

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Thursday, 10th December, 1998**

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

**Mr. Deputy Speaker:** Hon Members, as I informed you yesterday, we are not going to have Questions in this afternoon. But instead, we shall receive Ministerial Statements from Ministers, who had been requested to make them by Members, but had not done so. So, we will go straight to these Statements, and I will only allow one or two Members to seek clarification on those matters.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. There are many Questions, some of which are waiting to be answered by Ministers. Some of the Questions have been filed on very important and urgent matters. Today being the last day, normally, the practice is that Members who have filed Questions are entitled to receive written answers to them from the Ministers. So, would I request that the Chair directs that all the affected Members should be given written answers to their Questions.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** In fact, that is the case. I had also said that those Ministers who felt that they could make statements, in addition to written answers, can do so this afternoon.

### MINISTERIAL STATEMENT

#### ROAD MAINTENANCE IN NAIROBI

**The Minister for Local Authorities** (Prof. Ongeri): Mr. Deputy Speaker, Sir, a Ministerial Statement was requested for by Mr. Mwenje, Member of Parliament for Embakasi, on the poor state of roads in the City of Nairobi. I have the following to say.

Over a period of time, the residents of Nairobi have experienced a state of poor road network that has adversely affected transport within the City of Nairobi. The causes of this poor state of road network have been deferred maintenance, because of inadequate financial resources by the City Council of Nairobi, rapid development of human settlement that has attracted more motor vehicle transport against the existing road patterns in the City and the *El-Nino*-induced rains that destroyed the existing infrastructure.

The NCC, which is vested with the responsibility of road maintenance in the City of Nairobi has all along depended on the traditional revenue sources such as rates and other charges, which have not been adequate to meet its financial obligations. In view of this adverse situation, my Ministry has undertaken the following remedial measures to improve the situation, and to ensure that the poor state of roads is improved. One, as an emergency measure, in the last two years, 200 kilometres of roads within the City of Nairobi have been recarpeted. These were roads which required pothole patching and a thin layer of tarmac to prevent them from further deterioration. Priority was given to busy public service vehicle routes and other strategic roads within Nairobi, such as Argwings Kodhek Road, Juja Road, Kenyatta Avenue, parts of Jogoo Road and Lusaka Road.

Secondly, as a long time measure, the Government, in collaboration with the World Bank, under the Kenya Urban Transport Infrastructure Project (KUTIP) and the fuel levy fund has identified various roads within the City of Nairobi that are in dire need of repair and reconstruction.

Through these programmes, 300 kilometres of road network within the City of Nairobi will either be reconstructed or expanded. Examples of this are the dualing of Langata, Ngong and Jogoo Roads. Some of the works have already started while the rest are at the tendering stage, and construction work will commence in due course.

Mr. Deputy Speaker, Sir, in the past few days some public transport operating persons and companies have withdrawn their vehicles from some routes such as Dandora, Race Course, First and Second Avenues of Eastleigh, citing the poor state of these roads. The roads in these routes form part of the works which are being

undertaken by the Government in the aforesaid programme. In view of this state of affairs, and prior to the main works, I have instructed the NCC to make sure that these bad roads are passable. The NCC is now on the site repairing them.

Mr. Deputy Speaker, Sir, I wish to assure this House, and Nairobi residents, that these impassable sections will be completed before Christmas.

**Hon. Members:** That will be a miracle!

**Mr. Munyao:** Mr. Speaker, Sir I would like to touch on an issue which the Minister for Local Authorities has mentioned. Repairs of roads in towns during daytime cause a lot of inconveniences to motorists and other road users. Could the Minister direct the people who are repairing roads such as Langata Road to repair them at night? That is done in other countries.

**The Minister for Local Authorities** (Prof. Ongeru): Mr. Deputy Speaker, Sir, fortunately, people will go for Christmas and, therefore, there will be ample time for road construction to take place.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I wanted to give a response to---

**Mr. Anyona:** Mr. Speaker, the hon. Minister did mention Langata Road. There is confusion, and maybe controversy, about which side of the road lies on the road reserve. There are two petrol stations opposite one another. Originally we understood that the road reserve lies on the left as you drive towards Langata. Now it appears that it has shifted to the right and that is obviously going to cause some kind of a hassle. Could the Minister kindly clarify that situation?

**The Minister for Local Authorities** (Prof. Ongeru): Thank you, Mr. Deputy Speaker, Sir. As usual, I think the business of road construction is best left to the consultants and the engineers. I have already given a Legal Notice to that effect which was published early this year, in June, giving notice to those who are affected; that they should now sit down with the engineers and see how this arrangement is being done. I want to assure this House that this has been done and I am satisfied that the consulting engineers and the contractors on site have now agreed which course must be taken and there should be no worries.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, it is a matter of record of this House that it is clearly stated and the Minister did confirm that the road reserve lies on the left on which stands a petrol station owned by a Cabinet Minister who was named in this House. The Minister said that does not matter. Now, it has been shifted from there and the one on the right which apparently belongs to some poor person is where this is shifting. We want to ask what influence has changed the position that was taken in this House by the Minister himself.

**The Minister for Local Authorities** (Prof. Ongeru): I am on record saying that the structures in the way of the road network will be dealt with accordingly. I am not on record having said left or right. Secondly, there is absolutely no undue influence which has been brought upon to bear either on the consulting engineers or on the existing contractors in consultation with the funding agency, the World Bank, to alter or change the course of that road. We have now resolved the major issues which we must tackle and the road construction is going on, on schedule.

#### SALE OF SUGAR BY MUMIAS SUGAR COMPANY

**The Minister for Agriculture** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would like to make two very brief Ministerial Statements. One is on the Mumias Sugar Company.

Following a reply provided by my Ministry to a Question by Private Notice on the sale of sugar at Mumias Sugar Company, asked by hon. Wycliff Osundwa, points of order had been raised seeking clarification on several issues. Mumias Sugar Company, like any other company involved in trading, offers a slight price discount of about Kshs100 per tonne for purchases of large quantities of sugar above 50 tonnes. This is due to deferential pricing by different buyers. Allegations that Tate and Lime have forced Mumias Sugar Company not to sell Sugar in order to pressure for management rights are not quite true. Indeed, the Board of Directors of Mumias Sugar Company is set to hold a special Board meeting on 14th December, 1998, to address this problem of the slow movement of sugar stocks that the company is facing. As for the un-invoiced sugar worth Kshs921,315,462, appearing in the report of the Mumias Sugar Company, it was sold to various distributors who paid for it.

Following the investigations by the Kenya Sugar Authority, it has also been confirmed that, indeed, there has been some smuggling of sugar into Kenya from the Somalia side. This problem is now being looked into by the security forces and also the Kenya Revenue Authority in order to seal any loopholes that may be in existence and appropriate legal action will be taken against any culprit.

My Ministry is also preparing the relevant policy documents as well as the appropriate legal framework to ensure that the sugar sub-sector will benefit all the stakeholders. I also want to lay on the Table the list of the

companies that purchased the un-invoiced sugar. The list also indicates the cheque numbers that were used to pay. It also gives a schedule of the VAT that was paid, the Sugar Development levy that was paid and the price at which that sugar was sold. With these I hope the hon. Members will have an opportunity to examine and be able to determine for themselves the issue of the Mumias Sugar Company and particularly the issue of the un-invoiced sugar sales.

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

EMBEZZLEMENT OF FUNDS AT NYAMACHE  
AND OGEMBO TEA FACTORIES

My second Ministerial Statement has to do with the Question raised by hon. Magara regarding the question of bonuses at Ogembo and Nyamache Tea factories. I would like, however, to state that in my view, most of the issues that were raised by hon. Magara were, to a large extent, responded to in my reply to the Question by Private Notice which was raised by hon. George Anyona. In view of this, I will make available a copy of the same reply to the hon. Member for ease of reference. I would also like to state that no money has been embezzled by the directors of the companies as earlier implied.

Furthermore, let me also assure this House that contrary to allegations that directors from Zone 11 were hibernating in a Resort Hotel in Mombasa, with the KTDA Managing Director, these directors had travelled to Mombasa from 22nd to 26th November, 1998. Their visit was intended to expose them to the proceedings at the Mombasa Tea Auction and to provide them with the opportunity to discuss tea quality matters with the brokers. This is an ongoing programme to benefit all factory companies directors from KTDA- managed tea factories. The Managing Director does not normally accompany the company directors on those visits.

**Mr. Magara:** Thank you, Mr. Deputy Speaker, Sir. As much as I appreciate the reply that has been given by the Minister, and according to the records, what the farmers in Ogembo Tea Factory were supposed to be paid was indicated by the directors. There was some expenditure which was incurred. As a result of that expenditure, they spent over Kshs126 million which was equivalent to seven shillings per every kilo of green leaves that was delivered at Ogembo Tea Factory. I am asking the Minister to clarify what was bought, serviced, or maintained, to have necessitated that huge sum of money to be spent and subsequently reduce the bonus rate in this particular factory.

**The Minister for Agriculture (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, that is a completely different question. As far as I know, the issue of the bonuses what was said is documented here. I would not want to go into the details because it is right here. I would want to assure the hon. Member that we have no evidence whatsoever of any money that has been embezzled by the directors.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Minister did answer my Question two days ago and I got some information from the answer he gave which is now in conflict with the information he has given to the House. I would like the Minister to clarify this situation because in the case of those four factories, the farmers were not paid the interim bonus and that became the bone of contention. The Minister did admit that the farmers were actually misled. They were paid certain rates; others 13, others 14 and that kind of thing. There is the other case of the other factories which were paid the interim bonus. Those were paid Kshs5 as interim bonus. Then they were paid the final bonus. So, in the case of one factory, they were supposed to be paid Kshs14. They were then told that, that Kshs14 now included the earlier interim bonus of Kshs5. Could the Minister explain how that confusion has come about?

**The Minister for Agriculture (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, I just want to focus on that particular item and say that a number of factories, not only the ones in Kisii, but there were a few other factories which did not make their interim payments earlier like some of the other companies. These other companies, if I may just list them, are about nine. For instance, we have Chebut, Modete, Kekoma, Tegat, Kapkatet, Nyasiongo and Nyamache. They did not make that initial payment like the other 35 KTDA factories. Instead, they made the decision that they want to include that interim payment as part of the final payment. This is where I would say that the directors may have misled the farmers initially without having gone through the audited accounts as required before they made their pronouncement.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I appreciate the Statement given by the Minister regarding Mumias Sugar Company. However, I am surprised that the Minister is attempting to exonerate Mumias from the malpractices that we mentioned yesterday.

The correspondence that I have is that the Minister for Agriculture has attempted to assist somebody to

form a company to market this sugar. I have that evidence, and I do not wish the Minister to ask me to table it, otherwise, I will do it. As I mentioned yesterday---

**Mr. Deputy Speaker:** Mr. Osundwa, just ask for the clarifications you require the Minister to make because we are running short of time, and there are still other Ministers waiting to make their Statements.

**Mr. Osundwa:** Yes, I am responding to his Statement, and I am telling him that he is trying to cover up Mumias because I have evidence that his Ministry has tried to assist a certain company to market Mumias sugar and that is why sugar is piling up there, because the Government has not given the go-ahead to this new company. Could the Minister respond to that?

**The Minister for Agriculture (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, the Minister is not covering up anything. The issue he is raising was something that I can quickly mention to the House that the State and Lael Group wanted to form a marketing company called Kesuma, but under the Restrictive Trade and Practices Act, one cannot be a manufacturer and, at the same time, get involved in the distribution of the product. Therefore, the Ministry has communicated to them that the law does not provide, and does not allow, for them to engage in the distribution and the marketing of sugar, yet they are producers.

So, I just want to clarify the position and say that there is no cover-up. The Government is not in any way trying to assist State and Lael? to get involved in something. The Ministry has consulted with the Treasury, and the Treasury has confirmed that they cannot register such a company under the Restrictive Trade and Practices Act.

#### UNSERVICEABLE AND UNSECURED LOANS

**The Assistant Minister for Finance (Mr. Keah):** Thank you Mr. Deputy Speaker, Sir. I wish to make a Ministerial Statement on the names of individuals and companies with unsecured and unserviceable loans in the banking institutions.

On 2nd December, 1998, the hon. George Anyona, requested the Minister for Finance to make a Ministerial Statement and table the names of companies and individual borrowers, with unsecured and unserviceable loans in all commercial banks and non-bank financial institutions.

He further requested the Minister to indicate; one, the measures the Government will take to ensure repayment of these loans together with interest; and two, what measures the Government will take to protect small depositors and parastatals from similar exploitation in future.

Mr. Deputy Speaker, Sir, hon. Members will recall that on 26th September, 1998, I tabled a list of parastatals and companies with non-performing loans with the National Bank of Kenya, and the amount outstanding on each, in response to a Question by Private Notice, which was raised by hon. Musikari Kombo.

As hon. Members will appreciate, the situation regarding the National Bank of Kenya is not replicated in all the banks. The problem in the National Bank of Kenya is characteristically different from the other banks in the sense that, public funds were involved to the extent that some of the non-performing loans were granted either on instructions or encouragement or guaranteed by the Government. It is for this reason that the Treasury had to pay for some of the loans advanced to some of the parastatals under the guarantee arrangements. Since the Government used public funds in honour of its guarantees, it was deemed necessary for the public to know, and this information was released under this criteria of transparency.

