which it has reached through debate and argument. Certain sections of the Standing Orders have been quoted and I will not go into them. But let me say that the only course open to hon. Members if they wish to change the character of this Motion is to move a Motion to rescind the decision that we already have before us, which is to debate on the amended Motion as proposed by me. So, we shall proceed to debate Order No.7.

Mr. Sang: On a point of order, Mr. Deputy Speaker, Sir. In view of---

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Why do some hon. Members, think that they are more experienced than somebody else who has stood on a point of order and whom I have given a chance? Proceed, Mr. Sang'!

Mr. Sang': On a point of order, Mr. Deputy Speaker, Sir. In view of your fresh ruling, and given that this Motion has been debated long enough, I now request the Chair to call upon the Mover to reply.

(Applause)

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I really appreciate the position that the Chair has taken. But it strikes me that it is very much in line with the point that hon. Musyoka raised with regard to Standing Order No.42. While reading out Standing Order No.42, hon. Musyoka deliberately left out one fact. The Standing Order talks about not allowing further discussion on a Motion that seeks to change a resolution that was either in the affirmative or in the negative. But he left out the second part of that Standing Order which states:-

"42(2) ... Provided that a Motion to rescind the decision of such a question may be moved with the permission of Mr. Speaker".

My understanding is that the moving of the Motion had been allowed. It is on that basis---

Mr. Deputy Speaker: Order, Dr. Ochuodho! I have just said that one has to move a Motion to rescind the main Motion and not to amend it.

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

Mr. Deputy Speaker: Order! I want hon. Members to contribute because it is too early really now to wind up. Hon. Sang' stood up and asked that the Mover be now called upon to reply---

Ms. Karua: But we are raising a point of order!

Mr. Deputy Speaker: Why do you not wait and hear what I will say!

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

Mr. Deputy Speaker: Order! Hon. Karua, when another hon. Member has raised a point of order which requires the Chair's response, why can you not be patient enough to wait? I am saying that it is too early for us to allow a closure to this debate.

(Applause)

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I am just seeking guidance from the Chair. That is the basis of my point of order. I ask and request the Chair that the next time when we will have an issue of procedure like the one which we had--- It is only hon. Anyona who was allowed to put a position in so far as the Standing Orders are concerned. He put a case and we had also a very strong case to put forward. The Chair should make a decision after hearing from all sides.

I just wanted to remind you that when the Motion on the constitutional review was before this House, resolutions were reached, amendments were moved by the same hon. Anyona, and mistakes were discovered. You went out and came back with another Motion. I would have put it to you that the House seems to be like a kangaroo House where we change rules in accordance with what is going on.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, Mr. Anyona.

(Loud consultations)

Order! I actually meant to call Prof. Anyang'-Nyong'o and not hon. Anyona.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. I stand on a point of order to seek further guidance from the Chair. It would be extremely unfortunate for the Chair to be seen to be hurrying a very important matter before the House, which touches on a Motion of grave national importance. If I look at my Order Paper, I can see that Order No.7 is a Motion. What we are debating today is a Motion. This Motion originated yesterday from an amendment, but today it is a Motion. Standing Order No.49 states:-

"The question on any Motion shall not be proposed unless it shall have been seconded. A Motion not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session:

Provided that a Motion made in Committee shall not require to be seconded".

Mr. Deputy Speaker, Sir, the Standing Order talks of "any Motion". We have a Motion today which has been properly seconded by hon. Maundu. I do not understand how we can misinterpret this Standing Order knowing very well that it talks of "any Motion". This is a Motion before us today and you have denied us debate on it. We should read these Standing Orders together and take them wholly, rather than taking a biased version of things which will---

Mr. Deputy Speaker: Order! Order! Prof. Anyang'-Nyong'o, you are not going to be allowed to bash the Chair. There is no bias that I have shown. I have merely indicated what the position is *vis-a-vis* the Motion before us. The Motion under Order No.7 is already before us; it is not a new one. It is the Motion that I proposed. So, we shall proceed debating that Motion. Proceed, Mr. Keah!

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

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. We are battling here in this House as if there is one side that does not like corruption, and another side which likes corruption.

(Several Members stood up in their places)

Mr. Deputy Speaker, Sir, nobody likes corruption. I abhor corruption and I am speaking in support of this Motion which is before the House.

Mr. Deputy Speaker, Sir, I need protection from---

Mr. Katuku: On a point of order, Mr. Deputy Speaker, Sir. I am happy that you have given me this chance to raise my point of order. Here is a case - I want your ruling on this - where a Member of this House stands up to raise a point of order and the Chair turns a blind eye on the hon. Member. Is it in order for the Chair to turn a blind eye on Ms. Karua, who is raising a very serious point of order?

Mr. Deputy Speaker: Proceed, Mr. Keah!

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I rise to support this Motion before the House. In doing so, I want to delve on two points.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. You have given your ruling and we shall abide by it, but we need direction. My amendment was not to an amendment. We no longer have an amendment, since it has been disposed. I was proposing an amendment to the Motion now before the House.

(Applause)

Mr. Deputy Speaker, Sir, we are a bit at a loss, because when the amendment by Mr. Anyona was proposed, Mr. Deputy Speaker, Sir, did vote in the Division. The question that is weighing heavily in our minds, is whether the side Mr. Deputy Speaker took has influenced today's decision.

Mr. Deputy Speaker: Order! Order, hon. Ngilu! The records will show very clearly that, this particular Chair has never voted on a debate in this House, and I have told you why I do not vote. More importantly, if I had decided to vote yesterday, for example, and voted with the "Noes", I would have been called upon to use my casting vote and the Noes would have won. That would have been unforgivable of the Chair. So, I took a personal decision that, while I sit in this Chair, unless the matter before the House is one that involves, for example, the Constitution or a finance matter; I will not vote on matters that have been brought by Members on the Floor. I have never done that and I will never do it. So, I have not voted to influence any decision and the records are quite clear.

(Applause)

Order! Hon. Members, it is totally out of order to start arguing when a ruling has been made. If you want to have a House with a Chair, fair enough. Let us have a House without a Chair and see how far we shall go. However, as long as there is a Speaker in this House, I can tell you that, he will occasionally make mistakes. But nobody wants the House to proceed with dignity than the Chair does. As I said earlier, let us emulate those of our senior hon. Members in this House, who behave with dignity. That is what we want for this House. Proceed.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir. I had started by saying that I rise to support this Motion before the House. In supporting this Motion, I have the following to offer. First, I want to commend the Mover of this Motion for so very eloquently moving it and bringing in the amendments the way he did, because he clearly articulated the reasons why, for example, Items (i) and (ii) should be deleted from the original Motion. It is important that anybody---

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I want to delve in particular---

An hon. Member: Leo ni leo!

The Assistant Minister for Information, Transport and Communications (Mr. Keah): I want to delve in particular on two major important points. This Motion seeks to expunge all the matters in the minutes in Volume II, as stated, and all matters in the Report under Appendices from page 80-393. This is in order because---

Mr. Kathangu: Nidhamu, Bw. Naibu Spika. Ninataka kujua kama ni jambo la nidhamu, sisi ambao tuko katika Bunge hili tukijua vile Kenya imeharibiwa na ufisadi; tuendelee kukaa kwa Bunge hili kuzungumza na kupitisha kwamba ufisadi uendelee katika nchi hii. Bw. Naibu Spika na wananchi hawa watashuhudia tukipitisha kwamba wizi uendelee katika Kenya.

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

Hon. Members: Hana!

Dr. Murungaru: On a point of order, Mr. Deputy Speaker, Sir. I am seeking your guidance because hon. Ms. Karua made a very valid point. There is a Motion before this Motion which has been, amended, and she moved an amendment to a Motion before this House and it was seconded. You did not give us guidance, whether she did that properly and whether we should proceed to debate her amended Motion.

Mr. Deputy Speaker: If you were in the House, you heard my ruling.

MOTION FOR ADJOURNMENT OF DEBATE

ADJOURNMENT OF DEBATE UNDER
STANDING ORDER NO. 45

Mr. Orengo: Mr. Deputy Speaker, Sir, I beg to move a Motion under Standing Order No.45; that, this debate be adjourned.

(Applause)

Mr. Deputy Speaker, Sir, one of the reasons is that, we must have sufficient time for debate. In a Motion of this nature, every Member is entitled to 30 minutes to give his views. At the rise of the House today at 6.30 p.m., Dr. Kituyi, is going to bring a matter which you have already given authority for him to raise in the House, relating to another Question which was not answered satisfactorily. But the spirit with which we left the House yesterday was to seek consensus. In seeking consensus, we were hoping the party leaders, particularly, to get together and find a way forward in this matter, which relates to a very important issue that is facing this nation.

Mr. Deputy Speaker, Sir, none from both sides of the House can accept that corruption is something that is good for this country. Everybody is condemning corruption. At least, on that one point, we are agreed in this House because we have built some bridges, at least, on corruption. Even hon. Biwott agrees with me that corruption is bad.

(Laughter)

For that, I thank hon. Biwott for agreeing with me.

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir.

An hon. Member: He is on a point of order!

Mr. Orenge: Mr. Deputy Speaker, Sir, what I am saying is that, we are trying to build some consensus. You have even seen historically that something very important is emerging from this House.

With regard to the vote that we took yesterday, there were hon. Members who voted across the board; it did not matter which party they belong to. There are some people from the Government side who voted with the Opposition side, and there were hon. Members from the Opposition side who voted with that side and there were others who abstained. It shows that really, we have not found the way forward. The only people who have known the way forward, are the people who are in a hurry to clean their names; those are the people who are in a hurry. But the rest of the country, if I am allowed to say, because I am moving a Motion which I am entitled to move without notice, under Standing Order No.45--- I pray to you, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! Order, hon. Orenge! Standing Order No.45 lists the kind of Motions you can move without notice. But if you want to move a Motion for the Adjournment of the House, then you must refer to Standing Orders 20, 21, 22, and---

Mr. Orenge: Mr. Deputy Speaker, Sir, I am coming to that!

Mr. Deputy Speaker: Yes. So, go to the specific Standing Order that you want to use. This is because Standing Order No.45 merely lists the Motions which can be moved without notice.

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that hon. Orenge should really be allowed to take--- I have the Floor and I think it is only fair that hon. Orenge gives me---

Hon. Members: He is on a point order! You should sit down!

Mr. Deputy Speaker: Order! Hon. Orenge is on the Floor! Proceed!

Mr. Orenge: Mr. Deputy Speaker, Sir, under Part X of the Standing Orders, which is found on page 20, talks about "Motions and Amendments." Since yesterday, we have been dealing with Motions and Amendments.