This situation does not, however, pertain to other banks and as such, there is no basis to avail to the public details of the debts operations in these institutions. With regard to the debt owed to the financial institution being liquidated by the Deposit Protection Fund, the fund is free to release information on the non-performing loans during the recovery process when they publish the names of the borrowers in the process of auctions of the securities.

Moreover, in view of the fact that commercial banks and non-bank financial institutions make contributions to the Deposit Protection Fund, and which constitute a cost to the depositors, the public would be entitled to know the details of the debts in these collapsed institutions.

Mr. Deputy Speaker, Sir, in all other cases, the banks are under no obligation to release details of their non-performing loans or any other loans to the Minister for Finance, and in view of the confidentiality, there is no basis for doing so. Consequently, I am unable to release the information sought by the hon. Member. However, these banks and non-bank financial institutions are free to release information on non-performing loans during the loan-recovery process when they publish the names of the borrowers whose properties are in the process of being auctioned.

I wish to assure the hon. Members that the Central Bank of Kenya is taking steps to tighten the regulations and the supervision of the banking sector in order to ensure proper lending by commercial banks and

to protect all depositors.

Indeed, hon. Members will recall that we approved recently amendments to the Banking Act, which gives the Central Bank of Kenya powers to require banks to do so, among others disclose the loans and advances given to their directors.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, while I am trying to avail myself of the use of the Banking Act to disapprove what the Assistant Minister is saying, I would like him to tell me under what law he is prohibited from availing this information, not only to the public, but particularly to Parliament.

In my view, Section 29 of the Act does require that the Minister can give this information, if it is to the public, then in a selected manner. Clearly, there cannot be a law in this land which prohibits Parliament from seeking accountability of the Government and of Ministers by refusing to give Parliament that relevant information. I would like to know what law would give him that power. In fact, it is an offence, under Section 31 of the Act, for anybody to refuse to furnish that information. Could he clarify?

**The Assistant Minister for Finance** (Mr. Keah): Mr. Deputy Speaker, Sir, banking institutions operate on confidentiality. These are private institutions and this confidentiality is confidentiality between the banking institution and its depositor or its customer. If this confidentiality is broken, we will have total collapse of the money and the banking institutions or establishments in this country.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. The issue here is about double standards. The other Assistant Minister who is seated next to him broke that rule of confidentiality and brought those names here. Unless the Assistant Minister is now telling this house that they were called by the Minister himself or by somebody else who whipped them and taught them how to come and teach us about confidentiality--- Is the Assistant Minister aware that even the people who borrowed that money and who are now being chased and whose confidentiality was broken by hon. Arap-Kirui---

**The Assistant Minister for Finance** (Mr. Arap-Kirui): On a point of order, Mr. Deputy Speaker, Sir.

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

**Mr. Deputy Speaker:** Order!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, Kenyans must be protected because even those people who borrowed that money, we know the circumstances under which they were unable to pay the money. It is this Government which printed money in 1992 and after printing that money, it now became extremely impossible to repay those loans. Is the Assistant Minister in order to come here and apply double standards?

**Mr. Deputy Speaker:** Order!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I have not finished putting my point.

**Mr. Deputy Speaker:** But time is finished. Order, hon. Members. We are in a dilemma here. If you look at the Order Paper, you will see that the debate on adjournment of the house should start not later than 3.30 p.m., and that is the decision of the House Business Committee.

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

Many things can be done except that for today, we are going to deal with what the Standing Order tells us. To be able to meet the requirement of that programme, it means that we must now go into Committee on the National Intelligence and Security Service Bill, in order for us to be able to finish by 3.30 p.m.

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

Order, hon. Members! That is the decision of the House Business Committee. So, as we stand now, I want to proceed to the Committee of the Whole House. I am going to allow only one response from the Ministry in respect of what hon. Anyona and hon. Ndicho have said.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I have not finished making my point.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Deputy Speaker, Sir, this point of order was one of the double standards. I started my Statement by saying that, really, there are no double standards. The situation in the National Bank of Kenya was because the Government had guaranteed certain monies in the parastatals and because of the failure of the payment of those loans, in accordance with the agreement in the guarantee; the Treasury had to honour its guarantee by paying in respect of what they guaranteed. There are no double standards.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. This is a matter of grave national concern. While appreciating that, our HANSARD Guide provides that, we must have a Motion of adjournment for, at least, three hours, it is still possible for us to follow the procedure carefully and have those hours starting much later

than 3.30 p.m. Could the Chair exercise its discretion and allow us to ventilate this critical matter of national concern?

**Mr. Deputy Speaker:** Hon. members. The Order Paper indicates the time which was set by the House Business Committee whose business is to set the programme of the day. They are not recommending this because they have already taken a decision; that is one of the responsibilities of that Committee and they have discharged their responsibility in respect of setting the agenda for today. So, show what other Standing Order enables us to extend the time beyond 6.30 p.m.?

*(Dr. Kituyi kept standing up and sitting down in his place)*

What is itching you? What Standing Order enables us to extend the time beyond the limit that has been set by the House Business Committee?

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

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. The only situation in which the hands of the House are tied is in the Committee of Supply. This is where you have to get into the Committee of Supply by the time set on the Order Paper. On the other businesses, it is subject to change by the House or the Chair, in actual fact. In view of the importance of the matter before the House right now, and in view of the fact that we are going for recess of three to four months, it will not be fair to this Parliament and Kenyans to leave these questions unanswered. We would like to request for more time. In fact, the House does not have to go through all these Motions. All that we are required to do is to ensure that the Motion of Adjournment takes three hours. We can go on until mid-night! It is the last day. So, we can exhaust the Ministerial Statements, then proceed with the Bill and the Motion of Adjournment. If that is not the case, then we are going to refuse the Adjournment until next week. And I would ask the hon. Members if we are not granted this, we will oppose the Motion of Adjournment today.

**Mr. Deputy Speaker:** Order, hon. Anyona! There is no point--- and you make no mileage by threatening the Chair because the Chair is here to serve the House. So, if the House wishes to reverse the decision which it took at the beginning of the Session about the duration of the Motion of Adjournment; and you want it to start a little later, it is entirely upon the House to do so. But the Chair will not be intimidated. No, and never!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, if I sounded like I was intimidating the Chair, I do apologise. I was only saying, that if our colleagues from the other side do not give these statements then, on this side we will ask for more time. But I did not in anyway intimidate the Chair. I cannot do that and you know it.

**Mr. Deputy Speaker:** There is a danger if we delay. Let us be orderly.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, I did give a response to hon. Ndicho's and hon. Anyona's questions dealing with the issue of double standards and I said that, there is no question of double standards simply because what the Government did with regard to National Bank of Kenya was in response to loans which the Government had guaranteed. Consequently, funds were given out of the Government to pay for those guarantees. As far as---

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

**Mr. Deputy Speaker:** Order! I think, for the sake of good order, let us do this; it seems that the House is in the mood to continue listening to Ministerial Statements instead of debating some sensitive issues. So, I am asking if the House agrees that the Motion of the Adjournment be moved at 4.00 p.m. instead of 3.30 p.m.

*(Applause)*

Order! Order! But we shall proceed to the Committee of the Whole House at exactly 3.30 p.m. So, hon. Members who have pressing issue and those Ministers who will respond to such issues should be brief because at 3.30 p.m. on the dot, I will move to the Committee of the Whole House. This means, therefore, that the House has now unanimously agreed that we shall rise at 7.00 p.m.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I am concluding my point of order this way---

**Mr. Deputy Speaker:** Mr. Ndicho, you are supposed to make only inquiries so that Ministers can make clarifications and not new statements.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, would I be in order to ask the Government, through the Ministry of Finance, to make sure that the Government takes up the responsibility of paying Kshs10 billion because they are the people who printed money? You are the people who caused all this crisis and you are the people who are responsible to repay that money and not these Kenyans. Will I be in order to ask him to respond to that?

**Mr. Deputy Speaker:** We have already heard you. Hon. Sambu!

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is stating about Government guaranteed loans. Of course, we understand loans owed by corporations were guaranteed by the Government, but there are no individuals who were guaranteed by the Government. Damage has been done to individuals and I am one of them. I do not owe the National Bank of Kenya Kshs72 million, but it was in the newspapers that Mr. Sambu, the hon. Member for Mosop Constituency, owes the National Bank of Kenya Kshs72 million. This is where the question of double standards comes in. If it is a matter of naming individuals owing money to commercial banks, all of them must be named.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, the National Bank of Kenya had a problem. In view of that fact, the information that was availed to the Minister was information that had been availed through the Deposit Protection Fund, because those accounts were non-performing.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I asked the Assistant Minister a very direct question. Since he said that the law does not allow the Minister to divulge such information, and I quoted Sections 29 and 31 of the Act to him, where it is an offence for any bank to refuse to give the Minister information, I would like to ask him under what law would the Minister then deny that information to Parliament? He has not answered that question.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, I said that, that information is confidential. The banks operate on the spirit and understanding of confidentiality. They are not under an obligation to give the Minister that information. If that information were to be made available to Parliament, it is as good as having been made available to the general public, and the confidentiality would have gone over the board.

#### IMPLEMENTATION OF PAC RECOMMENDATION

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Mr. Deputy Speaker, Sir, I wish to issue a Ministerial Statement on the implementation of the Public Accounts Committee (PAC) recommendation on Computer Applications Limited (CAL).

Mr. Deputy Speaker, Sir, on December, 2nd 1998, hon. Maore requested the Minister for Finance to make a Ministerial Statement on what he termed the non-implementation of one of the PAC's recommendations on the Government of Kenya Accounts for the year 1993/94, with regard to Computer Applications Limited (CAL). The subject recommendation, and which was adopted by this august House, was to the effect that the Accounting Officer, Ministry of Finance, should not consider Computer Applications Limited for any new contracts, in view of its poor performance in the past. Hon. Maore's request arose from an earlier Ministerial Statement, which I had issued and in which I had indicated that Computer Applications Limited (CAL) was one of the tenderers for the new mainframe computers being purchased by the Central Bank of Kenya. As hon. Members are aware, the Central Bank of Kenya which operates under the Central Bank of Kenya Act, Chapter 491, Laws of Kenya, is an autonomous institution with a board of directors. The bank operates independently of the Central Government rules and regulations in terms of the management of its day-to-day activities, which include the procurement of goods and services it may require. As you are further aware, the Central Bank is also exempted from the provisions of the State Corporations Act, and its accounts are audited by independent auditors.

Mr. Deputy Speaker, Sir, hon. Members will appreciate that the above mentioned recommendation of the PAC was confined to the award of new contracts to Computer Applications Limited, by the Accounting Officer for the Ministry of Finance and not anybody else, Central Bank of Kenya included. It is similarly worth noting that the Accounting Officer for the Ministry of Finance is not the Accounting Officer for the Central Bank of Kenya. Therefore, he has no mandate to impose the above recommendations on the Central Bank. In any case, the Central Bank of Kenya has confirmed that Computer Applications Limited has satisfactorily serviced the two mainframe computers which the bank purchased in 1998, directly from IBM. The bank is, therefore, satisfied with the performance of Computer Applications Limited so far, and has no justifiable reason to doubt the firm's capability of rendering the required services in terms of the new computers to be acquired.

**Mr. Maore:** Mr. Deputy Speaker, Sir, that kind of response sounds like a public relations statement for CAL. It is not meant for this House. The Ministerial Statement I sought was not about the Central Bank tender or any other tender the Assistant Minister is imagining. That is why I was saying his answer was irrelevant. I was

asking the Minister in charge of Treasury, not the Minister for Finance. It is the Minister for Finance actually, who is in charge of Treasury who is the custodian, or responsible for implementing all Public Accounts Committee Recommendations that have come from the Committee to this House as a resolution. I was not specific about what the Assistant Minister is telling Kenyans that the Central Bank of Kenya is a foreign entity that is not part of Government. I am surprised as everybody else. Could the Assistant Minister state what is going to happen to that recommendation, whereby we recommended that the Ministry of Finance ensures that this Company does not get tenders from Government agencies or parastatals?

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I am not certain there is a fine definition between Finance and Treasury. But as we understand it, the recommendations related, and I believe, specifically addressed the Accounting Officer in the Ministry of Finance, in as far as the Ministry of Finance operations are concerned. This is the emphasis of this response.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, to say the least, I am very saddened at the impunity with which this Government---

**Mr. Deputy Speaker:** Ask your question!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, we are concerned because the Minister himself told us that a tender was not being granted, and from the Assistant Minister's speech now, he is re-confirming that the tender has actually been awarded and the Central Bank has a right to do it. But also, apart from the Central Bank, could the Assistant Minister deny or confirm what the Company itself said outside that they have an on-going successful Kshs480 million tender with the Government other than the Central Bank of Kenya, regardless of the PAC recommendations? Could he also confirm that the same Company has been given a Kshs40 million worth of tender to the National Housing Corporation through single sourcing, which is Government and not Central Bank? Could he also confirm that in the collapsed National Bank of Kenya, the main supplier and maintainer of computer systems is this very company that we are talking about? Could he deny that even in the centre of those irregularities, they are doing what Parliament resolved against, with impunity?