Mr. Deputy Speaker, Sir, you will realise that Standing Order No.45 falls within Part X of the Standing Orders. It talks about the Motions that may be moved without notice.

I know under Standing Orders No.21 and 23, you can ask and you pray for an adjournment of the House. You can pray for the adjournment of a debate. But Standing Order No.45 merely points out which Motions I can move without notice: The Motions for Adjournment of the House or of a debate come under Standing Order Nos.21 and 23. But Standing Order No.45 empowers me to move such a Motion without notice. That is why I was going to Standing Order No.45 first, so that I can show the House that I have got a *locus standi*, that, I can stand here without giving notice and move a Motion.

Mr. Deputy Speaker, Sir, if somebody has not read the Standing Orders--- At least, I can give hon. Anyona credit. He reads Standing Orders and takes interest in them. However, some hon. Members never read Standing Orders at all. If they are ignorant, then I cannot help that.

Mr. Deputy Speaker, Sir, Standing Order No.45(b) gives me the *locus standi* to stand at any time during debate, just like anybody can stand up at any time, like hon. Sang did. He stood up and called for the end of a debate. That means that he does not need to give notice and he can stand at any time and propose that the question be put. I am standing up before a question is put, and I am given the *locus standi* which is Standing Order No.45(b) and moving a Motion of adjournment of debate. The substantive section is Standing Order No.21. This is because I am speaking about adjournment of a debate. I do not want the House to be adjourned. We have got a lot of serious business to discuss.

Mr. Deputy Speaker, Sir, my plea was this; let us build some bridges on this issue of corruption. I would like to see hon. Mwai Kibaki, the Official Leader of the Opposition; hon. Michael Wamalwa, the Chairman of FORD(K); hon. Charity Ngilu, the leader of SDP in the House and Prof. Anyang'-Nyong'o. I would like to see my good friend, hon. Anyona, the leader of the KSC, in case you forget--- I would also like to see my friend from the Coast, hon. Shakombo, who is the leader of SPK in this House. I would like to see---

Hon. Members: Raila!

Mr. Orenge: I would like to see hon. Raila, the leader of NDP, also the Leader of Government Business sit together--- This is because this House can actually resolve into a Committee to find a way forward.

An hon. Member: There are other party leaders you have forgotten, like hon. Michuki!

Mr. Orenge: Hon. Michuki is here; he is the leader of FORD(P). I am sorry, we have many parties.

So, we are trying to build bridges so that when we give hon. Okemo --- I am saying this to my good friend hon. Okemo who has got a very difficult job to do. He has been trying to do a good job, but this country has lost confidence and that is why he is trying to restore confidence.

The World Bank has put a policeman in the office of the Head of Civil Service. There is a policeman there called Dr. Leakey. He has found it very difficult to control these guys. They are still stealing even with that policeman from the World Bank!

(Laughter)

That is a policeman from the World Bank. If you challenge that statement, ask the people at the IMF, who acts as their policeman in this country is overseeing your activities. In order to make sure that hon. Okemo--- The World Bank and IMF are having a meeting on Wednesday, next week. There are some people who care for this country and who know consequence of that meeting which will be held on Wednesday next week; on whether there is going to be a resumption of aid. Some say that we are against aid coming. However, there are people in this House who are like war merchants. When there is war that is when war merchants make money. There are some people here who, when Kenyans are impoverished, they feel better and they do not care about this country. So, we are pleading--- I am pleading from the bottom of my heart. I feel like crying today!

An hon. Member: Cry!

Mr. Orenge: You want me to cry?

Hon. Members: Yes! yes! cry!

(Hon. Nyanja passed a handkerchief to hon. Orenge)

Mr. Orenge: At least for Kenya!

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

Mr. Orenge: Hon. Prof. Saitoti, at least for Kenya! Do not be in a hurry! I am pleading with you particularly! In fact, we are pleading for good friendship across the parties. There are only---

(Prof. Saitoti offered Mr. Orenge a glass of water)

(Applause)

Thank you, hon. Prof. Saitoti. I thought that you can never be a friend, but from today, help us fight corruption. So, I am pleading under Standing Orders Nos.21 and 45; that, in order to make the work of hon. Dr. Godana and hon. Okemo easy to restore confidence in this nation---

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): We have restored confidence!

Mr. Orenge: You have not, I am telling you! You better shut up because once you begin saying that--- We want to restore confidence in the world internationally.

Hon. Nyachae and I were in a trip to Minnesota and Canada when he spoke for this country out there with a burning heart and with a passion and I knew that he really loves this country.

Hon. Kirwa was there and he spoke for this country. There are Kenyans out there who are speaking for this county. Mr. Kirwa was there and he spoke for this country. There are Kenyans out there, who speak for this country. We had representatives of IMF, who were telling us that, what Kenya lacks is confidence. People do not trust us because we cannot agree on a thing like corruption. The other day, a magistrate asked me why we take "robbers" to

court? As a Parliament, why do you make laws that compel robbers to appear before courts, when you cannot deal with the issue of corruption in this country? That magistrate was putting it to me that, on some issues like the one affecting Mr. Asanyo and hon. Ng'eny, the Committee is making some progress. So, I plead with you today; I have never pleaded with you again like I have done today that we adjourn and give the leadership of these parties--- I remember even the other time when the President called a meeting of all political leaders, we spoil it because all characters were in that meeting. We would have come out with a way forward, but all manner of people went there, including people that really should not take part in important discussion.

Mr. Deputy Speaker, Sir, if somebody today does not agree with me that we need to deal with the corruption seriously and we adjourned to speak together for this country, then we will all be guilty. There are now winners in these things. I am being condemned out there, despite my yesterday's vote. We are being told that this is the most useless Parliament since Kenya Independence. I thought this was better than the Seventh Parliament. But Kenyans out there, are saying this is the most corrupt one. This is the House of thieves. All these descriptions are coming to us because of not agreeing on a simple thing like corruption.

Mr. Deputy Speaker, Sir, I beg to move that this debate be adjourned and I ask hon. Ngilu to second.

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir.

An hon. Member: Allow hon. Ngilu to second the Motion.

Mr. Deputy Speaker: Order! There is no need to second this Motion. Proceed, Mr. Musyoka.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, a lot of what hon. Orenge has said does make sense indeed, the *bona fide* case were establishable. The only problem I have and, of course, it is important to respect the rule and dignity of this House is the fact that yesterday, an hon. Member moved a similar Motion; so, we are really caught up by the provisions of Standing Order No.42. I would have expected hon. Orenge, who is knowledgeable in the law to recognise the provision of Standing Order No.42. Indeed, this Government is loud and clear on the issue of corruption; that, it does not condone corruption. We are even going a step further as per the amended Motion to introduce the Anti-Corruption and Economic Crimes Bill in this House. I cannot think of a farther reaching legislation than that. But for once, I have seen real crocodile tears shed by hon. Orenge. Indeed, I saw no tears. So, let us not beat about the bush, but accept that we have to operate in accordance with the Standing Orders of this House.

Mr. Deputy Speaker: Mr. Orenge, was quite right that under Standing Order No.45 there are Motions which you can move without giving notice. Again, it is quite right to go on to Standing Order No.21 that gives you the specific type of Motions that you must move. He has done it, according to our Standing Orders.

Now, two things arise; first, if you look at the Standing Order No.21(3), it requires the Speaker to put the question immediately or decline. Secondly, as hon. Musyoka pointed out, yesterday afternoon, the Speaker did put a question on a similar Motion which was carried and, therefore, the debate on this Motion was deferred until this afternoon. If you look at the Standing Order No.42, it says:-

"No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same Session. Provided that a Motion to rescind the decision of such a question may be moved with the permission of Mr. Speaker."

So, my hands are tied. Therefore, to rescind the earlier decision is to say we should not have adjourned. So, hon. Members, I decline to put the question.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, at long last, I can now make my points on this Motion---

Mr. Murungi: Mr. Deputy Speaker, Sir, I rise on a point of order to seek further clarification on the meaning of the Standing Order No.42 which says:-

"No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same Session. Provided that a Motion to rescind the decision of such a question may be moved with the permission of Mr. Speaker."

Mr. Deputy Speaker, Sir, the rules of this House, including the Standing Orders, must also be read within the context of the broader procedures and traditions of this House. We must read in this rule, one exception. The Motion which hon. Orenge was moving was a Procedural Motion; a Motion to adjourn debate. Standing Order No.42 only deals with substantive questions determined by this House which cannot be revisited, until after six months have expired. This House regularly moves Procedural Motions and they are not caught by Standing Order No.42. So, I would request the Chair to reconsider the practice of the House, in so far as procedural Motions are concerned and allow Mr. Orenge's Motion to be seconded.

Mr. Deputy Speaker: Order! I have already made a ruling on that. Proceed, hon. Keah.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, at long last, I can contribute to this Motion. I would like Kenyans to know that nobody in Kenya supports corruption. We abhor corruption in its totality. I would like the international community to know that the reasons---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I am tempted to concur with the points raised by hon. Murungi. Standing Order No.45(b) in my view, specifies one of those Motions that can be allowed to be moved under the circumstances that hon. Orengo put them. In my view, Mr. Deputy Speaker, had already allowed hon. Orengo under the relevant Standing Order No.21(3).

Mr. Deputy Speaker: Order, hon. Dr. Ochuodho! I said that hon. Orengo did move it correctly, but what does it require? It requires the Speaker to put the Question or to decline.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. The rules of this House are meant to serve the citizens of Kenya. Where we find that the rules are an impediment to the welfare of society and just government of men, then we must interpret them so that they can enhance the welfare of society and just government of men. I do know that there are people who want to be cleansed before succession war starts. So, I am begging the Chair not to aid them.

(Applause)

Let this House talk about this Motion exhaustively.

Mr. Deputy Speaker: Order! Hon. Angwenyi, the Chair wants to give you an opportunity to debate this Report. Do not aid them in your discussion; crucify them.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I ask you to protect me, so that I can merely make two points in support of this Motion. First, we are moving this Motion so that all matters related to corruption and not just the list mentioned here, are investigated. This is our answer. We are saying that all matters pertaining to corruption should be investigated. Mr. Deputy Speaker, Sir, I am saying that we are moving this Motion because we want all matters relating to corruption and not merely those mentioned in the Report to be investigated and acted upon. So, we are covering everything. Secondly, we are bringing the Anti-Corruption and Economic Crimes Bill, 2000---

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

Mr. Deputy Speaker: Order, hon. Members! We must give Members an opportunity to be heard. When you are shouting point of order, you are not even hearing what he is saying. No more points of order.