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, the allegations by the hon. Member are serious, but I think we ought to see substance before we can begin to respond. I think, I should hasten to add that the remark about the collapsed National Bank of Kenya is far-fetched and untrue. The National Bank of Kenya is very alive and active.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I am highly surprised by the statement from the Assistant Minister in which he is trying to cipher very well established connections between the Treasury and the Central Bank. In any case, could the Assistant Minister confirm or deny that all investments by the Government which include Government investment in the Central Bank are vested by law in the office of the Permanent Secretary in the Ministry of Finance and in that capacity, he is the custodian of trustees' property. In which case, he cannot allow and he cannot get away with allowing public funds to be used in a doubtful manner as shown here under the pretext that the Central Bank is an independent body when there is a law vesting this in the Treasury.

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, we are not talking about investments here, it is the day-to-day operations. The purchase of computers is a day-to-day operation of the Central Bank. Here, the Board of the Central Bank is independent of central authority by virtue of laws passed by this House.

#### ADMISSIONS TO KENYA MEDICAL TRAINING COLLEGE

**The Minister for Health** (Mr. Kalweo): Mr. Deputy Speaker, Sir, as I promised yesterday to give a statement on the KMTC, I have managed to prepare the list from all provinces of the year 1996/97. The 1998/99 list is being prepared because the final intake will take place in March/April next year. So, it cannot be completed as of now and I would like to lay the other list on the Table.

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

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I rise to respond to the Ministerial Statement which was given yesterday by the hon. Minister for Health. In this Ministerial Statement, the Minister says that the supplier pleaded with the Ministry for an extension of time and was subsequently granted more time to complete the supply. This is not true.

**Mr. Deputy Speaker:** Order! For the sake of good order, we would like to deal with the issue of the list of students admitted to KMTC.



**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have not been able to peruse that list, so let me just deal with what I have got already. I will peruse that one later. The issue of the scandal is the one which is more important to me, anyway.

Mr. Deputy Speaker, Sir, the Minister denied categorically that Kshs95.4 million was not paid to Bulk Medical Limited. I have evidence that Bulk Medical Limited was paid Kshs95.4 million. The Minister talks about cancellation. There is no way cancellation of a single page of a whole voucher can be done when payment has already taken place. At what stage do they put the rubber stamp of "paid?" That is after the voucher has passed all the processes. This is the voucher and it is only one page which was cancelled. In any case---

**Mr. Deputy Speaker:** Order! Order! What point do you want the Minister to clarify? I am not allowing a new debate to start on that issue.

**Mr. Ojode:** That is okay, Mr. Deputy Speaker, Sir. I have three questions to the Minister. First of all, I would want him to bring the cheque which was written for Kshs47 million which he is purporting to have been cancelled. I would like him to Table that cheque here and that is when we shall know that the cheque was there. Secondly---

**Mr. Deputy Speaker:** Hon. Ojode, look at the time.

**Mr. Ojode:** I am rushing, Mr. Deputy Speaker, Sir. This is a very serious issue, because we have no drugs in our constituencies. Secondly, I will tell the House how much they got each, now that he is pretending not to have got anything.

*(Applause)*

Mr. Deputy Speaker, Sir, secondly, we want the Minister to tell us how much money was paid in terms of interest accrued on the Kshs47 million which he is aware of, from Paramount Bank. The Minister himself, out of this deal, received Kshs15 million. The Permanent Secretary also received Kshs15 million and Mr. Hitel, the Director of Bulk Medical Limited, received Kshs17 million. If the Minister is saying I am telling untruths, let him lay on the Table the cancelled cheque of Kshs47 million, because as for the other Kshs47 million he has accepted it as having been paid, without the supply of drugs. The bone of contention here is not the procedure of the tender. It is the payment---

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

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

**Mr. Deputy Speaker:** Order! Order, hon. Members! You know quite well that you cannot resolve such an issue in such a time. So, we really want to bring out salient points, so that we can give a general impression of what is going on. But you cannot go into the nitty-gritty of this matter here. So, Mr. Minister, will you respond to that?

**The Minister for Health (Mr. Kalweo):** Mr. Speaker, Sir, I gave a very detailed Statement on whatever went on yesterday, and those issues were in black and white. He is now claiming that I was given money. Could he prove? That is an abuse to my integrity. What I said is that the cancellation was of the preparation of the payment voucher when it was discovered that the money was not enough. So, what he is saying now is not true.

**Mr. Ojode:** Fine, Mr. Deputy Speaker, Sir, I have documents to prove.

**Mr. Deputy Speaker:** Order! Order! Table the document! No statement, lay the document on the Table.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, this is a serious issue.

**Mr. Deputy Speaker:** Order! Order! There is no need to get excited here. If you have documents to table, you do not need to get excited. Just lay the documents on the Table.

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

**Mr. Deputy Speaker:** Order! Lay the documents on the Table.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I am not going to table the documents if he does not bring the cancelled cheque of Kshs47 million. That is the cheque which was cancelled out of this voucher.

**Mr. Deputy Speaker:** Order! Order! Your proof of anybody's guilt has nothing to do with the cancelled cheque. You have stated categorically that money was paid out and it was dished out and shared by certain individuals. If you have that evidence, lay it on the Table.

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

**Mr. Deputy Speaker:** Order! I am still dealing with his attitude.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I concur with you. I am going to table the document after the Minister brings the cheque of Kshs47 million which was cancelled. This is a public relations exercise. You cannot go and cancel one---

**Mr. Deputy Speaker:** Order! Order, hon. Ojode. Order, hon. Members! There is no point putting a condition which you cannot enforce by yourself. You should get the Chair to put it then I can enforce it. But you cannot force any Member or any Minister to produce a document. Ask the Chair to do it. Hon. Ojode, do you have those documents or not?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I totally agree with you. But may I ask for the indulgence of the Chair---

**Mr. Deputy Speaker:** Order! Order! Hon. Madoka?

#### DE-REGISTRATION OF MUSLIM NGOS

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, the issue in question is before a court of law and it would be *sub-judice* to have it discussed in this august House. However, I am glad to report that three of the Muslim organisations which were de-registered have been reinstated. These are namely; International Islamic Relief and Ibrahim Foundation. Those three have been reinstated and the other three are still under review.

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

#### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

#### IN THE COMMITTEE

*[Mr. Chairman took the Chair]*

#### THE NATIONAL INTELLIGENCE AND SECURITY SERVICE BILL

#### Clause 2

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 2 be amended:-

(a) in the definition of "threat to the security of Kenya", by inserting the words "by unlawful means" at the end of paragraph (b);

(b) by inserting the following new definitions in proper alphabetical order-

"Council" means the National Intelligence Council established by Section 23;

"Minister" means the Minister of State for the time being responsible for matters relating to the national intelligence and security";

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*(Clauses 3 and 4 agreed to)*

#### Clause 5

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 5 be amended in paragraph (f) of sub-clause (1): by inserting the words "subject to the provisions of any other written law" immediately before the word "perform".

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

*Clause 6*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 6 be amended:-

(a) In sub-clause (1) by inserting a comma and the words "on the advice of the Directorate of Personnel Management and in consultation with the Public Service Commission" immediately after the words "the President may".

(b) by deleting sub-clause (2) and inserting the following new sub-clause:

"(2) The Director-General shall hold office for a term of five years but shall be eligible for re-appointment for one further term of a period not exceeding five years".

*(Question of the amendment proposed)*

**Dr. Kituyi:** Mr. Chairman, Sir, I very much appreciate the proposed amendment to Clause 6 (a). In our deliberations yesterday, we brought out the reasons why we think this is an important amendment. However, the proposed amendment on sub-section (2) replacing the original position by the Minister that "The Director-General holds office for a period of six years not renewable with a provision that he can hold office for five years renewable for another term", there is no merit in this proposal by the Committee since they did not represent their report to the House; we did not discuss it but I do not see any merit in that proposed amendment. So, I want to propose that we accept the proposed amendment (a) and leave amendment (b).

**Mr. Maore:** Mr. Chairman, Sir, I wish also to concur with the same sentiments that the fundamental spirit enshrined in this entire Bill shows some goodwill and intentions of a renewed security service. It is wrong and in bad spirit and faith for the Minister to come up with this kind of fundamental amendment that is going to alter the intentions of the entire Bill. Let us have one six-year term as intended originally by the Minister and as debated in this House and it is not necessary to have two terms under any disguise.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, in fact here, I am just merely recommending what the Parliamentary Committee recommended.

**Mr. Chairman:** Order! This was a recommendation from the Committee and the Committee's report was, in fact, laid on the Table and the Minister did in fact, raise this matter during the Second Reading debate yesterday. So, it is not out of the blues.

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir. I did appear before this Committee not for this particular aspect of the Bill but for various reasons. In fact the first amendment of this Section was my own proposal in the Committee and various others. However, I am surprised that the chairman of the Committee is not here to help the House to understand why this amendment was proposed. My understanding in the Committee---

**Mr. Chairman:** The Chairman is right there.

**Mr. Anyona:** Mr. Chairman, Sir, well, but he is not rising to help Members. My understanding when the deliberations went there and the Minister was very flexible I must say was that in the institution of transition in the Presidency, you might have a problem where they both might be going out at the same time when in fact, you would maybe need someone who has been there to help the new President to come to terms with the security situation in the country and be assisted to shape it in whichever way that he, may want to do that. That was the spirit in which this amendment was proposed if I understand it correctly. Of course it is up to this House to consider whether it is correct or not but that is how it came and I would have hoped that, the chairman and the

members of the Committee would help the House to understand that.

**Dr. Kituyi:** Mr. Chairman, Sir, I will start off from where you left off. First, the fact that this was the recommendation of the Committee is not a sufficient reason why it is being proposed by the Minister. After all, the most important recommendation by the Committee was that the Director-General be vetted by a Committee of Parliament and the Minister has rejected that recommendation. So, the fact that he has had the ability to reject something means that we can also reject another recommendation of the Committee and that is just one.

**Mr. Chairman:** Order! The Chair was merely putting the record straight that, this was not a new thing before this House; that the Committee's report had been laid and the Minister did in fact, raise this matter yesterday. That was merely to put the record straight. So, you can proceed from there. It has no justification.

**Dr. Kituyi:** Mr. Chairman, Sir, the Committee has made certain recommendations. I have looked at the recommendations of that Committee and some of those recommendations are good and some are not. One of the good ones that the Minister has included is the previous one that I have just supported, which is an amendment in Clause 6 (a) and I am recommending him to accept that but this second one, does not carry any merit apart from that made by the Committee.

**Mr. Chairman:** Dr. Kituyi, you have already stated that. So, let us make progress. I will put the Question which is---

**Mr. Ojode:** On a point of order, Mr. Chairman, Sir. I chaired some of the meetings when we were deliberating on this. This is not the actual thing that we agreed on. We said that while the President is going to appoint the Director-General of Intelligence, Parliament was supposed to vet him. Now, this is a totally different thing.

**Mr. Chairman:** Order! Mr. Ojode, we are discussing the proposed amendment before us and so if you do not agree with it, just advance your arguments and let us end it at that. What we discussed and laid forward is no longer relevant now.

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir. I think the spirit of this House was that, in matters of security and intelligence, there should be as much agreement and as much unanimity as possible. In fact, frankly, I do not think of the renewal of the term of the Director-General for five years is a big deal. I think the spirit also was that, in the main constitutional reform and that is really when it is going to change--- The reforms have already taken care of this particular situation of security, because they are going to deal with everything. Even the question of vetting should come up. I would say that, there is no harm done if the House, at this particular point in time, decides to impose vetting on this particular office. However, the spirit was that when the main reform is complete, all these things will be tidied up and I would not really want the House to go into disagreement over a small matter. I think we can get over this one.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we were very flexible on this. Really, let hon. Members of this House decide the way they want it to be.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

*Clause 7:*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 7 be amended:-

- (a) in paragraph (b) by inserting the words "and the Government" immediately after the word "President"; and,
- (b) in paragraph (c) by inserting the words "and the Government" immediately after the word "President".

*(Question of the amendment proposed)*

**Mr. Ita:** Mr. Chairman, Sir, I want to raise a small matter. Clause 7(d) reads as follows:-

"Take all reasonable steps to ensure that the actions of the service are limited to what is necessary."

Mr. Chairman, Sir, I want to add the word "lawful", because I do not know whether the words [Mr. Ita] "what is necessary" refer to what is always lawful. These are the powers of the Director-General. So, I want to propose that amendment by inserting the word "lawful" after the word "necessary" in Clause 7(d).

**Mr. Chairman:** Hon. Ita, you cannot do that. You have to propose an amendment by way of a Motion, and you have to communicate your intention to do so before the sitting. You can only propose an amendment on what is on the Order Paper now. I suppose that you have a copy of your Standing Orders.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

*(Clause 8 agreed to)*

*Clause 9:*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 9 be amended by inserting immediately after the words "Director-General" the words "in consultation with the Council".

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

*(Clauses 10, 11 and 12 agreed to)*

*Clause 13:*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 13 be amended by inserting immediately after the words "consultation with" the words "the Directorate of Personnel Management and".

*(Question of the amendment proposed)*

**Mr. Maore:** Mr. Chairman, Sir, I would agree with the wording in the amendment, but there is a problem in using the words "the Directorate of Personnel Management." It would be better if could have a better wording instead of the Directorate of Personnel Management, because this directorate is not within the laws of this country. It is an administrative Department in the Office of the President. It is not a legal entity like the Public Service Commission. So, why do we not have some different wording for the same thing without really creating unnecessary legal conflicts?