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

(Mr. Munyao stood up in his place)

Mr. Deputy Speaker: No! No! I am sorry. Hon. Munyao, I now ask you to retire from the Chamber.

(Mr. Munyao withdrew from the Chamber)

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

Mr. Deputy Speaker: Order! Proceed, hon. Keah!

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I had two points to make in support of this Motion. This Motion seeks to have everybody who has committed any crime or who is involved in corruption to be investigated. This is better than the list that has been prepared. Secondly, we are bringing into this House the Anti-Corruption and Economic Crimes Bill, 2000, which will take care of all economic crimes. It appears that hon. Members do not want to listen.

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

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): On a point of order, Mr. Deputy Speaker, Sir. I strongly feel that we have discussed this Motion quite exhaustively. Do we call the Mover to reply?

(Applause)

Mr. Magara: On a point of order, Mr. Deputy Speaker, Sir. I think the Chair should be impartial in making such serious decisions in this House. There are serious issues which were raised by hon. Karua, hon. Orengo, hon.

Murungi---

Mr. Deputy Speaker: Order, hon. Magara! Hon. Members, you cannot rise on a point of order and go back to an issue that has been settled.

(Mr. Kiangoi murmured something)

Mr. Deputy Speaker: Order, hon. Kiangoi.

Hon. Members: Mr. Kiangoi should get out of this House!

Mr. Deputy Speaker: Order! The Speaker will not tolerate Members who intervene by making statements. So, you do so now at your own risk, including you, hon. Kiangoi.

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

Mr. Raila: Mr. Deputy Speaker, Sir, at times like this, we need to rise above our various partisan differences and address issues as Kenyans.

(Applause)

An hon. Member: Very good!

Mr. Raila: Mr. Deputy Speaker, Sir, the matter before the House is so important to this country that Members of this House ought to discuss it with the seriousness that it deserves. When this Motion was moved in this House, it received total support of all the Members of this House, because every hon. Member of this House would like to see this cancer called "corruption" properly addressed. This is the first serious attempt that we are making, as a country and as a Parliament, to deal with this issue that is called "corruption". The Report has made very positive points. It seems as if we seem to be diverted from this very crucial issue because of just a few matters that have been raised in this Report, which I think are peripheral.

One would have liked to see a proper analysis of this issue of corruption, not just from Independence, but even before Independence. This is because once you assume that there was no corruption before Independence, one is reminded, for example, of the then City Engineer, a Mr. Wealth who was found to have been engaged in graft when they were constructing the Sasuma Dam in Nairobi. When he was exposed, he committed suicide by putting his head on a railway line and the train came and ran over his head.

An hon. Member: Let them do it!

Mr. Raila: Mr. Deputy Speaker, Sir, what does this tell us? It tells us that at that time there was zero tolerance of what is called "corruption", and that if somebody was exposed to have been involved in a corrupt practice, he feared and felt ashamed to the extent that he would commit suicide. So, I would like to see this Committee giving us an analysis of corruption, from pre-Independence times, upwards. Phase I of that analysis should cover pre-Independence times; Phase II, the 1960s; Phase III, the 1970s to part of the 1980s; and, Phase IV, the 1990s. Then, there is what we call "grand corruption". This has not been properly addressed by the Committee. Grand corruption involves graft in implementation of major projects. Mr. George Stewart, who was a senior member of Transparency International, has written a book on what he calls "grand corruption". Mr. Stewart happens to have been a very senior executive of Mumias Sugar Company Limited in the 1970s.

Mr. Deputy Speaker, Sir, in his book, Mr. Stewart has explained how members of the donor community are involved in promoting corruption in third world countries. So, this country, according to my friend, the Minister for Finance, today has a public debt of US\$7.5 billion. This is the weight that members of public are carrying on their backs. This has to do with the loans that were advanced to this country in the 1960s, 1970s and the 1980s. Most of those loans had a grace period of 10 years and a maturity period of 25 years. This is the load that we now have to carry.

If you analyse the way that money was utilised, you will find that less than US\$3 billion went into the implementation of proper projects. That is what we need to address. That money was used for the construction of roads such as the Nairobi-Mombasa and the Nairobi-Kisumu Roads. Part of that money went into the construction of the hydro-electric power plants that we have in this country and airports. For example, which the runway of the Jomo Kenyatta International Airport (JKIA) was being constructed a total of Kshs500 million was used. Indeed, most of the money that was meant for that project went into people's pockets.

(Applause)

Mr. Deputy Speaker, Sir, part of that money was put into the establishment of irrigation projects that are scattered all over the country. All that was mega corruption. That is where we should start from. How does mega

corruption function? First, there are the donors, who instruct you to get the money from their respective countries, and also entice you to purchase the required equipment from those countries. Some of the equipment happens to be second-hand and over-priced by the people who go to sign those contracts---

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

Hon. Members: Aah, Mr. Anyona!

Mr. Raila: Information accepted, Mr. Deputy Speaker, Sir.

Mr. Anyona: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that in 1977, a matter of corruption involving the Kenya Railways Corporation was raised in this House. The people who were involved in that scandal were not Kenyans. It was foreigners who induced us to cancel a tender that had been awarded properly, and it was given to them. So, in effect, what the hon. Member is saying is absolutely correct.

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. The two hon. Members seem to have a lot of information, which they withheld from this Committee. So, is it in order for them to introduce that information here and now?

Mr. Raila: Mr. Deputy Speaker, Sir, hon. Members are invited by the Committees. When I was chairing the Select Committee on the review of the Constitution of Kenya Review Act, I invited all hon. Members to come and testify before it.

I agree with hon. Anyona that the Ndegwa Commission, itself, was a major starting point in accelerating corruption in this country's Civil Service. In the 1960s, this country had the maize scandal, which involved a Minister and a public servant. The public servant was imprisoned, but the Minister went scot-free. He was pardoned by the then President, because he had been into prison with him before. We also had the case over the purchasing of supplies in the 1970s.

Mr. Deputy Speaker, Sir, you will remember the (Alpha Pharmacy) scandal, where a civil servant who had been working with the Central Medical Stores went to prison, for being involved in corruption. We have had the Halal and Kenren scandals. You will remember that, at one time, the Provincial Engineer in Rift Valley Province tarmacked a road leading to his private residence, and when investigators went to verify that, he took lorry-loads of murrum to cover the tarmac on that road. You will also remember that when the Kisumu-bound train, somehow, in the farm of the then President knocked down a grade cattle, the Minister for Works was ordered to fence the whole of that farm; Kshs96 million was spent to fence that farm.

We also remember the molasses plant, which was another case of mega corruption that involved private entrepreneurs and senior Government officials, some of whom are now in this House. We remember the banking scandals of the 1980s and 1990s. Finally, we remember the Goldenberg and Exchange Bank scandals. I would not like to say much about the Goldenberg scandal, because the Chairman of this Committee, while moving this Motion, spoke at length about it. However, I, personally, have gone to court about the Goldenberg issue. I took the Leader of Government Business to court in relation to the Goldenberg issue. That I did in very good faith, in order to give him a chance to defend himself. So, I also stood alone in Public Accounts Committee (PAC).

The Vice-President (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I rise to just commend hon. Raila for having taken that important step. That is what other hon. Members should do.

Hon. Members: Which step?

Mr. Raila: Mr. Deputy Speaker, Sir, in the PAC, I stood alone on the issue of Goldenberg. The PAC had 11 Members then - six from KANU, and five from the Opposition. When we came to discuss the issue of Goldenberg---

Mr. Ngenye: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to discuss a matter that has been expunged from this Committee's Report? The Report of this Committee no longer contains that matter.

Mr. Raila: Mr. Deputy Speaker, Sir, when the Committee decided that they would pay Mr. Kamlesh Pattni Kshs2.1 billion, I objected. Some other hon. Members, who are now shouting about Goldenberg were sitting with me in that Committee, and it was chaired by a senior hon. Member of this House, but they saw nothing wrong in paying Mr. Pattni Kshs2.1 billion.

Hon. Members: Toboa!

Mr. Raila: Mr. Deputy Speaker, Sir, I am talking about the double-face or the issue of preaching water and drinking wine. I wanted us to make an admission that some of the hon. Members of this House, and not just one hon. Member, who was exposed by Mr. Pattni, were also responsible, because when I resisted--- I would like to put it on record that I wrote a letter to the then Chairman of the Public Accounts Committee (PAC), hon. Wamalwa Kijana, and quoted clearly the reasons why I was objecting. Despite the fact that I gave all those reasons, they refused to accept that, and they went ahead and recommended that Mr. Pattni be paid Kshs2.1 billion. When the House, in its wisdom, rejected, then, the same hon. Member stood before this House and said that he agreed with the House.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Ni nidhamu kweli kwa mhe. Raila kuendelea kutuzungumzia hapa Goldenberg il hali Ripoti yote ya Kamati ambayo inahusu Golderberg na maswala mengine yote yanayohusiana na jambo hilo tumesema yasizungumziwe hapa?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Deputy Speaker, Sir, hon. Raila has stated that there are certain colleagues of his in this House who betrayed him on the Goldenberg issue. Would I be in order to ask him to state the names of those hon. Members on the Opposition side because we want to know them?

Mr. Raila: Mr. Deputy Speaker, Sir, I am saying: Let us be consistent if we want to fight corruption properly. I have fought against corruption consistently, and I have stood firm. I am one of the very few hon. Members who can stand in this House with a clear conscience and say that I have never received anything through corruption. If anybody has any evidence against me, let him or her come and table it before the House. My conscience is clean, and hon. Obwocha is here, and he seconded that Motion when it was brought before this House. He never told this House why they saw it fit to recommend that Goldenberg International Limited be paid additional money. Let us talk in good faith, and I do not think that basically taking Reports that have already been brought before this House, and have been resolved before this House, lifting them---

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, hon. Raila was the first person who took hon. Prof. Saitoti and the Goldenberg International Limited to court, and he is now defending the Goldenberg case. What made him change his mind?

Mr. Deputy Speaker: Order!

Proceed, Mr. Raila.

Mr. Raila: Mr. Deputy Speaker, Sir, I wish hon. Wamunyinyi took time to listen to me. I have never defended the Goldenberg case, and I am not defending it now. I am supporting that all those people who are involved in the Goldenberg case should be prosecuted.

Mr. Murathe: Mr. Deputy Speaker, Sir, is hon. Raila in order to speak that way, considering that he collected money for the Kisumu Molasses Plant and he has never explained to this country what happened to the money?

(Laughter)

Mr. Raila: Mr. Deputy Speaker, Sir, I would treat that with the contempt that it deserves because I would like this House to sober up, look at that issue more objectively. What is important, is that the people who have been involved in graft should be prosecuted.

Mr. E. Morogo: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to move that the Mover be now called upon to reply in view of the fact that we have exhaustively discussed the Motion?

(Applause)

Mr. Deputy Speaker: Order! This is the third time that, that Motion has been proposed, and it will be fair to the House that I put the Question.

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

Hon. Members: No! Division!

(A number of hon. Members stood in their places)

Mr. Deputy Speaker: Order! Hon. Members, we have gone through that process for the last two days, and so, I think you are fairly familiar with the procedure. A sufficient number of hon. Members have stood up to indicate that they want a Division, and there will be a Division. So, I will now direct that the Division Bell be rung for five minutes, and within that period, I want the names of two tellers each for the Ayes and Noes to be submitted to me. At the end of the five minutes, the doors will be locked and the Bar will be raised, and you will have 15 minutes within which to vote, and after that, the doors to the lobbies will be locked. So, any hon. Member who has not gone into the lobby within those 15 minutes will forfeit his or her chance to vote. So, let me have the names of the tellers.

(The Division Bell was rung)

Mr. Deputy Speaker: Order, hon. Members! These are the tellers. For the Ayes, hon. Kiunjuri and hon. E. Morogo. For the Noes, hon. Kombe and hon. Murathe. Now, the Ayes will move to the Lobby on my right. The Noes will move to the Lobby on my left. You have 15 minutes from now. Any Member who will not have entered the Lobbies after 15 minutes will forfeit his chance to vote. Those who do not wish to vote or, in other words, those who wish to abstain, should record their names at the Table.

Let us proceed!

DIVISION

(Question put and House divided)

(Question defeated by 99 votes to 74)

AYES: Mr. Affey, Dr. Anangwe, Mr. Anyona, Dr. Awiti, Messrs. Awori, Biwott, Chanzu, Choge, Ekirapa, Ethuro, Dr. Galgalo, Dr. Godana, Messrs. Gumo, Haji, Kajwang', Kalulu, Kalweo, Karauri, Kamotho, Keah, Khaniri, Col. Kiluta, Messrs. Kimeto, Kimkung, Mrs. Kittony, Messrs. Kitur, Kochalle, Kofa, Kombe, Kosgey, Koske, Lagat, Lengees, arap Leting, Lomada, Lotodo J.D., Lotodo F.P.L., Maj. Madoka, Messrs. Maizs, Manga, Marrirmoi, Dr. Masakhalia, Ms. Matano, Messrs. Mbela, Mkalla, Mohamed, Mohamud, Mokku, W.C. Morogo, T. Morogo, Mudavadi, Mukangu, Munyasia, Musyoka, Muturi, Ms. Mwachai, Mrs. Mwewa, Messrs. Mwakalu, Nassir, Ndambuki, Ngala, arap Ng'eny, Ngure, Ngutu, Ntimama, Ntutu, Ntwiga, Nyagah J., Nyenze, Obure, Dr. Oburu, Messrs. Ochilo, Odinga, Odongo, Odoyo, Ojode, Okemo, Omamba, Ombasa, Otita, Poghisi, Rotich, Ruto I.K., Prof. Saitoti, Messrs. Salim, Samoei, Sang, Sankori, Sasura, Shakombo, Shidiye, Sirma, Sudi, Sumbeiywo, Sunkuli, Too, Dr. Wako, Dr. Wamukoya and Mr. Wehliye.

Tellers of the Ayes: Messrs. Kiunjuri and E. Morogo.

NOES: Mr. Achola, Prof. Anyang' Nyong'o, Messrs. Anwenyi, Ayoki, Donde, Galgalo M.A., Gatabaki, Gitonga, Jirongo, Kamanda, Kamau, Kariuki, Ms. Karua, Messrs. Karume, Kathangu, Katuku, Keriri, Khamasi, Kibaki, Kibicho, Kihara, P.A., Kitonga, Kirwa, Dr. Kituyi, Messrs. Kiunjuri, Kombo, Kones, Kuria, Dr. Kulundu, Messrs. Magara, Maina, Maore, Maundu, Mbitiru, Mboko, Michuki, Muchiri, Mugeke, Mrs. Mugo, Messrs. Murathe, Dr. Murungaru, Messrs. Murungi, Mutahi, Muya, Mwangi, O.K., Mwangi, P.G., Mwangi P.K., Mwiraria, Nderitu, Ndicho, Ndilinge, Ndwiga, Mrs. Ngilu, Messrs. Manyara, Nyachae, Nyagah N., Messrs. Obwocha, Dr. Ochuodho, Dr. Omamo, Messrs. Onyango, Orengo, Osundwa, Parpai, Mrs. Seii, Messrs. Shitanda, Sungu, Toro, Wafula, Waithaka, Wamae, Wamalwa, Wambua, Wanjala and Dr. Wekesa.

Tellers of the Noes: Messrs. Kombe and Murathe.

The Vice-President (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I beg to move the following Motion:-

THAT the House be extended for a further two hours.

Mr. Orengo: Mr. Deputy Speaker, Sir, there is a matter which you need to take care of, before we move into that point of order that has been brought about because there is a ruling that you made and which is in the record of the House, that hon. Dr. Kituyi will be moving a Motion at 6.30 p.m. You need to tell us that you have rescinded that ruling, because you have all the time told us that once you have made a ruling, the only way it can be vacated is by having it rescinded.

Mr. Deputy Speaker: Order! Hon. Members at least, read your Order Paper, which states that Mr. Speaker will today call upon a Minister to move a Motion of Adjournment at the interruption of business to enable the Member for Kimilili, Dr. Kituyi, to raise a matter of unsatisfactory reply to a Question by Private Notice raised on Tuesday, concerning supply of famine-relief food countrywide. I will call the Minister at the interruption of business. If I have not even agreed, as you well know, if there will be a Division in progress, it will not be interrupted. Now, there has been a request for extension of time which is to say that, if we extend our time say to 7.00 p.m., 8.00 p.m. or 9.00 p.m., that now becomes the time for the interruption of business.

(Applause)

Order! I am very alive to the fact that hon. Dr. Kituyi will move that Motion. I do want it to be moved because I gave the order that it should be moved.

Mr. Orengo: Mr. Deputy Speaker, Sir, we are going by your ruling and not what is on the Order Paper. The Order Paper is not the same as Standing Orders, but just a programme or just a piece of paper. Sometimes we change these Standing Orders and have a supplementary Standing Order---

Hon. Members: No! No!

Mr. Deputy Speaker: Order! First of all, hon. Members it is not possible for me to have said 6.30 p.m., because on Thursdays we have the Zero-Hour which starts at 6.30 p.m. and there is no way we would have gone onto Zero-Hour after that Motion because the House would have adjourned. Proceed.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I seek guidance from the Chair. Before the debate ended, hon. Muchiri did submit a Notice of Motion using Standing Order No.42, as the proviso. We need your guidance, Mr. Deputy Speaker, Sir. Since this Notice of Motion was given in time, is the Chair going to permit it or not?

Mr. Deputy Speaker: Order! Hon. Dr. Ochuodho, as it so happened, you are even privy to my discussion with hon. Muchiri, when I informed him that his notice arrived in my hands after I had put the Question. Now, after I have put the Question on a Motion, I cannot reverse it and propose another Motion, but I did assure him, if, in fact, the Motion for the Mover to reply was defeated, I would certainly take hon. Muchiri's Motion. There is no argument about that.

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

Mr. Deputy Speaker: Order! Do not argue!

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. You do notice that the hon. Vice-President purports to have already moved the Motion for extending the sitting. Now, he has already finished and sat down. We want to be respected. We do not just want to count the number that we have on our side and then bulldoze things here. The hon. Vice-President should tell this House the urgent business that has prompted him to desire that this House sits for another two hours?

An hon. Member: Why is he desperate?

Mr. Deputy Speaker: Order! Hon. Members, in fact, it is frivolous for the Vice-President to announce publicly that he wants time extended, because if you look at Standing Order No.17, you will find that the discretion is with the Speaker.

Hon. Members: Yes!

(Loud consultations)

Mr. Deputy Speaker: Order! The Standing Order reads as follows:

"Unless for the convenience of the House Mr. Speaker otherwise directs, the House shall meet at 9.00 a.m. on Wednesday mornings and 2.30 p.m. on Tuesday, Wednesday and Thursday afternoon, but more than one sitting maybe directed during the same day."

So, I am agreeable to the House extending its sitting to 8.00 p.m. Let the Mover reply.

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

Mr. Deputy Speaker: Order! I will listen to the Mover!

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I want to hear the Mover reply.

(Loud consultations)

Order! Order! Hon. Members, there was a Motion before the House, the results of which we have just heard. The net effect of these results is now that the Mover of the main Motion be called upon to reply.

Dr. Kituyi: But who is the Mover, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: That is what I am sorting out.

An hon. Member: The Mover is Mr. Anyona!

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, as you know, the Mover has no time limit. He can take half-an-hour, an hour, or whatever time he prefers. So, the Mover may proceed.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I am sorry, it is now time for the Mover of the Motion to reply.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, please, be orderly. I cannot run a House where the only thing that its Members want to raise is points of order. In fact, you just want to raise questions of arguments. I have given the opportunity to the Mover to reply. So, let him say his piece. You do not know what he wants to say.

Proceed, Mr. Kombo!

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

Mr. Deputy Speaker: I am sorry, I have given the Floor to the Mover to reply.

Mr. Wanjala: Is this, really, your Motion, hon. Kombo?

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No more points of order, hon. Members. Do not disturb the Mover.

Mr. Kombo: Mr. Deputy Speaker, Sir, before I reply, I would like to donate part of my time to hon. Murungi.

Mr. Deputy Speaker: How many minutes?

Mr. Kombo: Thirty minutes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Murungi has spoken on this Motion, Mr. Kombo. So, you may give some of your time to another hon. Member.

Mr. Kombo: Then I will donate some of my time to hon. Wamae, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: How much time?

Mr. Kombo: I will give him 30 minutes, Mr. Deputy Speaker, Sir.

An hon. Member: There is no time limit!

Mr. Deputy Speaker: Order! Order! Hon. Members, let us take ourselves seriously. The right to recognise hon. Members who wish to contribute to debate in this House lies with the Chair. The only two occasions when hon. Members may speak on behalf of other hon. Members is when one does so under the provisions of Standing Order Nos.67 and 43(1). What does Standing Order No.42 say? It allows a Mover of a Motion---

Mr. Mutahi: You are biased!

Mr. Deputy Speaker: Order! Order, Mr. Mutahi!

An hon. Member: Throw him out!