**Mr. Chairman:** You may be having a very good point, but look at Clause 6, which we have just amended using those same words. So, really, we are going to have to go back and amend everything else. I agree with you, but could we have another way of doing it, so that it may apply to all the legislations we have passed, which contain those words?

**Mr. Maore:** Mr. Chairman, Sir, these are the kind of problems we have with the dictatorship within a mob. The mob wants to pass things quickly without even looking at them critically. Now, can we change and reverse it?

**Mr. Chairman:** Order! Order! There is no mob in this House. What I am saying is that if you had alerted the House earlier, on this matter, we would have taken care of it under Clause 6.

**Mr. Anyona:** Mr. Chairman, Sir, I really do not understand this confusion. I appeared before this

Committee, and I proposed an amendment on this particular clause. My amendment which was apparently accepted by the Minister and the Committee was that this be done in consultation with the Public Service Commission.

**Mr. Chairman, Sir,** I did argue before the Committee that an Act of Parliament cannot refer to a body that does not exist in law. Now, I am very surprised that, after that the Bill was amended to this extent--- If there is no way of going back to Clause 6, at least we should not allow this amendment to pass. The Minister will have to amend this particular amendment, and then we find a way of amending Clause 6. That was the position of the Committee, and now I am very surprised that the amendment is the way it is.

**Mr. Maore:** On a point of order, Mr. Chairman, Sir. We wish to plead with the Chair to allow the House to get a word from the Attorney-General before we proceed. He is just seated there and looking in this direction!

**Mr. Chairman:** Hon. Maoka Maore, you are asking the Chair to do more than it is mandated to do. My business is to propose the Question and let hon. Members discuss the amendments. After you have discussed it, I put the Question.

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

**Mr. Chairman:** Order! Hon. the Attorney-General, would you like to respond to hon. Maore's request?

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir. The House is in trouble, really. This is because the Committee is not fighting the House. The Minister is not responding, but this is what actually happened. We would like to have a response from the Minister. I see no problem in the Minister coming up to replace those words with the words "the Public Service Commission". That is what was agreed, and it is what the law requires. Secondly, it will not be wise for this House to pass some unlawful legislation. So, we cannot say that since this is what the Committee said, and since the Minister is not responding, we can make a law that makes nonsense of itself. That is not possible!

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Chairman, Sir, I think hon. Anyona was not present at our second meeting and, therefore, he does not know what transpired. It is true that the Public Service Commission is a legal entity. Now, we are using the words "in consultation with the Directorate of Personnel Management (DPM)" because the DPM is the body which draws up the terms and conditions of service. In this case, the major body is the Public Service Commission. However, the DPM will only be consulted.

**An hon. Member:** Yes, do change that!

**The Minister of State, Office of the President (Maj. Madoka):** But it is there!

**Mr. Mwenda:** Mr. Chairman, Sir, we are creating a legal problem which will be very difficult to solve, in fact, when it comes to interpretation of this particular law. Now, the DPM is not created by any statute. If one day that office ceases to exist, who will be consulted? So, we will have a problem where we will not have anybody to consult with. So, we had better look for something better than this.

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir.

**Mr. Chairman:** Order! The Minister has conceded that, in fact, they can do without reference to the Directorate of Personnel Management (DPM).

Order! Order! Hon. Members, you should look at the amount of work that we still have to go through and we have only 10 minutes. So, they are going to redraft it.

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir. Standing Order No.106(6) states that:-

"The Consideration of any part of the Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may decide."

I am proposing that they can get more time to redraft this Clause, if they need it and then, we can carry on with the other clauses.

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Chairman, Sir, I would like to suggest that we drop this particular amendment.

**Mr. Chairman:** Order! Since that amendment has now been withdrawn, I will now put the question of Clause 13 as it is in the Bill.

**Mr. Maore:** On a point of order, Mr. Chairman, Sir. The reasons why the Committee thought it wise to include this amendment in Clauses 13 and 14, "in consultation with and the Director-General" is for it to have some harmony. Why can we not delete the words "reference to the Directorate of Personnel Management"?

**Mr. Chairman:** Order! Order! We cannot have that under Clause 13. The Attorney-General will give us a solution to that problem. But for the time being we are dealing with Clause 13 and I will put a question on Clause 13 as it is in the Bill.

*(Clause 13 agreed to)*

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir.

**Mr. Chairman:** If you want to raise this issue on Clause 6, then, you must find another way of doing it, but you cannot do it under this clause.

**Mr. Anyona:** Mr. Chairman, Sir, if we are going to revert to the Clause as it was in the original Bill, then, you have to put it so that we can have some contribution from debate. We have been debating on the amendment which they have now taken away, but if you now take us back to the original clause; you must give us an opportunity to debate it. You cannot just put it to---

**Mr. Chairman:** I did propose the question.

**Mr. Anyona:** I am sorry, I did not hear that, Mr. Chairman, Sir.

#### Clause 14

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, I think we can drop that one also.

*(Clause 14 agreed to)*

#### Clause 15

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:-

THAT, Clause 15 be amended:

by deleting sub-clause (2) and inserting the following new sub-clauses:

(2) An officer who contravenes the provisions of paragraphs(a) and (b)(ii) of Sub-Section (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years.

*(Question of the amendment proposed)*

**Mr. Munyasia:** Mr. Chairman, Sir, I am happy that the Minister has separated the punishment under Clause 15(a) and (b)(ii). But yesterday, we had agreed that the penalty for any intelligence officer who tortures a suspect or causes him bodily harm would be heavier than what had been proposed in the original Bill. I remember the Minister had agreed that it would be 14 years, but in this amendment, it is merely being said to be a felony without stating the penalty; 14 years. I would like to seek guidance whether the word "felony" included the penalty of 14 years.

**The Attorney-General** (Mr. Wako): Mr. Chairman, Sir, maybe I can explain here because the point was raised yesterday very pertinently and it was taken seriously by the Government. This is the same wording that we have used under the Police Act and by saying "felony", it automatically means that if, for example, they torture somebody and cause him or her grievous bodily harm, then, it would be upto life imprisonment, as prescribed under the Penal Code. If the torture is just harm, it could be three years. If it is something in-between, it could be 14 years. So, it gives the option of imposing a stiffer penalty depending on the seriousness of the injury the person has suffered.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put  
and agreed to)*

*(Clause 15 as amended agreed to)*

*Clauses 16, 17 and 18 agreed to)*

#### Clause 19

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, I beg to move:-  
THAT, Clause 19 be amended:-  
In Sub-clause (1) by deleting the word "President" and substituting thereof the word "Minister".

*(Question of the amendment proposed)*

**Mr. Anyona:** Mr. Chairman, Sir, during the Committee Stage, I did make some representation on this particular Clause, which says:-

"The President may by notice in the gazette or in such other manner as he may deem sufficient in the circumstances---"

Those of us who know how these laws are applied in practice, know that this kind of ambiguity is exploited to violate the rights of Kenyans. The normal manner of giving notice is by publishing it in the Official Gazette. What reason is there for giving the Minister now, discretion to decide some other manner? Which other manner is this that cannot be stated in an Act of Parliament? We are moving away from this area of vagueness so that you cannot exploit it to do things that you would not, in fact, do by law. I am just wondering why the Minister went back on what we discussed that, it must be clearly stated that any of these things must be done by Gazette Notice and nothing else. I would like the Minister to explain that.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we are prepared to delete that.

**Mr. Wambua:** Mr. Chairman, Sir, if the Minister deletes the word "Minister", it means that the word "President" will remain. So, which of one of those two words are we deleting now? Members have refused the word "President" to be used. Therefore, if the Minister deletes the word "Minister", it means that the word "President" will remain, and that is what we are against.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I wish to delete the words appearing after the word "Gazette". These words are: "Or that in such other manner as he may deem sufficient in the circumstances." This is what is to be deleted.

*(Applause)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

*Clause 20*

**Mr. Maore:** Mr. Chairman, Sir, in our contributions to this Bill, we did put forward cases where all modern security intelligence agencies have a period in which they de-classify information. So, does this Minister intend to have all information classified to remain so forever? Could the Minister be specific on the period the Government intends to de-classify such information; probably after 20 to 30 years?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we believe that in this case, we should not specify the period after which such classified information should be de-classified.

**Mr. Maore:** Mr. Chairman, Sir, I am saying that all modern and civilised security agencies in the world have a specific period, maybe 30 years, when they know they can de-classify such information. The Minister will not remain in the Office of the President or in the Public Service to specify the period in the future. So, could he be specific about the period; is it 50 or 40 years or what years? What is the fear?

*(Clause 20 agreed to)*

*Clause 21*



**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- That, Clause 21 be amended by deleting the word "five" and substituting with the word "three".

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 21 as amended agreed to)*

#### Clause 22

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- That, Clause 22 be amended as follows:-

- (a) In Sub-Clause (6), by deleting the words "three months" and substituting with the words, "one month";
  - (b) In Sub-Clause (7), by deleting the words "three months" and substituting with the words "one month"; and
  - (c) By inserting the following new Sub-section immediately after Sub-section (9):
- (10) A person aggrieved by the issue of a warrant or by the extension of the period of a warrant under this Section may appeal to the Court of Appeal within 14 days.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 22 as amended agreed to)*

#### Clause 23

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- That, Clause 23 be deleted and the following new Clause inserted in place thereof-

23(1) There is established a Council to be known as the National Intelligence Council which shall consist of-

- (a) The Minister;
  - (b) the Minister for the time being responsible for matters relating to foreign affairs;
  - (c) the attorney-General; and,
  - (d) the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service.
- (2) The Director-General shall be the Secretary to the Council.
- (3) The functions of the Council shall be-
- (a) to advise the Service generally on all matters pertaining to-
    - (i) national security and intelligence policies;
    - (ii) the administration of the Service;
    - (iii) the expenditure of the Service; and
  - (b) to perform such other functions as are conferred on it by this Act or by any other written law.
- (4) For the better carrying out of its functions under this Act, the Council may establish such

functional committees of the Council as it may deem necessary.

(5) The Minister shall, in regulations, prescribe the manner of discharging the functions of the Council under this Section, including the procedure for meetings of the Council and any committees thereof, but subject thereto, the Council may regulate its own procedure.

*(Question of the amendment proposed)*

**Dr. Kituyi:** Mr. Chairman, Sir, unfortunately, this is a fairly new part and it is a substantial amendment to the Bill. Again, unfortunately, we have not had the chance to debate it. We have two fundamental problems. First, if anybody learns that we have something called a National Intelligence Council, then they would not think that we are very intelligent people. Either we are having a National Security Intelligence Council or a National Security Council but not a "National Intelligence Council". This is the problem that will also emerge when we go to Clause 1. What are they talking about? If it is a case of all arms of intelligence, they should have on this Council the heads of the Military Intelligence and Criminal Intelligence. But, if we are talking about the Security Intelligence, we can only create the National Security Council or the National Security Intelligence Council. Could the Minister tell us which one he wants to create? **The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we are prepared to have it as a National Security Intelligence Council.

**Mr. Anyona:** Mr. Chairman, Sir, there was considerable discussion on this matter and the Minister kept on talking about this Council. We told him that the Council was non-existent even in the Bill. I did clearly state that you would have to establish, by law, a National Security Intelligence Council before you can refer to it in this particular Bill. Now, I am very surprised that after that discussion, they went and created something that is fictitious. I do not think that this is tenable. It cannot be done! I think the Minister should do the right thing; that is consult. We are expecting that at the end of the constitutional review process, there will be a properly constituted National Security Council. Now, if we have this "animal" here which is meaningless, what will we be doing? In fact, I did suggest that the Minister and the Committee should consult with the Attorney-General to find out about this matter. Was that done? Why do we have this kind of thing?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, obviously hon. Anyona has not been following our discussions properly. The very fact that we are establishing this particular Council means that we did consult the Attorney-General.

**Mr. Odoyo:** Mr. Chairman, Sir, I do agree that we need a Council. But, the Ministry of Finance is missing from this Council, either by design or by improper information. This is because today external finance is a greater threat to this economy than anything else. We have private individuals like Sorrows the International Monetary Fund (IMF) and many other external bodies. But, apart from that, if you look at the functions of the Council, the expenditure of the Service is to go between Kshs5 billion to Kshs10 billion per year and yet there is no representative from the Ministry of Finance. Either the Permanent Secretary or the Minister for Finance should be included in the Council.

**Mr. Chairman:** Hon. Minister, could you tell us exactly what you have agreed?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we have no objections to having the Minister for Finance in the Council.

**Mr. Chairman:** Order! Mr. Minister, what Council have you agreed to set up so that we can record it properly.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, it is the National Security and Intelligence Council.

**Dr. Kituyi:** Mr. Chairman, Sir, under the proposed amendments, particularly in Clause 23 (3) (b), pursuant to what hon. Anyona has just said, the Minister says that he has created the Council which is a very limp body and does not exist anywhere else in the Bill. But, now he is saying that its duties include: "To perform such other functions as are conferred on it by this Act or by any other written law." There is no duty conferred on it anywhere else in this Act and in any other written law. What does it refer to?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, this is for the future, just in case something does come up.

**Mr. Mwenda:** Mr. Chairman, Sir, I have looked at Part 2 which is the definition part of Clause 23. The part does not define the "Minister". So, when you say the Council consists of a "Minister", who is this?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I think the Minister has been clearly defined and we have already passed that provision this very afternoon.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place there of be inserted, put and agreed to)*

*(Clause 23 as amended agreed to)*

*(Clause 24 agreed to)*

*Clause 25*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 25 be amended in sub-clause (1) by inserting the words "on the advice of the Judicial Service Commission" immediately after the word "President".