Mr. Deputy Speaker: Order! Order! Standing Order No.42 allows a Mover of a Motion to authorise another hon. Member, in writing, to move a Motion on his behalf. Standing Order No.67 allows an hon. Member who has the right of reply to a Motion that he has moved earlier to, again, authorise another hon. Member in writing, to reply on his behalf.

However, occasionally, in this House, we have allowed hon. Members to donate time to other hon. Members who have not contributed to the Motion before the House. Hon. Members who now want to speak on this Motion have half-an-hour to contribute, and I would not mind hon. Kombo donating some of his time to some of the hon. Members who have not spoken, but half-an-hour is to confer on them the same right as other hon. Members who stood and were recognised to contribute.

So, if he has given hon. Wamae his 15 minutes, I would have no objection, but half-an-hour, in my view, is unjustified.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order!

Mr. Orengo: Mr. Deputy Speaker, Sir, we are really an independent Parliament and this is a very important institution, but I will not go and sleep with my conscience clean today without saying that you are making those rulings because the President ordered that this Motion must be finished today, and I can give evidence. So, if you are making these directions because the Executive has directed you, then---

(Loud consultations)

Mr. Deputy Speaker: Order! I do not know where hon. Orengo gets his instructions from, but this Chair takes instructions from no-one, and I would want to say this: The Mover has limitless time, and that is not all given to him by me, but by the Standing Orders; he can continue up to tomorrow, and thereafter.

Proceed, Mr. Wamae.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Proceed, Mr. Kombo.

Mr. Kombo: Mr. Deputy Speaker, Sir, I would donate to hon. Wamae 28 minutes.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Proceed, Mr. Wamae.

Mr. Wamae: Thank you, hon. Kombo, for giving me 28 minutes to make my contribution to this very important Motion because I have not had the opportunity to catch the Speaker's eye to be able to make my contribution. I am now glad that I have the opportunity to do so.

If you look at the way this country is going, we need to reflect---

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. We all know in this House [**Mr. Michuki**] that the Motion brought here by hon. Kombo is no longer in front of this House. When we call upon the Mover to reply, are we calling hon. Kombo or hon. Anyona?

Mr. Deputy Speaker: Order, hon. Michuki. You know better than to stand on a point of order and proceed to ask a question that is frivolous.

Mr. Wamae: Mr. Deputy Speaker, Sir, I am glad that I now have the opportunity to make my contribution---

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir! I am in the House Business Committee where we did set the programme for the whole week. We said that this Motion will go on as long as Members want to speak on it. The Leader of Government Business is now introducing this Motion to extend the sitting to odd hours. This is not part of the Business that we passed in the House Business Committee. Is the Vice-President in order now to introduce this Motion?

The Vice-President (Prof. Saitoti): Perhaps, the hon. gracious lady failed to listen when Mr. Deputy Speaker said that under Standing Order 17, you do have the discretion to vary the time and you have done that properly.

Mr. Deputy Speaker: Proceed, hon. Wamae.

Mr. Wamae: Mr. Deputy Speaker, Sir, a lot of Members have spoken on this Motion, and it becomes quite clear---

(Loud consultations)

Mr. Deputy Speaker: Order! Proceed, Mr. Wamae.

Mr. Wamae: A lot of Members have made contributions to this very important Motion, and it appears that there are people who have come here with very different instructions. Some Members may not be speaking what is really on their conscience.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. I want to raise a matter on procedure. We did not get your ruling correctly and that is why there is this confusion. When the Vice-President rose to seek extension of time, we did not get the actual ruling from the Chair and the reason whether that particular extension of time was due to the matter being of serious national importance, or to the ruling that the matter is vexatious and should be declined. What is your reason for the extension of time on a debate which can still continue on Tuesday, next week?

Mr. Deputy Speaker: Order! Hon. Maundu, just read Standing Order No.17. I read it to you.

Proceed, hon. Wamae.

Mr. Wamae: Mr. Deputy Speaker, Sir, it does appear that this very important matter has been taken casually by some Members of this House. It really does indicate that the question of corruption is so important to the future of this country that we should not be hurried. We should get enough time for every Member of this House to make his contribution and to go on record as to what his views are on this matter. It is for this reason that I am very grateful for being given the opportunity by the Mover of this Motion to make this contribution. We know that corruption has existed in this country and many other countries, for many years.

It is also known that the Anti-Corruption Committee did a very good job. It should be congratulated for the work it did for this nation. It should be rewarded with medals by this country for making a very good contribution towards the stability and well-being of this country. But when we discuss a Motion of this nature, we should do it without emotions. We should do it knowing that we are doing so for the benefit of this country and our children. We are aware that half of the US\$7.5 billion which has been borrowed by this country since 1963 has gone to the pockets of individuals, and has not really benefitted this country. It is for this reason that some donors, like the Government of Holland and others, have pulled out of Kenya. They are arguing that, after having given so much money in Kenya since 1963, they cannot see any development. Kenyans are worse now than they were in 1963. In 1963, the per capita income was over US\$300 per person. It went up to nearly US\$450 per person by 1975. Right now, the per capita income is about US\$275 per person! This means that Kenyans are getting poorer. Why are Kenyans getting poorer despite the fact that so much money has been pumped into this country by donors and by Kenyans, who have been

taxed over the years? The reason is because of corruption. If we do not tackle this "animal" very seriously, we will not solve the problems facing this country. No amount of money by the International Monetary Fund (IMF) and the World Bank will help, unless we are willing to change our way of doing things.

Mr. Deputy Speaker, Sir, some Members have argued that because of the law of natural justice, they were not called by the Committee to defend themselves, and that the Committee did not do a good job. On the other hand, the same Members have defended themselves here. That means that they have judged themselves. But the other rule of natural justice states that: "Nobody shall be a judge in his own case." Why have some Members become their own judges in their own cases, and decided to come here and say how clean they are and should be respected by Kenyans? They should expect Kenyans to judge them! They should not judge themselves! We believe that the best forum for cleansing is not this House. So, for those who have been trying to cleanse themselves, we call upon KACA and other bodies to come and really investigate them. They should open their doors and books so that they can be investigated. If they are found to be clean, they be given a clean bill of health. If they are not given a clean bill of health, then they must continue to believe that they still have wronged this country.

Mr. Deputy Speaker, Sir, in the Goldenberg scam, the details of which we will not go into, Kshs65 billion was taken out of the Government system and, consequently, we are now faced with a very big domestic debt of nearly Kshs160 billion. This is not a joking matter! It is a matter which will be a burden to ourselves and our children for years to come. Out of that Kshs160 billion, when we pay 20 per cent as Treasury Bills interest, we are paying Kshs32 billion as interest rates because of this domestic borrowing. This domestic borrowing has not gone to building roads, buying drugs for hospitals, building of dams for power generation or improving the communication system. Instead, it has gone into certain people's pockets, and Kenyans will continue for many years to pay taxes to service this debt.

Mr. Deputy Speaker, Sir, it is for this reason that this matter is so crucial to the well being of our people. We know that this matter would not have continued for so long if, when people err they are punished for their mistakes. However, when they do wrong year after year, they are not punished. Instead, they are rewarded by being given important Government positions, and then, of course, the ordinary person does not believe that this Government is serious. These people cannot believe that this Government is serious about fighting corruption when we have Ministers who have been mentioned in corrupt deals and still continue to be Ministers; when we have Ministers who have been taken to court by the organ of Government responsible for prosecution and still remain Ministers. This weakens the very position and moral authority of this Government and makes Kenyans know that we are not serious.

The reason why this has continued is because corruption is not going to be stopped from the bottom. There is no way you can stop corruption by working from the bottom. You can only stop corruption by working from the top. When the President, Ministers, Assistant Ministers, all Members of this House and all leaders decide that there should be no corruption, that is the time corruption will be reduced in this country. It is not going to be reduced by any other means. So, the person who should be convinced first that we want to end corruption in this country is the President of this country. If we start with the President of this country and he is convinced that corruption should end, we will be able to have achievements and convince Kenyans that we are really serious on the question of eradication of corrupt practices and deals within this Republic.

Mr. Deputy Speaker, Sir, we want to develop and make this country move, and it does not matter on which side of the House you are. Whether you are in KANU or in the Opposition, when things do not work, we are all going to suffer. When there are no drugs in hospitals, we all suffer equally. When we do not have good roads and there are potholes, we go through the same roads. So, it does not really matter whether you are in the Opposition or KANU. We should all consider that we have the same problems and, therefore, we should treat this as a national problem, not an Opposition problem. I would like to hear Ministers and other people on the Opposite side of the House coming out clearly to condemn corruption, which has really ruined the development of this country. They should come out more clearly to show that they are really interested. It is for this reason that I cannot support the amendment which has been brought here because it means that we exclude the real issues which have been established by the Select Committee. The Select Committee went to a great length to try to find out the source of corruption and its perpetrators. Therefore, to indicate that we should exclude those chapters which have really shown how that corruption and its perpetrators have acted, is not really in the best interests of this country, nor of this Motion. I, therefore, cannot support this Motion.

With those few words, I wish to hand over to hon. Kombo.

Mr. Kombo: Mr. Deputy Speaker, Sir, I will give 15 minutes of my time to Dr. Omamo.

Dr. Omamo: Thank you very much, Mr. Deputy Speaker, Sir. I would like to be very brief and most of my comments will be by way of informing hon. Kombo.

(Mr. Jirongo consulted with hon. Too)

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

Dr. Omamo: Mr. Deputy Speaker, Sir, our friends at the Coast have a saying in Kiswahili that says that pepper which you have not tasted cannot burn your mouth. The element that burns one's mouth is from pepper. If you do not eat pepper, the bitter element will not get into your mouth and so your mouth will not get burnt. This is the point that I want to make. Believe me, and I would like hon. Kombo also to believe me, that even hon. Omamo's name appeared in that list or what the local Press refers to as "the list of shame". You do not know how I feel when my name, hon. Omamo, appears, and it is read in the *East African Standard* and in the *Daily Nation* newspapers as part of the list of shame, yet I know that I have not eaten the "pepper" and so it cannot burn my mouth.

I would like to inform hon. Kombo that I have used all my resources to do a quick investigation, and the fact is that, the plot in Kisumu, in Block 12, No.209, which occupies an area of 2.91 acres, which was purported to have been allocated to Dr. William Omamo, is not allocated to me. It is a Government of Kenya plot up to now, but the pepper that you have not eaten cannot burn your mouth. I would like to support the hatred of corruption in Kenya. I would like Kenyans to eschew the culture of corruption.