*(Question of the Amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 25 as amended agreed to)*

*Clause 26*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 26 be amended:-

- (a) In sub-clause (1) by inserting the words "and the Government" immediately after the word "President"; appearing in the last line;
- (b) In sub-clause (3) by deleting the words "such other person as it may deem appropriate" appearing in paragraph (a) and substituting thereof the words "the council";
- (c) In sub-clause (5) by inserting the words "Council or the" immediately before the words "Director-General";
- (d) In sub-clause (6) by inserting the words "and the Council" immediately after the word "President".

*(Question of the amendment proposed)*

**Mr. Anyona:** In our deliberations, I did try to find out from the Minister the difference, in meaning, between the President and the Government. We need an explanation and it is important that the Minister should tell this House what he means by saying "and the Government" as different from the President?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, in fact, we did not need this but the relevant Departmental Committee is the one which felt that we should include this just in case there is a change in the Constitution. But this was in fact, a proposal by the relevant Departmental Committee and we are just accommodating it.

**Mr. Ita:** Mr. Chairman, Sir, although you refused me to say something about my earlier suggestion because I had not put the proposal, I am very concerned about the protection of the complainant. We know in this country that complainants can be victimised and one of the duties of the Commission is to protect the complainant from "kuandamwa na kufanywa mambo mengine". Can the Minister tell us where the complainant is being protected in this Act?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I think the hon. Member is completely out of order. I do not know what he is referring to.

**Mr. Maore:** Mr. Chairman, Sir, we are talking about the provisions of Clause 26(4) where they are stating that "the Commission shall hear separately and in private". When people appear before the Commission,

they will put their case and nobody will know what they will have put. Whoever is accusing them must be there to cross-examine them even though it is in camera. So, we are seeking clarification. The Minister is aware of the Detainee Review Tribunal which never works! It has never helped any single detainee because nobody knows what it is doing.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I still maintain that he is out of order. I think he should wait until we come to Clause 27 and his question will be relevant.

**Mr. Anyona:** Mr. Chairman, Sir, it is very clear to me that the Minister has not yet made up his mind about what the difference is between the President and the Government. If it is the Committee which insisted, can we ask the Chairman of the Committee to explain to us what it means? This Parliament cannot pass things which do not make sense. Could we have someone explain this?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we can agree to omit that.

**Mr. Deputy Speaker:** Order, hon. Madoka! What are you omitting?

**The Minister of State, Office of the President** (Maj. Madoka): I agree that we can delete the word "and the Government."

**Mr. Wambua:** Mr. Chairman, Sir, since I am a Member of that Committee and we agreed that we did not want to use the word "President", if we omit the words "the Government", then we will of course, remain with the word "President" which we were against as a Committee. We agreed with the Minister to put the words "and the Government" instead of the word "President".

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, we did not agree to remove the word "President." What you pushed for is that we should add the words "the Government". This was the recommendation of the relevant Departmental Committee and we are prepared to delete that. So, I move that we delete the words "and the Government."

*(Question, the that words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to.*

*(Clause 26 as amended agreed to)*

#### Clause 27

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 27 be amended by inserting the following new sub-clause immediately after sub-clause (3)-

(4) A person aggrieved by any decision of the Commission may appeal to the High Court within 14 days.

*(Question of the amendment proposed)*

*(Question, that the words to be added be  
added, put and agreed to)*

*(Clause 27 as amended agreed to)*

#### CLAUSE 28

**Dr. Kituyi:** Mr. Chairman, Sir, I have problems with Clause 28. This Clause, as proposed, potentially runs contradictory to the provisions of Section 7 of Cap.19, The Public Archives and Documentation Services Act, provides for under what circumstances public documents may be destroyed; duplicates or any other documents. If we are providing for intelligence personnel to destroy documents, we should do it subject to the provisions of Cap.19.

Secondly, it is even a more worrisome thing. There is no provision in the proposed clause for what rank of officers can decide what documents may be destroyed, whereas in Cap.19 it is the Director, subject to the approval of the Minister with the recommendations of the officer primarily responsible for that section who may declare that even a duplicate may be destroyed. Here we are allowing discretion where very critical important archival documents may be destroyed by a junior officer with a provision in an Act of Parliament.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, allow me to ask the Attorney-General to answer that question.

**The Attorney-General** (Mr. Wako): Mr. Chairman, Sir, I think the hon. Member has not read the intent and purpose of this particular clause. In other words, The Public Archives Act does not come into operation at all. This clause, if you read carefully, is to enable the agency that we are setting up to have and keep those documents which are connected directly with their work; and which are connected with the detection of activities prejudicial to the national security and so on. Those documents which are related to their activities will be kept and of course it will be subject to the Public Archives. But there are many documents which, in the course of their work, they collect and which are utterly irrelevant to their work and which may, in fact, be prejudicial to the person whom they are investigating.

We know that all over the world, intelligence agencies have kept information which are not so much related to their work, but which may be prejudicial to the individuals concerned and at the right time, they release that prejudicial material through the Press to destroy and character assassinate people. In fact, this is what I am saying; that if in the course of their work they collect such material, they should destroy it completely and only retain material which is relevant to their work.

Mr. Chairman, Sir, if we have to give the interpretation that he is giving here, it means that even secretaries in the offices and junior officers should not destroy anything because everything must be kept in the Public Archives. Obviously, that will be an absurd interpretation.

**Mr. Anyona:** Mr. Chairman, Sir, whereas this clause may be correct, in the course of their work, the Special Branch collected a lot of things from people. I have many of my books and documents which are still with you, Mr. Attorney-General. You have not given them back to me after I won the case. Can we allow people to go and collect properties from other citizens of this country and then decide that they can just destroy them to hide the guilty of what they are doing? What control is there to make sure that if they go and collect materials which belong to other people, they will not destroy that material and that such people can have that material back when they are free to do it. I think it is dangerous to leave this thing the way it is. I wish to take this opportunity to ask the Attorney-General to let me have my documents returned to me and my colleagues.

**The Attorney-General** (Mr. Wako): I know that when hon. Kathangu was contributing to this Bill, he also referred to part of that history of our country, in reference to you and so on. Obviously, hon. Anyona knows that if he is referring to the records of the High Court which related to his various cases, then he obviously knows that the Attorney-General is not the head of the Judiciary. Those documents are with the Judiciary. I am not aware of any documents in my office which belong to hon. Anyona.

**Mr. Anyona:** Mr. Chairman, Sir, I am referring to my documents which were collected from my car when we were arrested at Mutugi Bar and taken to Kilimani Police Station. They also collected documents when they did a search in my house at Madaraka which were never brought to court and they still have them. Can we give this agency a leeway to go and take people's property to go and sell? I am not satisfied with this! The Minister will have to do something before we dare pass this Bill. We cannot give these people a blank cheque to go and take people's property and then we say this!

**Mr. Chairman:** Mr. Minister, I think they are asking you what safeguard do citizens have against the confiscation of their documents and safeguarding them from getting destroyed?

**The Attorney-General** (Mr. Wako): Mr. Chairman, this section does not deal with that problem. The section on Complaints Commission deals with that problem. If in future he has any complaint against any officer who may have confiscated that property and so on, he can complain to the Complaints Commission and we will make appropriate orders.

**Dr. Kituyi:** Mr. Chairman, Sir, the Attorney-General devalued the import of my original concerns by laying claim to my not understanding what is provided in the clause. But notwithstanding my ignorance, bear with me to just get this logic. I have referred to Section 7 of Cap.19 which not only sets out that some documents should be destroyed if they are duplicates, but more importantly, it defines an officer; what rank may decide that certain documents are duplicates and may be destroyed and who he will consult. Where the Director of the National Archives is of the opinion that any public archives or records are duplicated, or that for some other special reason any public archives or records should not be preserved, he may with the approval of the Minister

and of such other person as the Minister considers to be primarily concerned with public archives or records of the category in question, authorise the destruction or disposal of such public archives. That means there has to be a definition of which officer decides that this duplicate is relevant and in consultation with who and he may move to destroy it. But here you are allowing a junior officer to destroy documents and you tell us that you can go to the Complaints Commission and the documents have been destroyed. Why do we have to go to the Commission after the destruction of the documents? Can we have an amendment that defines who may decide on what may be destroyed other than saying it will be upon a person to decide? We can have a central archives to keep those documents until we decide that they be destroyed but do not allow every junior officer to destroy important documents!

**The Attorney-General (Mr. Wako):** All I can say is that the documents relevant to the activities of the agency will be part of the public records and, therefore, will attract the provisions of the Public Archives Act and that procedure will be followed.

*(Clauses 28 and 29 agreed to)*

*Clause 30*

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Chairman, Sir, I beg to move:- THAT, Clause 30 be amended by inserting the words "and the Council" immediately after the word "President".

*(Question of the amendment proposed)*

**Mr. Wambua:** Mr. Chairman, Sir, I entirely agree with whatever the Minister is saying. This was discussed in the Committee--- Of course, in the past, the intelligence used to report to the President and we said that we should remove the word "President" and put the word "Council"; so they should report to the Council and not the President. If we insert the word "Council" after "the President", it means they will have to report to the President and the Council. So, the word "President" should be removed!

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Chairman, Sir, we would not really want to remove the word President on this one.

**Mr. Kikuyu:** Could the Minister tell this House why he does not want to remove the word "President"? We are making constitutional changes. We are not talking about the present President of the country. We are talking about the Kenya of tomorrow. Why do we not want to remove the word "President"?

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 30 as amended agreed to)*

*(Clause 31 agreed to)*

*(Schedule agreed to)*

**Dr. Kituyi:** On a point of order, Mr. Chairman, Sir. I sympathise with your concern. You are trying to help a Minister who, after accepting a certain change in name earlier on, *mutatis mutandis* should have changed the first two provisions he is asking for now, but he is not moving that. Can you just oblige him to consult and move properly now?

*Title*

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Chairman, Sir, I beg to move:- THAT, the title of the Bill be amended by:-

(a) deleting the word "and".

(b) transposing the words "intelligence" and "Security".

Mr. Chairman, Sir, the title will now be,

"The National Security Intelligence Service."

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Title as amended agreed to)*

*Clause 1*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move:- THAT, Clause 1 be amended by deleting the words "and Security" in line two. Mr. Chairman, Sir, it will now read:- "The National Security Intelligence Service Bill".

*(Question of the amendment proposed)*

**Mr. Anyona:** On a point of order, Mr. Chairman, Sir. The hon. Minister is moving an amendment which he wants us to adopt and he is changing the Clause from "Act" to "Bill". That is wrong.

**Mr. Chairman:** Order! The official record, which we have here, has not removed the "Act"; the "Act" is still there.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 1 as amended agreed to)*

**Dr. Kituyi:** On a point of order, Mr. Chairman, Sir. All organs established in an Act of Parliament in the preliminary stage are defined in the definitions. Since the Minister has moved an amendment to provide for the establishment of a National Security Intelligence Council, where does he put the definition of "council" in the preliminary?

**The Minister of State, office of the President** (Maj. Madoka): Mr. Chairman, Sir, if the hon. Member followed our deliberations, in Clause 2, we did define what a "council" is.

**Mr. Chairman:** It is on page 671, Dr. Kituyi. The word "council" means the National Intelligence Council established by Section 23.

**Dr. Kituyi:** Mr. Chairman, Sir, since later on, while giving the Council, we changed its name, the Minister is defining something that does not exist in the body of the Act. He should change here what he calls "Council" to "National Intelligence Security Council."

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I do agree with the hon. Member. It will be the National Security Intelligence Council.

**Mr. Chairman:** Order! That is a consequential amendment which, in fact, the Chair, under the Standing Order, has power to carry out.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The National Intelligence and Security Service Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Mr. Musila) in the Chair]*

**REPORT, CONSIDERATION OF  
REPORT AND THIRD READING**

THE NATIONAL INTELLIGENCE AND  
SECURITY SERVICE BILL

**Mr. Omino:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The National Intelligence and Security Service Bill and approved the same with amendments.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Assistant Minister, Office of the President** (Mr. Sunkuli) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I beg to move that The National Intelligence and Security Service Bill be now read the Third Time.

**The Minister for Agriculture** (Mr. Mudavadi) seconded.

*(Question proposed)*

**Prof. Anyang-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I would like to make a few comments in the Third Reading of this Bill because I did not have the opportunity during the Second Reading. The title of this Bill, which will be an Act, reads: National Security Intelligence Service. I hope it will indeed, be a "National Security Intelligence Service" because the manner in which the security system has extracted information from innocent citizens like myself in the past has been in the least intelligence version. I do hope that this body will be divorced from the political wing of the Government. I also hope that it will serve the Republic of Kenya professionally, intelligently and with competence. I hope that the archaic method of extracting information from citizens through torture and intimidation will definitely not be part of intelligence gathering any more. I do hope that as the House puts a stamp of approval on this Bill, which will become an Act, that stamp of approval will be a strong message to the Executive that from now on the intelligence wing of the Government will be intelligent. I hope that it will be impartial in serving both those who agree with the Government and those who stand, as a matter of principle, in critic to the policies of that Government.

Mr. Temporary, Deputy Speaker, Sir, I beg to support this Bill.