Mr. Deputy Speaker, Sir, there was a time when I, as an elder, was trembling when going overseas because somebody attempted to grade countries worldwide according to a corruption scale. Numbers one and two in the scale were other countries, but number three was supposed to be Kenya; kipenzi chetu Kenya. I do not want to say more than this, but I must say that if this nation is to take the Eighth Parliament seriously, the Eighth Parliament should go down in history as the Parliament that stood up and spoke up against corruption.

(Appause)

If your name appears in the so-called "list of shame", clear it. If you did not eat that pepper, it cannot burn your mouth.

With those few remarks, I beg to support.

Mr. Kombo: Mr. Deputy Speaker, Sir, I am gender sensitive and would like to donate 25 minutes to hon. Seii.

Mrs. Seii: Thank you, Mr. Deputy Speaker, Sir. I would like to be one in this House to add my voice among those who are against corruption. I think it would not be good if this debate ended before I said something about corruption. It is said that the one who wears the shoe knows where it pinches, and today, the Eighth Parliament is on trial, as has been said. As we discuss this issue of corruption, we must know that we are going down in history, and everything that we are doing today will be used by posterity to judge us. There is no need even for persuading both sides of the House about the evils of corruption.

Mr. Deputy Speaker, Sir, in this country, corruption does not move like a spirit; it moves in people. The people who are the vehicles of corruption, some of them, are sitting here in front of me and some are out there. Even the Bible says: "First, remove the plank from your eyes before you remove a speck from another person's eye." This House must summon courage to remove the plank in their eyes before they go out there to condemn other people. Dr. Omamo has told us the truth. If there has been a robbery in a village and they cannot sort out who has been involved in it, they will inevitably call everybody to have their fingerprints taken. If you are not a thief, you will go and get your fingerprints taken. But if you are a thief, you will protest. We have seen a lot of zeal in this House, not from any people--- But let me assure you that no amount of Omo, or whatever you want to use, will cleanse you if you are corrupt. This information is in the books. As much as we did the amendment, the word has gone. Today, any primary school child would tell you who, in Kenya, is corrupt. Unless we expose ourselves to the torch or X-ray, to prove to Kenyans that we are not corrupt, then we have no moral right to call ourselves the highest law-making organ in this country.

Mr. Deputy Speaker, Sir, the Committee did a commendable job, although the Report has been raped and changed. It is not for any good reason. Among us, there are people who can cause so much fear in individuals, and it is not for nothing. It is for self-preservation. They can cause so much fear in people, to the extent that their conscience dies. Those people who create so much fear, it is not because they are so brave, intelligent or eloquent; it is simply because they have the Government machinery at their disposal, to use in victimising other people. It is that Government machinery which has become a privilege of the few, and which has been used to hurt citizens of this country. I say this with a lot of bitterness because there are people here who are almost next to God. They victimise everybody, men, women and the poor, just because they have the privilege to be close to the powers that be.

(Applause)

Hon. Members: Toboa! Toboa!

Mrs. Seii: Mr. Deputy Speaker, Sir, this is such a painful experience. When we talk of corruption in this country, so many people are aching. There are people who have lost jobs because one individual feels that they can just say a word and that person loses his job. There are not many of them. For those of you who condone corruption,

remember you have not suffered, and you do not know where the shoe is pinching.

Mr. Deputy Speaker, Sir, when we talk of corruption, we need to move these people. If you are brave enough today, I have a message for you! If you are man or woman enough, I have a message for you!

An hon. Member: We have got a "Total Man"!

Mrs. Seii: The message is, expose yourself to the X-ray of anti-corruption and then we shall prove you, and all the Kenyans will know that you are clean. I have a message for my Member of Parliament today. Many a time, when any evil in this country is mentioned, his name does not miss to be in it.

Mr. Deputy Speaker, Sir, my constituents have asked me whether it is true or not. I challenge him today, if he is a "Total Man", to stand up against the X-ray and expose himself to it and prove to Kenyans that he is a clean man, and he is not a corrupt man, so that all Kenyans may know that he is a clean man.

(Applause)

Mr. Deputy Speaker: Order! Order!

Mrs. Seii: Mr. Deputy Speaker, Sir, Nicholas Biwott calls himself a "Total Man". We want you to prove that you are not a "Total Mess", but you are a "Total Man"!

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Of course, I am a "Total Man". The hon. Member who has been contributing talks about her constituents! What constituency does she represent?

Mrs. Seii: Mr. Deputy Speaker, Sir, for the information of the "Total Man", my constituency is bigger than his.

Dr. Kituyi: On a point of information, Mr. Deputy Speaker, Sir. I wish to inform the hon. Gracious Lady that the hon. Nicholas Kipyator Biwott did ask what constituency she represents. After just winning an award of Kshs10 million, he should have sought advice on how to buy a new attire. It should not look like what he is putting on!

(Laughter)

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 pretend that he is my butler who tells me what clothes to wear and what clothes not to wear; and to wash what, and to iron what? This is a brand new suit!

Mrs. Seii: Mr. Deputy Speaker, Sir, you can imagine, he has been so worried and, therefore, he lost weight and he cannot fit in his suit.

Mr. Angwenyi: On point of information, Mr. Deputy Speaker, Sir. I would like to inform my dear hon. Seii that the man she is attacking is one who is capable of mounting a competitive Harambee against the President of the Republic of Kenya and control it throughout by using a helicopter all over his constituency.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! You know we are not discussing Harambee. We are discussing the Report on Anti-Corruption.

(Laughter)

An hon. Member: It is part of corruption!

Mr. Orengo: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order! Hon. Orengo, you must not do that!

Mr. Orengo: Just a small point of order.

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of information, Mr. Deputy Speaker, Sir. You can forgive me because I have just come in, but are we discussing the hon. Biwott or are we discussing business? We need the guidance of the Chair.

Mr. Deputy Speaker: Order! Order! We are not discussing any Member of this House. We are discussing the Report before us.

Proceed, hon. Seii!

Mrs. Seii: Please, do not take my time any more. I want to say that I am sure those clean people will expose

themselves to the X-ray of anti-corruption.

Mr. Deputy Speaker, Sir, Kenya Anti-Corruption Authority (KACA) should not be feared. You need not fear KACA. If you have done nothing wrong, then the X-ray will not show anything. But if you have done wrong things, you will work so hard to make sure that you have drowned the voices in this House, and you want to hurry this debate so that you can finish quickly and appease your constituents.

Corruption in this country has made many people so poor. If you go to the countryside--- When I normally go to my home, I find those people who used to sell milk have no where to sell their milk because corruption killed the Kenya Co-operative Creameries (KCC).

Mr. Deputy Speaker, Sir, those who used to depend on grains have nothing. Today, our farmers do not get good seeds to plant because of corruption. There is no other disease that has ruined Kenya, than corruption. I want to appeal to the Eighth Parliament that, if we have to go down in history as having salvaged this beautiful country, we must stand up against corruption. We must cleanse this House by exposing those of us who are eroding its integrity. The best way to do so is to expose those of us who are corrupt in order to heal this country. The Bible says that once you confess your sins, you will be forgiven. There is forgiveness if you come out and confess your sins. We know that some people got into it without their knowledge. We cannot cleanse corrupt hon. Members in this House. It is only KACA which can do that for us. So, just go into the fountain and be cleansed.

Mr. Deputy Speaker, Sir, I would also like to address myself on the misuse of positions in the Government. This is one of the things that has hurt so many Kenyans. When policemen have been manipulated by those of us in authority, they arrest ordinary Kenyans who have no shoes and lock them up in cells. They are held for more than 24 hours and they have no advocates. Young boys and girls have been put into cells because of some people in Government misusing their positions. The Provincial Administration, from top to the chief, are abusing power in this country. We must put a human face to this Parliament by rejecting corruption. As I said, corruption does not move like a spirit; it moves in people who are privileged to hold positions in the Government, where they can perpetuate corruption.

Mr. Deputy Speaker, Sir, there is nothing we can tell Kenyans, unless we cleanse ourselves and come out of this Parliament as clean people. I want to encourage those who are afraid to stand up against corruption to do so. There are people who have gone down in history for having resisted corruption and its evils, but they have not died. Even if you die fighting corruption, yours will be an honourable death because there is no rebellion without casualties. If you have to stand up against corruption, you must be somebody who is shameless and not afraid of dying, so that our children can live and enjoy a beautiful country that we were bequeathed by our great grandparents. I am not, by any means, prepared to be one of those people who want to condone corruption in this country. Together, we can fight corruption by exposing its perpetrators. They will have nowhere to hide---I do not want my time to be taken by these points of order.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I rise on a point of order to seek your guidance. When you go to a buffet you can be asked to eat as much as you like, but if that freedom means that you can invite as many other people as you like to come and eat as much as you like, you can see that this is going to be a problem for the man who is organising the buffet. Can you help us to imagine how long we can take if we go on at this rate?

(Loud consultations)

Mrs. Seii: Mr. Deputy Speaker, Sir, I will also say one thing; people are looking at us helplessly and they are saying "what a pity that there is a House called "Parliament" which cannot salvage the country." The other day, on the British Broadcasting Corporation (BBC), somebody said that Kenyans have lost the capacity for shock, and I believe it.

Kenyans have lost the capacity for shock and they cannot be shocked any more. I would like to say that their nerves have been paralysed because of the problems that have been mounted on them.

I would like to say that the Eighth Parliament must stand up and be counted; the Eighth Parliament must stand up and vote for the right thing. It has even been alleged that there was corruption within the House. How shameful it is! We must cleanse it if it was there. We cannot have the moral right to do anything outside this House if we, ourselves, are corrupt. So, we must stand up and be counted.

Today, we are talking to people who will be judged out there by their constituents; people who will be asked many questions by their constituents, and we cannot underate the intelligence of Kenyans or the voters. There is one thing which we also need to do. I know that these people are judging us as we talk and make comments. I will not be surprised if heads roll in the next general election. We want to think that Kenyans must be given civic education, so that they may know their rights, and they are not frightened by any Dick, Tom and Harry, or by those who have got godfathers in high places. We need to give Kenyans civic education; we need to strengthen human rights education

among our people, so that those people who have lived below the status of an animal may rise up and know that even they themselves, have a right in this country.

Mr. Deputy Speaker, Sir, misuse of power by people who are in position has caused a lot of misery, and the poor people do not know that they can go to court. Before the implementation of the Koech Report, some of them have no money to go to court. I would like to say that the people who abuse them are those who have the power to abuse those who cannot do anything. We want those people who will stand with the have-nots; we want those people who will stand with the poor ones; we want those people who will stand with the oppressed, and we know that God is on the side of those who are oppressed. I would like to say that there are so many Kenyans today who are oppressed. In this country, we need people who will stand up and not mind what will happen to them, and oppose the evil which has killed our country. Mr. Deputy Speaker, Sir, if there are people here who are agitating to clear themselves, even in the eyes of all these Kenyans--- We know that it is in the PIC and PAC Reports. We would like those people who use their power to stop persecuting those who go out and teach people their rights. We need Kenyans to know their rights, so that they can vote with knowledge. Because these people want Kenyans to be poor and not to know their rights, they stand under the oppression of the supposedly mighty people. I am glad that there is a God who is mightier than any human being.