**Mr. Wamae:** Thank you, Mr. Temporary Deputy Speaker, Sir. In approving this Bill, we would like the Minister to take into account that there are some people in the intelligence service today whose image is thoroughly tainted and will not fit in the new intelligence service we are creating today. We would like them to be "weeded" out because they will not fit in the new intelligence service. So, before the new intelligence service come into operation those who cannot fit in it should be retired honourably for its sake. This will enable us to have a new intelligence service, untainted and with people who are committed to the interests of Kenyans and not those of individuals. We hope we will not have people who have been used to suppression or torture wananchi and other people. I hope the Minister will take this issue into account.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

*[Mr. Temporary Deputy Speaker  
(Mr. Musila) left the Chair]*

*[Mr. Deputy Speaker took the Chair]*



**MOTION FOR THE ADJOURNMENT**

## ADJOURNMENT OF THE HOUSE SINE DIE

**The Minister for Agriculture** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House do now adjourn *sine die*.

Bearing in mind that I only have five minutes to move this Motion, I hope it will get the support of the whole House. This is because we need a good break after doing a good job in clearing quite a number of Bills. Just to recap, for instance, the Second Session of the Eighth Parliament dealt with 15 Bills which were introduced in this House. Out of the 15 Bills which were introduced, 11 were debated and passed, including the one that we cleared this afternoon. The Constitution of Kenya Review Commission (Amendment) Bill was also a very important milestone in this particular Session of Parliament. There have been a few other important Bills such as The Kenya Communications Bill. This Bill will enable the telecommunications sector to be privatised, and get funds to make it more efficient.

Equally, it is important to recognise that a number of Motions were introduced in the House during this session. We had close to 50 Motions which were introduced in this House. Sixteen of them were party-sponsored Motions. Of significance, for instance, were those that set up the Select Committee on Corruption, Ombudsman's office and the Parliamentary Service Commission, amongst others. These Motions were debated and adopted by this House. Thirty four Private Members' Motions were also introduced in the House. These included the Motion of no confidence in the Government which was moved by Mr. Orengo. This Motion was deliberated on by this House and disposed of.

It is also important at this stage to recognise the performance and the work which was done by the Departmental Committees of this House. These Committees have been moribund in the past, but it should go down on record that this time round they have been very active. Five of them dealt with a number of Bills. They have also brought in very fundamental amendments to the numerous Bills that we have dealt with in this House.

I would also like to point out that Parliamentarians participated in the affairs of the Commonwealth Parliamentary Association (CPA). Some of our hon. Members represented Kenya and our National Assembly in the fora of the CPA. I would like to thank them for that role they played.

It is also important for me to say at this stage that when we go on recess, it will be paramount that we start interacting with our constituents. We should educate them on the constitutional review process which this House has ratified and put in motion. We do hope that, come next year, the whole process will start and move on smoothly so that Kenyans can put together a Constitution that they will truly believe in and be satisfied with. This will help them in the new millennium.

Mr. Deputy Speaker, Sir, I will also fail in my duty if I do not take this opportunity to thank the Members of Parliament, from both sides of the House, for deliberating and helping in the Parliamentary business that we dealt with. It is important to recognise that this was a Session where there was a lot of consultation and dialogue on both sides of the House. I would like to say that this is a very healthy attitude and development. We should continue discharging our responsibilities in this House in that spirit of dialogue and consultation.

Hon. Members have done a good job. Dealing with all these Motions and Bills is something that will go down on record as one of the periods when we have demonstrated that the Eighth Parliament and its MPs are closely embracing the process of multiparty politics. I would like to support the move and the spirit in which we have operated during this particular Session.

With those remarks, I would like to hear some comments from other hon. Members. I wish them a nice Christmas and Jamhuri Day, so that we will all come back next year rejuvenated and discharge our duties as expected of us by the people who brought us to this House.

With those remarks, I beg to move.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Mr. Deputy Speaker, Sir, I rise to second this Motion. While seconding this Motion, I would like to stress on one of the achievements of this House which has made it look business-like and mature. The House Business Committee, which normally regulates the business of this House, has been functioning very well. The same case applies to the Departmental Committees.

Multipartyism has been entrenched and accepted as a norm in our country. This Session has been very busy. We have seen the discipline that this country has achieved in solving teachers and bankers problems. I believe that with such discipline we should be able to organise ourselves and educate our people on the constitutional review process, which came before us after we passed the Constitution of Kenya Review (Amendment) Bill.

There is a lot that has been happening in the country which requires more time for Members of Parliament to visit their constituents in order to educate them on details of what we have been doing in this particular House. For example with regard to the question of the constitutional review that is coming, we need to educate the people and tell them what to expect. We also need to guide them so that when the Commission does finally visit them they will be able to understand the mission and offer their views unsolicited so that, that Commission will succeed.

There is also another Commission going around at the moment looking for views with the aim of reviewing of the 8-4-4 system. That is also an area where our people need to understand and perhaps, more so, as regards the Community Service Orders Act that is now going to apply in certain cases. Those are some Acts that have an impact on ordinary mwananchi which need to be explained so that they will understand the way we have been debating in this particular House. We have seen the privatisation programme going on and the necessary legislation has been effected in terms of telecommunications, energy and all the others. Perhaps what we need to pay attention to is the impact of privatisation and liberalisation as done to our farmers. The farmer today is affected more than anybody else and so our infant industries in this country need to be assisted and guided so that they can cope with the problem as it is at the moment.

There are countries which are benefiting at our expense for example South Africa. I think we have allowed too much dumping to the detriment of our own industries and the future employment of our own people and, therefore, the question of their standards of living. Those are some of the things that we need to pay attention to and I believe we can do so when we are able to spare more time to be with the farmers and the business community so that they can know from our own Members that today it is the private sector that is going to be the prime mover of the economy of this country.

There was release of certain names recently. I was away myself. I was surprised to see that in that release which I believe was wrong in the first place, my name, K.N.K. Biwott was also mentioned as owing a colossal amount of money. I would have wanted to discuss it while the matter was before us here. I would like to say that I do not owe that money in the name of K.N.K. Biwott. That was malicious and selective. I believe that I pay my debts, taxes and everything. I do not owe that money as it is stipulated in that particular statement.

With those few remark, I beg to second.

*(Question proposed)*

**Mr. Deputy Speaker:** I would like to bring to the attention of hon. Members that this Motion is listed for three hours. Since we have over-shot our time the House will now rise at 7.45 p.m. So, you have three hours to debate this Motion and every Member has five minutes.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I support the Motion. First of all, I want to request the Government that when we are in recess they should stop the destruction of forests. It is a disgrace to the whole world that forests are being destroyed freely by people who are not being controlled. The Government has that responsibility. Secondly, we should now settle those people who were displaced and are now living in camps. It is time to settle them back to their own land then we can promote greater understanding and more peace. There is too much talk about land grabbing but we know as citizens of this Republic that we hold the Government responsible for land grabbing especially the way they are grabbing even land belonging to hospitals. They have grabbed land belonging to a hospital in Nyeri. The Government is responsible. We hold them guilty. As you and I know no land can be registered except by the Commissioner of Land. So, if the hospital land has been grabbed it is being registered by the Government. The Government is destroying hospitals and schools giving them to greedy people who are supported by the Government. The Government is 100 per cent guilty and they will all go to hell.

The point I am making regarding land grabbing refers to all the other properties that are being grabbed. No person is grabbing and registering the land for himself. It is being allowed by the Government and they know it. Therefore, they should not hide behind phrases. As farmers, we want the Government to help the ordinary farmer by buying the maize and wheat and keeping it in stores. That is a responsibility of the Government. To neglect it and say we have privatised is foul. We have that body so that it may help the farmer. We want them to buy and store the maize and wheat so that when prices change we will have our own food. We cannot leave the farmer to be exploited by the middlemen who are doing it very effectively.

The Government told us it was going to repair the road damage caused by the *El Nino* rains. There was so much money allocated, but no work is being done. Even Mombasa road is not being repaired at all. Some of those people who have been registered to do it have no equipment. Why were they given the job? We want this work on the roads to be done. We cannot have any particular economic revival until that is done. The rate of interest has come down because the Government is not borrowing as heavily as it used to. We hope that during the recess the

Government will remember the law we passed in this Parliament limiting the borrowing by the Government and that they will become law abiding. We hear rumours that they would like to break that particular rule and go back to borrowing once more. That would be very criminal. We hope that they will not do criminal things during the recess and that they will maintain the goodwill of this nation. The rate of interest has now come down to 15 per cent and we hope that it will come down even further because that is the way we shall revive the economy.

Finally, we passed a Bill here setting up the telecommunications. It is a disgrace that in the Republic of Kenya mobile telephones are so expensive whereas in Malawi, Tanzania and Uganda everybody can afford a mobile telephone. In Kenya it is because of a structure which favours certain individuals to exploit the rest of Kenyans and that system is being maintained by the Government. Now that we have passed the law we want the Minister of Transport and Communications to take action now and to open the whole system so that there is effective competition.

While he is at it, he should also co-ordinate with the Minister for Information and Broadcasting. We want them to give the licences to those people who have applied for television and radio stations. We had agreed during that famous IPPG agreement and co-operation that action should be taken in that line. Now we keep hearing excuse after excuse which shows that the Government does not want to license people to have television and radio stations. They are denying us information which again is criminal in the modern age. Information should be our right and we have a right to have proper information. How can you go on telling the *Daily Nation* newspaper: "We shall give you licence once upon a time in the history of human being". Why is the Government scared of liberalising information? We want and demand it. Kenyans need it. Uganda and Tanzania have liberalised information and here we are remaining behind.

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

**The Attorney-General (Mr. Wako):** Mr. Deputy Speaker, Sir, from the beginning of the year, we have seen a number of positive developments that have occurred in this country. I will just mention two; the first one is the agreement on the process of constitutional review. This is a matter that has been with us for a very long time, and the campaign for it gathered momentum in the early 1990s, until on 31st July, last year, the Government published a Bill. The IPPG made substantial amendments to it before it was enacted into law in November, last year.

Then, clashes occurred towards the end of the year and the beginning of this year, and this again threw the whole process into doubts. But I am glad to say that the process that began this year on 11th May, 1998, culminated successfully at the Fifth Safari Park meeting on 5th October, 1998 and, thereafter, coming into this House and enacting that legislation into something that, we, as Kenyans, can be proud of.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Musila) took the Chair]*

Sir, I believe it was Shakespeare who said in the book of *Julius Caesar* that "There is a tide in the affairs of men which, if taken, leads on to fortune, but if you miss that tide, the rest of your life is in misery".

One can say that as far as Kenya is concerned, this tide is the agreement on the process of the constitutional review. Therefore, I would urge all Kenyans to take that time and to view and take on the special historic responsibility that has been bestowed on this generation of Kenyans to shape the future of this country; to be able to shape not only the future of yourself and your children, but the future of many generations to come, because the document that is going to come out of this process is a document that is supposed to be there for posterity.

Therefore, my appeal to all Kenyans, as we adjourn, is that they should now start considering, thinking and consulting very much on the constitutional issues that are about to come up, so that at the end of the process, as Kenyans, we can agree on the process of the constitutional review. So, I urge all Kenyans to take their responsibilities very seriously. I would, particularly, urge all those nominating bodies under the Act, to take even their responsibility more seriously, because the quality of the work that may come out of this process will depend very much on the quality of the members of the Commission that are going to be appointed. We want Members of the Commission who are men of integrity, experience, who are prepared to listen to what Kenyans want and men who will translate faithfully and accurately what Kenyans are saying, through this document called the Constitution.

Therefore, those nominating bodies should not just look around and nominate any person who is around, but they should think very carefully before they nominate. Let us use this recess to think very carefully and I am

saying let us use this recess because I know that among the nominating bodies, its the Inter-Parliamentary Committee which is supposed to nominate 13 Members. Among the nominating bodies are the Co-ordinating Committee of the NGOs, the Women Political Caucus and various religious organisations. Let us start thinking now so that when the Act comes into force, we will be ready to move with speed.

There is, of course, the issue of civic education. I know many organisations are very much interested in this area. The Act says that the Commission shall conduct and facilitate civic education. Again, let them prepare themselves so that when the Commission is formed, in conjunction with the Commission and in a coordinated manner, they will cover the entire Kenya.

Many things have happened and with those few remarks, I support.

**Mr. Ojode:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support this Motion, but while supporting it, I would want to ask Government officials, at least, to show some kind of transparency.

The way we have been running our Government institutions is totally wrong! The reason why I am saying that is because we find that a Minister can collude with suppliers and "eat" or "pocket" money which is meant for public use.

Sir, I am saying this because, as I am talking to you, there is this fluid which is known as "Normal Saline", which was ordered by the Ministry of Health; 186,000 units are being destroyed and yet, Kshs45 million has already been paid. As I am talking to you, that Afya House which houses the Ministry of Health is known as "Mafia House". That House is rotten and it is rotten because non-qualified staff are the people who are managing that Ministry.

Sir, there was no point of a Minister coming to challenge my evidence here that nothing was "eaten" in that tender; the scandal of Kshs95 million. And yet, he proves that Kshs47 million was cancelled after payment had already been made. It is quite awful! There was no way they could pay Kshs47 million without delivering a single drug. When one goes to the constituencies of all these Members of Parliament, there is no single drug in their hospitals. If they have, let them come out and challenge it. The Kshs37 million which was accepted by the Minister was paid and they were still waiting so that, if there is nobody who could come up with this, they will split the money and "eat" but unfortunately, a good Samaritan helps Ojode to get the documents in order to reveal this secret. That is why the supplier was hurriedly supplying some sub-standard drugs last week, and Central Medical Board said "no", because they were not packed.

Sir, the Kshs47 million which I am still insisting on, which totals to Kshs95 million, was paid and the cheque is there. Then, somebody somewhere made a calculation for public relations exercise for a layman to know that this voucher was cancelled. The Kshs47 million, it was only page one which was cancelled after the stamp obtained together with the cheque number had already been written. That is why I challenge the Minister, at what stage does he have this stamp obtained within the Ministry?

That stamp was made when the voucher had already reached the Cash Office. If at all the Kshs47 million was cancelled, let the Minister bring the cheque which was cancelled, together with all the documents, and then we will believe that the cheque of Kshs47 million was cancelled. As of now, I have evidence and I will not give it unless the Minister brings the cheque which was cancelled after the payment had been made.

Let the Minister also come up and tell us why Ms Bulk Medical Services Limited had already been paid for drugs which had not been delivered. Who is going to pay Kshs45 million which had already been paid to the company? What was the hurry in giving advance payment and yet Ms Bulk who had already indicated even through his letters which had been laid on the Table here, that he had the drugs in stock? What was the hurry in paying him immediately and yet the drugs were in stock? That is why I am saying that this was a scandal, and let the Minister come out and say why he did pay Ms Bulk Medical Services Limited when the drugs had not be delivered.

Mr. Temporary Deputy Speaker, Sir, yesterday I read in the HANSARD that---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Ojode! Your time is up. Hon. Sumbeiywo!

**The Assistant Minister for Planning and National Development** (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First, I would like to congratulate all my colleagues from both sides of the House for having shown the spirit which the electorate expected us to come and show in this House. That is the co-operation we have seen in this House during this Eighth Parliament and hence we have passed so many Bills and Motions in this House that are going to help our people, especially the Constitutional Review Commission Bill, the National Security and Intelligence Bill, and others which have already been mentioned by some of my colleagues who spoke earlier.

It is now time for us to go and meet our people so that we can tell them what we have done exactly and, what the Government expects of them, as far as the Constitutional process is concerned. We want to educate our people because what we are aiming at here is to come up with a Constitution that this country will use for more

than 200 years, before it is changed to ensure that our people live together in peace. Now that we have passed the National Intelligence and Security Service Bill, I hope that the officers who are going to be employed in that organisation will be people of high integrity; people who are not susceptible to corruption and other vices.

When we go on recess, I am sure our electorate who are mainly farmers, are going to ask us, especially those of us who come from the maize growing areas, how they are going to dispose off their maize. I would like to appeal to NCPB to look for money. If Kshs2 billion was found to bail out the National Bank of Kenya, I am sure that money can be found from somewhere to give farmers Kshs700 million to pay for their produce so that NCPB can store that grain instead of importing when it is scarce during drought periods. This will help us during periods of scarcity because we can go back to our maize stores in the NCPB.

Mr. Temporary Deputy Speaker, Sir, I would also like to appeal to the Minister for Water Resources to try and help the headquarters of Keiyo District. As I am talking now in this House, people go round looking for water for several days. To make matters worse, the district hospital which is next to the district headquarters has no water and mothers who got there to deliver face a lot of problems. Their relatives have to carry water for them to wash and to do all that is needed during delivery. Even the DC's office has no water. And the excuse given is that the pump broke down and the engineer is working on it, which is not true. I would like to appeal that, that district be considered so that the district headquarters has some running water. It is pathetic to have such a situation, 35 years after Independence.

I would like to appeal to most of my colleagues in this House to visit each other so that the co-operation spirit is enhanced.

With those few remarks, I beg to support.

**Ms. Matano:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia fursa hii niungane na mkataba huu.

Kwanza ningependa kutoa shukrani nyingi kwake Mungu kwa kutuweka salama sisi Wakenya hadi leo na tunamwomba aendelee kutubariki. Pili, ningependa kutoa asante nyingi kwa Wabunge wenzangu ambao kwa muda mfupi tumekuwa pamoja kwa hali nzuri isiyokuwa na matatizo.

Ningependa kugusia Wizara ya Ardhi na Makao. Nikisema kuhusu jambo hili, nasikitika kwamba Waziri wa Ardhi na Makao ni mwenzangu huko Pwani, lakini sikusudii kumkera. Isipokuwa sisi watu wa Pwani tumekuwa na matatizo mengi kuhusu ploti. Watu wa Pwani mpaka leo ni maskwota. Ajabu ni kwamba mtu aliyezaliwa Pwani hajui hata hati ya nyumba iko rangi gani. Lakini wageni wana vyeti vya kumiliki ardhi. Kwa hivyo, ningependa kuchukua fursa hii kuwaeleza wenzetu kwamba viwanja vyetu vya Pwani tuwaachieni wenyewe.

Jambo lingine ningependa kugusia Wizara ya Serikali za Wilaya. Tumekuwa na matatizo na Idara ya Nyumba na Huduma za Jamii huko katika Manispaa ya Mombasa. Imekuwa ikidhulumu watu wa Mombasa kwa muda mrefu kwa kutoa registration mara mbili na aina nyingine za dhuluma nikiwa na usahidi kamili.

Hivi karibuni mlisikia niliandikwa katika magazeti kwamba nilikuwa kortini nikafanya fujo. Hivi sivyo ilivyokuwa. Nilikwenda kortini kama Mkenya kwa lengo na makusudio ya kuona vile wananchi wanavyopata taabu katika afisi zote za Serikali. Lakini jambo la kushangaa ni kwamba, huko katika ofisi ya haki, nilikuwa nauliza faili mbele ya ofisi ya korti, sikuwa katika ofisi ya Mkuu wa Wilaya. Na hiyo faili haikuonekana mbele ya ofisi ya korti. Ilikuwa ni jukumu lao wanieleze nitaitafuta wapi.

Jambo ambalo ningependa kugusia ni haya mambo ya Harambee. Harambee zimekuwa nyingi, ndugu zangu. Siku hizi hata mtu akitaka kuo na harambee, mtoto akitaka kuenda nasari ni harambee. Tuziangalieni hizi harambee. Mwananchi unapochagua kufanya harambee uangalie harambee ile. Ujue kwamba Mbunge si Benki.

Jambo la lingine ni elimu. Ningewauliza akina mama wasomeshe sana watoto wao wa kike kwa manufaa ya watoto hao baadaye. Na huu mfumo wa elimu wa 8-4-4 umetuumiza sisi wazazi, wanafunzi, na hata walimu.

Jambo lingine ni kuhusu barabara. Barabara ya Mombasa-Nairobi ni mbaya na sote tunafahamu jambo hilo. Pia barabara ya Mombasa-Lamu ni mbaya. Ningezungumzia jambo hili kwamba tuliangalie, na iwapo litachukua muda, basi watu wa Mombasa tuwe totalipwa rough mileage.

Tunasema kwamba kuna uhuru wa kuabudu Kenya. Iwapo tuna uhuru wa kuabudu, sisi Waislamu tukiwa wengi katika Kenya, tuna siku moja pekee ya Iddi. Ningependa kuuliza tupatiwe siku ya Iddi ya pili. Sisi watu wa Pwani ni watu wastaarabu na wapole sana. Lakini jambo ambalo limetusikitisha hivi karibuni ni kwamba kulikuwa na uvunjaji wa msito wa Karura na Serikali ikanyamaza. Lakini ukuta wa Mombasa ambao gharama yake hata laki moja haifiki, waliuchukulia hatua. Sasa hapa tunashangaa ni mfumo gani Serikali inayotumia juu ya watu wa Pwani na watu wa bara. Vile vile, nahimiza umoja wa wamama na vijana hapa nchini, na Wakenya wote. Ningependa kuwaomba Wakenya wawape akina mama hadhi yao. Kwa sababu hao pia ni Wakenya. Mimi ninataka niheshimiwe kama mama kwanza, pili niheshimiwe kama Mkenya, halafu ubunge utakuja baadaye.

Jambo lingine ni kwamba ningependa kugusia ni kwamba, tuko Wabunge sita pekee yake akina mama

hapa katika Bunge la Kenya. Ningeomba Serikali ichukue fursa hii kutungengea sisi nafasi zetu special kama vile ilivyo nchi jirani ya Uganda. Inafaa tuwe na Wabunge wengi wanawake katika Bunge hapa Kenya. Tumechoka kutolewa kama mfano wa nchi zilizodhoofika. Tungependa Kenya iwe mfano wa nchi zilizoiimarika. Nikiwa Mwenyekiti wa Catering Committee, ningeomba uhusiano wa Wabunge na kamati hii uwe mzuri; tushirikiane na tupendane. Iwapo kuna makosa, tutafute suluhisho lakini tusiseme tuko nyuma. Ni muhimu sisi kama Wakenya tuungane. Tuweke kando tofauti zetu za kisiasa na tuangalie maendeleo kwanza.

Jambo lingine ni hali ya kunajisi. Ningeomba Serikali uchukue jambo hili kwa hali ya juu. Inafaa yeyote anayanajisi awekwe ndani maisha yake. Na yeyote mwenye kutia mimba mtoto wa shule; sugar daddy, awekwe ndani maisha yake, maanake amemharibia mtoto yule maisha yake.

Asante Bw. Naibu Spika wa Muda.

**The Assistant Minister for Energy** (Col. Kiluta): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Adjournment Motion this afternoon. First, before I make my remarks, I would like to take this opportunity to wish everyone of you a merry Christmas and a prosperous new year because we might not meet again after we leave here, until when we come back in March next year. Have a merry Christmas, those who have money, enjoy yourselves. Those who do not have money, please, come and stay with me.

Mr. Temporary Deputy Speaker, Sir, I will leave this place for my home a very, very worried man, because I lack answers for most of the questions I face when I get home every weekend. We either sit here in Parliament and do what we are supposed to do here, or we agree that we legalise corruption, because, we have got the authority here. We should tell Kenyans that we have agreed to be corrupt, so that we all become corrupt. That way, we can all join the bandwagon and loot. When we go home, we are going to be asked questions about the National Bank of Kenya, Karura Forest and land grabbing all over Kenya. I really do not know where we are heading to.

Unless hon. Members of Parliament are going to set a good example here, then there is no point blaming people outside this building. Because, we are the law-makers and actually, the most corrupt fellows are here. I am told that what was revealed about the National Bank of Kenya was only a tip of the iceberg. We have not yet heard about the Kenya Commercial Bank. When we come to it, all your names will be there. What moral justification do you have when you get home, when you have looted and you want to go and tell people that you are their leader?

Mr. Temporary Deputy Speaker, Sir, we have formed a habit of running down institutions so that we can run them ourselves. A very well run institution is run down by an individual so that they can buy it. For example, there was Rivatex and KMC which are no longer there. Now, we are looking forward to running down TARDA, because we want to buy it. That trend is bad, and as Kenyans we must come out of that. We are the people to set the pace here.

Mr. Temporary Deputy Speaker, Sir, TARDA was financed by the World Bank. That money was not KPLC's, it was money given by the World Bank. Now, someone wants to run it down and take it from where it is to another place, so that they can buy it cheaply when you privatise the power sector. We are seeing that, but since we do not have the authority to tell them to do so, they want to do it so that they can loot correctly. This is wrong. TARDA was set up to look after the local areas and so is KVDA. They were supposed to assist the local people. In my constituency, there is Masinga Dam and Kiambere. The proceeds from these dams are supposed to help the people of those rural areas, but that is not happening. Since somebody has realised that we are supposed to ask for this money--- I thank the Ministry concerned, because I heard they went to court and won the case, but when they finalise the case, they should remember that there is our two per cent in that money. Masinga Dam should be given two per cent.

Mr. Temporary Deputy Speaker, Sir, we passed votes for various ministries in this House, and I supported votes for all the ministries. In return, I expected to get an equal share, but that does not seem not to be forthcoming. We have gone back to where we were in the last Parliament and demand of our share of the cake. If some of the ministries we supported here are not performing - Like I have not seen a grader doing roads in my constituency - then I will go back and demand a share of my cake. What I am saying is, let us have fair treatment for everybody in this Parliament and let us stop being corrupt.

With those few remarks, I support the Motion.

**Mr. Karume:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii nami niseme machache. Wengi wamesema kwamba wamefurahi kwa sababu wanaenda nyumbani. Vile mnavyojua, mimi ni mfanyi biashara, na kama biashara yangu haipati faida, siwezi kufurahi. Mwaka huu wote tukiwa katika Bunge hili, sijui tutaenda kuwaambia watu nyumbani nini. Kama mfano, sijui nitawambia watu wa Kiambaa ni nini nimewasaidia nacho. Wataniuliza pesa ngapi za barabara, maji na shule nimewapelekea. Sijua nitawaambia namna gani kwa sababu hakuna maendeleo yanayofanyika katika Serikali hii. Hata hii miswada tunapitisha hapa haina maana.

Ninajua hata Mawaziri wenyewe wana taabu kwa sababu hakuna pesa. Kupitisha miswada ni kama kufanya kazi ya hasara hapa. Kwa hivyo hafaii kufurahia kuenda nyumbani. Pengine tutaenda nyumbani kusaidiana na wananchi kutafuta mawe ya kutengeneza barabara (quarry chips), kwa njia ya harambee. Kwa sababu, imekuwa kama sisi ndiyo Serikali. Wananchi wanafanya kazi inayostahili kufanywa na Serikali. Kwa hivyo, infaa Serikali hii iwahudumie wananchi.