Mr. Deputy Speaker, Sir, wherever you go, you find that people are suffering. Before you start suffering, you stick where you are for as long as--- No wonder, therefore, there is agitation for people to reclaim themselves from this situation. If one is not a thief, he should stand up and be counted. If he does not do so, we, in here, and all Kenyans, will know that he is, indeed, a thief who has stolen all the money that belonged to this country.

I was very surprised recently as I passed through Eldoret in a car. I came across a big crowd of people and stopped, thinking that an accident had happened, only to realise that those people had actually gathered there to wait for cash handouts from somebody. Kenyans have now been reduced to depending on cash handouts from individuals, who decide to give a person Kshs5 or Kshs10 or Kshs20 or Kshs100, depending on their assessment of how much money one is worth. When I saw those fathers, mothers and children there, I nearly shed tears. I stopped there for only 15 minutes, but I felt very ashamed.

Mr. Deputy Speaker, Sir, we need to restore the dignity of our people so that they can work for themselves and earn their own living. We need to remind them that they have hands, and that they can work for themselves. We should tell them that they do not have to wait for anybody to give them a little money, so that they can live for the next few days. This is how low we have sunk, or how far down we have gone. This is how frightened we have become of the mighty. You dare not open your mouth, lest your child in school will not be awarded bursary money, which has been expensively collected by use of helicopters!

(Applause)

Mr. Deputy Speaker, Sir, people who have small businesses in this country dare not open their mouths lest their business premises are broken into by thugs. Women whose husbands are in public service dare not open their mouths, lest their husbands are relieved of their jobs. If people who have acquired small bank loans dare open their mouths, they will be required to repay those loans immediately. People do not open their mouths to speak against the evil that is being perpetrated in this country due to fear of being victimised by the mighty in society. The mighty became mighty through looting taxpayers' money. The taxpayers are the poor people who reside in the countryside; it is you and me. That is how some people became rich and mighty in this country. Those people have now resorted to oppressing this country's common persons.

Mr. Deputy Speaker, Sir, in Kenya today, it is not a question of tribalism; it is a question of when people are given the chance to be in a certain position, people say that you are victimising people from one area, and it does not matter where you come from. If you are corrupt, you are a Kenyan, and you must find ways and means of establishing a clean Kenya, and that is what we need today.

Mr. Deputy Speaker, Sir, I have not spoken on that issue, but let me tell you this: It is a question of leadership, and we have leaders who do all kinds of things with impunity. We have heard of people in other countries where, once there is an allegation against them, they resign. But what kind of men do we have in this country?

(Applause)

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kombo: Mr. Deputy Speaker, Sir, I just want to say that I have not been invited to the buffet table, and I am the one who has organised it, and so, I know how many visitors I can invite. To show that I am absolutely a known person, I want to give hon. Kimeto 10 minutes.

Mr. Kimeto: Thank you very much, hon Kombo, for giving me this opportunity. I surely know what we have done about corruption through this Committee. I want to put to the hon. Members who are concerned and touched by this Committee, this: Really, there is no smoke in this world without fire.

(Laughter)

Excuse me, hon. Members!

Hon. Members: Endelea!

Mr. Kimeto: Mr. Deputy Speaker, Sir, it is not a matter of just of how we have tackled corruption. If there has been a smoke that has "beaten" this country; and if there are some friends of ours who have already eaten more than they can swallow, we should reach a more amicable and understanding agreement and tell them that those are the "things" that can be shared among all Kenyans. This is because those corruption cases have already taken place, and I must be frank because I voted for the amendments to the Motion as proposed by hon. Anyona on the grounds of my principles. We have also to listen to them because we are the leaders of today, and when those people were eating, they never knew that there would come a time when an Anti-Corruption Committee would be formed to probe and expose them. Therefore, never did any of them know, because if they had known, they could not have taken people's money. That is the only mistake I have done; in voting for these people so that they succeed.

So, hon. Members, forgive them in advance, even if their sins are still "wet" because when Jesus came to the world, he forgave people, and forgiveness does not necessarily mean that those who are forgiven will repeat and they will be forgiven again. They should not repeat those mistakes, and if it is true that---

The Assistant Minister, Office of the President (Mr. Haji): Mr. Deputy Speaker, Sir, is the hon. Member in order to say that we should share "corruption?"

Hon. Members: Endelea!

Mr. Kimeto: Mr. Deputy Speaker, Sir, let me say this: When Jesus was in the world, a lady who had been moving here and there came to him and knelt on her knees, and people asked: "What is this lady doing?" Then, Jesus said: "She will be the best lady on earth, and will go to Heaven." My dear friends, let me tell you, and let it be open, that those who are named in the Report should be told to ask for forgiveness, and they will be forgiven.

Mr. Deputy Speaker: Order! We will now go to the Motion for Adjournment.

Proceed, Mr. Minister.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.18

UNSATISFACTORY REPLY TO QUESTION: SUPPLY OF FAMINE RELIEF

The Minister of State, Office of the President (Mr. Nassir): I beg to move that the House do now adjourn, to enable hon. Dr. Kituyi to raise a matter of unsatisfactory reply to a Question by Private Notice, raised on Tuesday 11th July, 2000, concerning supply of famine relief food countrywide.

Dr. Kituyi: Thank you very much Mr. Deputy Speaker, Sir, for giving me the opportunity to move this Motion.

Mr. Deputy Speaker, Sir, there are a number of fundamental things which I wish to mention. This Motion has been occasioned by the inability of a Minister of the Government to execute the responsibilities of his office. The inability of the Minister to table in this House the structure of distribution and prioritisation of famine relief in the country---

(Mr. Mbitiru stood up in his place)

Mr. Deputy Speaker: Order, Mr. Mbitiru! If you want to retire from the Chamber, do so quietly so that we can continue with our business.

Dr. Kituyi: Mr. Deputy Speaker, Sir, a week ago, a Minister of State in the Office of the President, hon. Nassir, was asked in this House to explain how the Government prioritised the allocation of famine relief food. But hon. Nassir, who has been eloquent on certain other things, stood up and very shyly, almost in a frozen style, told this House that the priority for the distribution of famine relief is decided by the District Development Committees. When asked about how his office sets priorities between the priorities of districts, he had nothing to tell this House! Hon. Nassir is an elder. It is in the habit of our culture that we tread softly when we are dealing with elders, but we have two problems here; when we see people starving in the constituency of hon. Ethuro, and survival, basically, being dependent on Non-Governmental Organizations (NGOs) and other philanthropists; and also, when we listen to hon. Nassir; how he is so boisterous and voluble when explaining to us why President Moi should rule us beyond the year 2002, you start wondering. He is not as weak as he might be projecting it to us. Otherwise, the weakness has got to be assigned to his masters. How do you give us a Minister who sets priorities about the distribution of famine relief, who has no idea on how to set those priorities?

Mr. Deputy Speaker, Sir, today, the Kenya Government is distributing 2,000 bags of maize per month for Garissa District. Garissa District has got 500,000 people. What this means is that the Government of Kenya is giving 250 people in that district one bag of maize per month. We know that two years without proper rainfall, the people of Garissa District can consume slightly more than one bag of maize for every 250 citizens. This is happening in spite of the religious loyalty that most leaders from Garissa District are offering to this Government. This is happening in spite of the fact that the Members of Parliament from Garissa District are voting with this Government even against their own souls. They have not been party to the corruption and pilfering of public resources that have taken place, but they have been willing to go an extra mile and vote with the Government - those who have stolen without giving them part of what they have stolen - but they get one bag of maize for every 250 people per month.

Mr. Deputy Speaker, Sir, the three Gusii districts are a major food deficit area of the country. There is a problem which we have in this country. We think that if you come from an area which is not pastoral, then you do not have a serious famine problem or food deficit. The reality is that the growing rural unemployment and the shrinking family holdings in the countryside are increasing rural poverty, and it takes very little in changes in the weather to create conditions for famine. Poverty is more important than drought in manufacturing famine. The population of the three Gusii districts has not received a single bag of maize of famine relief. Is it because of hon. Simon Nyachae, hon. Angwenyi, the unpopularity of corruption or is it because the leaders from those districts are speaking what is in their souls? We need the Government to tell us the reality. Is famine and poverty being exploited as a tool to manipulate loyalty? Is famine relief being used as it was used in 1992, in Machakos and Kitui Districts, to win people of alternative thinking that the Government is the provider, and if one is seen attending meetings of the Opposition, then such a person cannot receive famine relief?

Mr. Deputy Speaker, Sir, there is an outrageous thing that has happened in this country but has not been discussed in this House. The Government of the Republic of Kenya has been involved in negotiations with some donors about the distribution of food which was founded on the premise that people in the Government cannot be trusted with the distribution of relief food. Therefore, mostly European NGOs are allotted some districts where they are the single vehicle for internationally provided aid for famine relief. So, defined places like Kitui District and Mwingi District are given to GTZ which is a German NGO. Two things are being said here; that the Government of Kenya accepts international condemnation that it cannot be trusted. But if you cannot be trusted, why can you not lead Kenyans who are trustworthy to distribute famine relief to Kenya? Why do you humiliate us collectively, that we will steal famine relief if we are given to give to our starving people? Why do you diminish the honour and dignity of Kenyans by succumbing to humiliating racist conditions about *Mzungu* NGOs being the monopolies for the distribution of food to starving Africans in Kenya? If your mind-bend is so much diminished that you do not trust yourselves, why do you not find Kenyans who can trust themselves to distribute food to fellow Kenyans?

Mr. Deputy Speaker, Sir, it is important that this House expresses its outrage about the diminishing dignity and honour of the African Kenyan. The Government must now come out openly and clearly, and tell Kenyans that we have so much food in stock and we have this plan - it is not just the question of bringing yellow maize from America - to acquire the recently harvested beans and maize in western Kenya and deliver it to the market in the net deficit areas. Do not just deal with famine as a way of further depressing the market for the domestic produce. Tell us how you are going to relate areas of relative supply with areas of relative deficit without hurting the interests of the domestic producer in this country.

We should not just use photogenic opportunities that you see Mr. Nassir coming out of a helicopter with a nice *Kitenge* and then stands there with a Kimbo cup, and tells emaciated Kenyans how good the Nyayo Government is in giving them food. Those people are victims of the Nyayo Government! They are starving because the Nyayo Government messed its policy priorities and ignored the primary producing sector. It has made transition into a pirate economy which rewards drug - peddlers, celebrates in the shrines of corruption and rewards the corrupt who have lived

and triumphed at the expense of the primary producers of this country. At the end of the day, the fundamental change to this country is that there is no dignified exit from the current famine crisis without a clear policy based on identifying where we are coming from; where we went wrong, and how we can strengthen the primary producer in Kenya. How can we strengthen the production of food at home?

With those remarks, I beg to move.

(Question proposed)

Mr. Mwiraria: Thank you, Mr. Deputy Speaker, Sir. Let me speak briefly on this important Motion. I want to emphasise the fact that there is a belief that some districts do not have a famine problem, when they genuinely have it. In Meru, we have people who were settled on range land by the Government of Kenya by being given two-and-half acres and five acres to live on. If you were to ask the veterinary people, they would tell you, to be able to feed one cow, you need 10 acres. But, today, two-and-half acres are supporting a family of five to seven people. Today, because of the problems facing our nomadic neighbours, camels and cows have been grazed on our land which borders Isiolo, and those people are starving. I hope I do not have to come to this House to tell the hon. Minister that so many people have died of starvation in North Imenti, Ruire, Kerwa and Timau divisions, because the problem is very acute. I do not know what I can do.

Mr. Deputy Speaker, Sir, I went to the Minister's office and asked him to assist my people by giving them food, and he told me to go and get the DC to write to him. The DC wrote, but we have not received any food aid at all. People are literally moving around begging to save their children. Others, while moving around, meet people they think are wealthy enough and leave their children there so that they can be fed. The issue is more serious than the Minister wants to---

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Ngilu to come with her bag into the House or, maybe, she has brought some relief food to the House?

Mr. Deputy Speaker: Mrs. Ngilu could you take that bag out?

(Mrs. Ngilu took her bag to the Bar)

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I have only got five minutes and I think it is really offensive for somebody to take a minute out of the five minutes. Mr. Deputy Speaker, Sir, I know the pastoralists have a problem and so have the farmers. I would like to emphasise that I have lived in Meru since I was born and I have never known another season when we could not grow a crop in the traditional Meru farming land. This year we have that problem. If we have that problem in Meru, how much more serious will it be for Ukambani and other parts of Meru like Tharaka, which is semi-arid? The more I look at this situation, the more sympathetic I become with our pastoralists. I see them pushing their camels across Meru to go and look for pasture elsewhere. If you looked at the people who are pushing the camels, they are emaciated and starving. If I know anything about their movement, they would move with camels, goats and the whole family so that if they felt that they needed some food, they would have something to sell. But now, they are moving without goats or anything to sell in order to get food to eat while they travel. I would like to inform the Minister that the amount of money in this year's Budget can only buy one million bags of maize, which will not feed Kenyans for three months. What arrangements is the Government making to ensure that there is food to feed the millions who are facing starvation? While I appeal for food for my constituents, I appeal for food more for the pastoralists of this nation.

Thank you.

Mr. Nyachae: Thank you Mr. Deputy Speaker, Sir, I know I have very limited time and, therefore, my contribution is going to be very brief.

The famine situation is with us now and the Minister has to show us how he is dealing with the situation. That is what we are interested in. Blame can come later, but right now we are in a crisis. When His Excellency the President made an appeal, he was looking for Kshs11 billion. In terms of the international pricing, that meant nine million bags. He must have had

the breakdown of the people starving. The Minister should give us that breakdown per district. He should also give us the figures of the food rations that are intended per district every month. Also, the Minister, in conjunction with the Minister for Agriculture and Rural Development and the Minister for Finance, should tell us what measures they have put in place because the food crisis could continue into next year unless we have a programme of producing food.

Mr. Deputy Speaker, Sir, as a farmer and someone who has dealt with farming before, I would like to appeal that out of the Kshs11 billion we are looking for, if Kenyan farmers were given Kshs3 billion, we would have all the

food we need in this country. If the donors gave out the Kshs11 billion, the reality of the matter is that we are going to be ridiculed for not having been able to feed ourselves, and may not get funds for any other programme because all the assistance would have gone to food provision.

Mr. Deputy Speaker, Sir, we know where we went wrong, but that is not an issue tonight. We should put a stop to making casual speeches where, for example, a DC tells us he has only 50 bags of maize for a given district. We would like to know the number of Kenyans who are actually starving, because the President must have been given those figures. If the figures were not calculated at State House, they must have been calculated by the officers of the Ministry and the Minister must have participated in arriving at those figures. How many people in Wajir, Ukambani and in other parts of Eastern Province are starving? In Nyanza Province, we have pockets there where people are starving, despite the fact that we had some rain.

Mr. Deputy Speaker, Sir, let me tell you that if we are assuming that the removal of duty on maize is going to help bring in food for Kenyans, then we are wrong. As a miller, I know right now that those people have starved and sold every cow and goat. Therefore, even if I imported maize duty-free, they have no money. They have nothing to pay for my flour. Therefore, let us not pretend that we have done Kenyans a favour by removing duty on maize. This is because they cannot afford commercial purchases. They have no purchasing power. Hon. Minister Nassir, we like one another; if it is all right, go with the Kimbo tin to Turkana. Sometimes I wonder how many bags of maize that fuel alone for that helicopter would have purchased for the people. Can we be more serious in feeding the people, and if you want ideas on how a programme can be laid down, come to me although I know you do not like me as a person. However, my ideas on famine relief are the best since I have dealt with it for a long time. As Kenyans, we love our people and we will give you ideas.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Minister, how much time do you have?

The Minister of State, Office of the President (Mr. Nassir): One hour.

Mr. Deputy Speaker: We cannot have one hour because I have authorised this Motion to go on for half-an-hour only. So, hon. Donde, you have one minute.

Mr. Donde: Mr. Deputy Speaker, Sir, first of all, I must thank hon. Dr. Kituyi for having made it possible for this question to be discussed today. This is because I brought the original question last week. The answer which I received from the Government was very disappointing. The Minister actually told me: "The situation in Gem has not reached alarming proportions, so there will be no food for Gem people. For a situation to reach alarming proportions, it is for you to see people dying on television." So, this is what the Government Minister was telling me; that he can only come to discuss the famine situation in Gem when people from there have started dying. I told him that I am a very responsible citizen of this country and I do not want to wait until people start dying and the situation reaches an alarming proportion so that the Minister can listen to me. I told him also that there are already children of the age of three having one meal a day in my constituency. I told him further that it was a very serious situation and I was warning him early so that he can see how he can tell us how much food there is for the Gem people. That was the question so that I, as a Member of Parliament, can know what to tell my people; food is not enough and what shall we do?

Mr. Deputy Speaker, Sir, I know you have given me only one minute but I am very concerned. I would like the Minister to really address some of the issues which have been raised by hon. Nyachae and hon. Dr. Kituyi because they are of real concern to this country.

Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Poghismo, you have one minute.

Mr. Poghismo: Mr. Deputy Speaker, Sir, I would like to thank you for the one minute. I have been reading in a section of the Press, and I am sure we all know, that people have been dying in West Pokot from hunger. That claim has been made and I have brought this issue to the fore many times. Many times, I have said it here and I do not have to prove beyond any reasonable doubt that people are starving in my constituency and yet that seems to be what it takes for the Minister to be concerned about feeding the people. It is only recently that food has begun going to West Pokot, many months after it had gone to Turkana and yet we share a common border with Turkana. I have raised the matter that hunger does not stop at the border of Pokot and Turkana, but that seems to be the case.

Mr. Deputy Speaker, Sir, I would like to ask the Minister to take his time and look at the people who co-exist at the border. Why would you feed people from one side and then starve people from the other side? I would also like him to confirm that he has got information of people who have died of hunger, yet, this Government will not allow anybody to die from hunger. So, I would like to ask hon. Nassir not to fly this time to West Pokot, but to drive there so as to check this one out.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. Ukambani is one of the areas that are badly affected by famine this time. In fact, it is very sad that the same Minister recently visited my constituency in the name of

distributing famine relief food to the hungry people. Sad enough, he invited many old women and young school children and told them: "As a Minister in the Office of the President, I will be the only person to give you food, but on condition that I get some of your councillors who are in the Opposition to defect".

I think many times, you have heard that hunger is not anything to be politicised. It is with a painful heart that I would like to ask the Minister not only to think of how we will get the food that will be donated by different communities, but also how this food will be distributed by credible people and organisations. We should not politicise the famine relief food issue at all.

Finally, there is something we, as a nation, need to look at. If you look at what we are asking for today, as many hon. Members have said, we are asking for donations worth Kshs11.5 billion that will help to alleviate the food shortage situation in the country. If only we allocated some of that money, and did what Egypt did in the years of President Nasser, we could do away with famine in this country once and for all. Thank you.

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I am very happy today to hear some hon. Members of Parliament taking much interest in their constituents. They are concerned about the suffering of their constituents and this is what we have been elected for. We are elected to assist in times of troubles.

I do not have more information for my colleagues. How could we distribute relief food better than I am already doing?

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. We would like the Minister to begin by donating one minute to another hon. Member.

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, Kenya must be led by the elected leaders wherever they are. The old system where we had District Commissioners, District Officers, chiefs and assistant-chiefs distributing famine relief food has been done away with.

(Applause)

Every Member of Parliament must work with his councillors and political party chairmen to identify needy cases. There may be one or two DCs who are big-headed and rude because, maybe, they have colonial times' mentality, but I am here for you. I am here to serve you. I have been serving this country since the time I went into politics. I did not care about Mombasa or Mvita, but I have been serving my people and all Kenyans.

An. Hon. Member: And Nyanza!

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, Nyanza Province is one place where I have done much more than in any other place. But, actually, famine relief food now should be distributed by the Members of Parliament.

We have sat with the people involved in the distribution of this food and even the roads boards will have a chairman and the Member of Parliament must be there. The Member of Parliament himself can be the chairman. For example, hon. Karume is the Chairman the Roads Board in his place. In Mombasa, I am also the Chairman of the Roads Board there. We must take interest in our constituents' problems. We have been elected and we will face a lot of problems because of the daily growing population while we do not have enough resources. Hon. Members should report to me any irregularity in the relief food distribution process. I am your colleague. I have been a Minister for only a very short period, but I have been with you for a very long time. You can come and see me and we discuss any problem that you are facing in your constituencies.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 25th July, 2000, at 2.30 p.m.

The House rose at 8.30 p.m.