Bw. Naibu Spika wa Muda, kuhusuukulima, hakuna mtu anayewahudumia wakulima ilhali katika ulimwengu mzima, serikali yoyote huangalia maslahi ya wakulima sana. Hata afadhali wananchi wakose mahitaji mengine, lakini chakula kipatikane. Hapa nchini tuna bahati, kwa sababu, tunakuza kila aina ya vyakula, kwa mfano, mchele, miwa, mahindi na vyakula vingine. Lakini shida ni mahali pa kuuza. Wakati huu, mahindi yamejaa kule Kitale na gunia moja linauzwa kwa Kshs400, kwa sababu mahindi mengi yanaagizwa kutoka nje ya nchi ili watu wengine wafaidike kwa kupewa commission. Hata sukari na majani ni hivyo hivyo. Mimi ni direkta wa kiwanja kimoja cha majani, na kwa kilo moja tunalipa Kshs14 hadi Kshs17, ilhali wakulima wadogo wa KTDA, wanalipwa Kshs6 ama Kshs7. Hizi pesa zingine zinaenda wapi? Kwa sababu tunatumiwa hali sawa ya usafirishaji na tunauza kwa auction moja na KTDA. Ni vizuri Waziri wa Kilimo atume watu wake wakapate mawaidha kutoka kwa private factories wawaambie ni wapi wananunua magunia. Hii ni kwa sababu bei ile inalipwa na KTDA ni gali, na ile tunalipa ni kidogo kabisa.

Bw. Naibu Spika wa Muda, kitu kingine ambacho ni kibaya sana ni security. Huwezi kulala ukifikiri utalala namna gani. Hakuna security katika Kenya. Kwa hivyo, mimi ninauliza serikali ifikirie hayo maneno. Wengi wetu hatufurahi kuenda nyumbani kwa sababu hatuna kitu tutawapelekea watu waliotuchagua. Ninasikia kuna watu wale wafisadi ambao wanafurahi sana. Mmoja amenieleza ati wacha wafunge miezi tatu--- Hao wafisadi nasikia wamefurahi sana kwa sababu Bunge inafungwa na hakuna mtu atauliza swali lolote. Kwa mfano, tunaambiwa wengine wanakula pesa ya dawa. Sasa ukila pesa ya dawa ya wagonjwa, hata Mungu atakulaani. Kwa hivyo, ni vizuri tuangalie bila kujali vyama; wakati umefika kwa sisi kufikiria mambo ya Kenya yetu. Tuna bahati kwa sababu hakuna watu wazuri kama watu wa Kenya. Kama ni mahali pengine vile watu wa Kenya wamefanywa na hii serikali, ungesikia mambo mengine. Lakini watu wa Kenya ni wazuri kwa kuvumilia. Swali ni kwamba; watavamilia mpaka lini? Hata mtu akiuawa, huwezi ukasikia ni nani amemuua. Wengine wakikamatwa, kesho utasikia wako nyumbani wakijaribu kuua wengine.

Bw. Naibu Spika wa Muda, hayo mambo ya kunyakua mashamba, misitu, shule na, kila kitu; kwa ukweli, serikali ikitaka kusimamisha mambo haya yote, itasimamisha kwa siku moja. Commissioner of Lands akiambiwa asitoe title deed ama allotment letter bila mpango, ni nani atajipatia?

Kwa hayo machache, mimi ninaunga mkono.

**The Assistant Minister for Education and Human Resource Development** (Mr Awori): Asante Bw. Naibu Spika wa Muda kwa kunipa wakati. Ningependa kupongeza Wabunge wenzangu kwa hali njema ambayo tumeendesha mambo ya Bunge hii. Tulipokuja hapa mwezi wa tatu mwaka huu, kulikuwa na nyuso nyingi ambazo zilikuwa mpya na kulikuwa na wasiwasi kwamba tutaendesha habari ya hapa namna gani. Lakini ninataka kushukuru wale ambao walitayarisha kongamano lile ambalo tulikuwa nalo la wabunge, wataalamu na watu wa Benki Kuu ya Dunia kule Mombasa, ambako tulishirikiana na tukaleta urafiki kati yetu. Hii imetusaidia kuendesha habari ya Bunge hii kwa wema. Nikikumbuka vizuri Bunge la Saba ilichukua karibu miaka nne na nusu kabla hatujaanza kushirikiana pande hizi mbili. Sasa tunaendesha mambo sawasawa; uhusiano uko mwema, na hii ndio njia ya kuendelea mipango yetu ya maendeleo.

Bw. Naibu Spika wa Muda, nataka kushukuru chama ambacho kilimteua mama Sinyo kuja hapa kuzungumza habari ya walemavu. Yeye ni mtu yuko na utaalumu mwingi na atatusaidia sana hapa kwa mambo ya kukuza nchi yetu.

Bw. Naibu Spika wa Muda, uhusiano ulioko kati ya Wabunge wote kwa hii Bunge la Nane umeendelea sana. Ilikuwa ni jambo la muhimu sana wakati Msheshimiwa mmoja alipoleta Hoja la kutokuwa na imani na serikali; wakati huo, tulichanganyika na hilo Hoja likashindwa sio tu na upande huu, lakini ilikuwa mchanganyiko maalum wa Wabunge kutoka pande zote mbili. Uhusiano wa vyama tofauti ndio njia ya kipekee ambayo itaweza kutuzaidia kwa sababu sisi zote ni wanakenya. Ndani tunaweza kuwa na vyama tofauti, lakini ukijikata, damu ni ile ile ya mwana Kenya. Tunafunga Bunge hii wakati huu kama nimeridhika kwamba tumefanya kazi njema. Tunaweza kuenda nyumbani tukijigamba na kusema kwa kweli, tumetekeleza mambo mengi. Ningemuliza Waziri wa Public Works and Housing, aangalie barabara kwa sababu zimeharibika sana. Hasa ile ya kwangu inayoitwa C-30, hakuna njia ambayo tunaweza kupitia sawasawa na tukawa na furaha katika Christmas. Ningemuliza huyo Waziri atusaidie kwa njia hiyo. Tunataka wakati wa likizo hili tutembeleane ndio tuweze kuleta uhusiano mwema, kufahamiana na ndio tukirudi, tutakuwa tumechangamka na tusaidie wananchi wetu. Kwangu kule Funyula, dhamira yangu ya kwanza ni kutengeneza kongamano na viongozi tofauti, ili tuchungulie tuone hii miaka imepita, tumefanya nini. Halafu tuanze kufanya mipango ya kuletea wananchi

maendeleo sawa sawa.

Bw. Naibu Spika wa Muda, pendekezo kubwa la mwaka wa 1999 ni kwamba; tusiibe, tusiharibu misitu, tuache matusi, uzembe na ulaghai.

(Applause)

Tujue kwamba sisi ni Wanakenya, kwa sababu tutakuja kuacha nchi hii. Sisi ni watu wasafiri. Tuko wakati huu, lakini vizazi vijavyo vitauliza viongozi waliokuweco mwaka huu, hasa katika hili Bunge la Nane, walifanya namna gani? Isiwe tu ni kupiga domo. Tuwe tukitekeleza yale tunayoyasema, kwa sababu wengi wetu tunaanza kuchoka, ukisoma gazeti, hakuna siku hata moja utakosa kuona ile headline inasema maneno gani. Wakati wote ni wizi, ukatili na uzembe. Ninataka tupendekeze sasa, kwamba mwaka wa 1999 uwe tofauti ndio tutaweza kujua ile Karne inayokuja, siku zile za mbele, tutakuwa sawa sawa na tunaweza kujigamba kuwa sisi ni Wanakenya.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Assistant Minister for Education and Human Resource Development, hon. Moody Awori. The day before yesterday, I rose on a point of order here, requesting the Minister for Education to intervene and release two children who were locked up in a school. I have received a letter here from the Assistant Minister which he wrote to the Director of Education, dated 9th December, 1998 and he said this:

"It was reported in Parliament yesterday that a Mr. J. K. Mbugua of Wankan Academy is detaining two children aged four and seven at the school for none-payment of fees. The children are fending for themselves at the school as the school is closed. Please investigate immediately and if the allegation is correct, please involve the police to release the children and see that they are safely delivered to their parents and the perpetrator of this criminal act charged for the illegal detention of the children. Their names are Josephine Mwikali aged 7, and Judy Mwangeli aged, 4.

Signed: Hon. A.A. Moody Awori, M.P.

c.c. Hon. S.K. Musyoka,  
Mr. W. K. Kimallat."

Mr. Temporary Deputy Speaker, Sir, this morning, I went to the OCPD, Thika and he told me that he received a signal from Nairobi to go and get these children and take them to their parents and that is what we did yesterday. A GK vehicle went to the school and collected these children and took them to Thika Police Station and then, the same vehicle went to collect the parents of these children to pick them from the police station. Myself and the people of Thika could not have been happier by this act of the Government and this is

what we want to see from this Government. This is the quickest action we have ever seen and it is from an Assistant Minister. We would like to request the Ministers who sit in front here, to emulate the Assistant Minister at the back in this kind of action; otherwise, we are going to request them to go back and we promote the Assistant Ministers to come in the front. I wish to take this opportunity to thank very sincerely, the Assistant Minister for Education and Human Resource Development my friend, hon. Moody Awori for helping these minors and I wish you God's blessings, a Merry Christmas and a happy new year for this kind of action.

Mr. Temporary Deputy Speaker, Sir, I would like to also request this Government to take action against the management of *The Kenya Times*. The reporters and workers of *The Kenya Times* are suffering everyday. They receive their salaries on the 20th of the following month. I do not know whether they have been paid this month. The top managers of *The Kenya Times* have sold a plot in Mombasa worth over Kshs200 million. They are currently printing *The Kenya Times* through a private printer, because a very small spare part of their printing machines at the Industrial Area has broken down. It costs less than Kshs10,000 and yet, they are giving an order of 60,000 copies to be printed and the printer is printing only Kshs30,000. The money for the remaining 30,000 is shared amongst themselves.

**Mr. Mwenje:** That is a KANU affair!

**Mr. Ndicho:** Yes, it is a KANU affair but the people who are suffering are Kenyans and they are not KANU people. So, may I ask this Government now, to take a cue from hon. Moody Awori and the Minister in charge of *The Kenya Times*, to make sure that these people are paid their money at the end of the month like any other journalists or workers.

**The Assistant Minister for Information and Broadcasting (Mr. Ekirapa):** On a point of order, Mr.



Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that *The Kenya Times* employees are the responsibility of the Kenya Government? *The Kenya Times* newspaper is owned by KANU.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Proceed, Mr. Ndicho!

**Mr. Ndicho:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I know my time is gone but I would like to ask the Minister for Environmental Conservation, my friend hon. Nyenze, that in Kilimambogo, there is an Asian there who has grabbed 20 acres of land and he is building a stone crusher and yet, we have the Kilimambogo Teachers Training College and Kilimambogo Mission Hospital there. Please stop that crap.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to take this opportunity to say a number of things. I support this Motion. We are going into recess and one of the most critical issues we have to deal with is the constitutional review process.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to all Kenyans and those who will be conducting this review process, particularly the commissioners, to make sure that civic education is equitably given by the people from the respective areas in question. We know that there are a number of NGOs concentrated in certain areas. I want to appeal to those who will be commissioners to make sure that civic education is being given by the respective people in their respective areas. There is an important point on that, because we do not want some of the NGOs to go and try and impose their mentalities or philosophies elsewhere. That is very important.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to the Minister for Public Works and Housing in particular, to look at that section of the road between Miritini and Mariakani. That is the entrance into Mombasa and that section of the road, for the last 15 months since the *El Nino* rains, has remained devastated and I think it is a shame and at least, remedial work should be done so that it becomes motorable. I know that the *El Nino* has devastated most roads and while we wait for the funds from the World Bank and the African Development Bank and elsewhere, I would like to see remedial work commence, at least on that section of the road.

Mr. Temporary Deputy Speaker, Sir, DDCs are important. I want to appeal to my colleagues to find it possible to attend DDC meetings, so that we can monitor how the little money that has gone to the DDCs for development is being utilised. It is our responsibility because if we do not do so, departmental heads will get away with it and we do not want to see that happen.

Mr. Temporary Deputy Speaker, Sir, as regards the issue of water, I want to appeal to my colleague, the Minister for Water Resources, that I have faced constant problems in terms of the breakdown of the supply of water to Kaloleni Trading Centre. There is a hospital, several secondary schools, the market and the administration centre is there but every two weeks, we have a water supply breakdown. I would like my colleagues to see to it that, this is indeed, rectified.

Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to talk about the Higher Education Loans Board (HELB). I have heard several complaints, particularly from the students from Kilifi District. I do not know about others but we have students who have been given zero loans or, indeed, very small amounts of money which has made it impossible for them to continue with their studies. Some of them are in their fourth year and some of them are in their second year and yet, at every graduation ceremony, you find that students from the Coast Province number less than ten. I would like the Higher Education Loans Board (HELB) and indeed, the Ministry of Education and Human Resource Development to look into this aspect, so that these loans are equitably distributed to the respective districts so that we also have a bigger number than only ten going to the universities.

Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to encourage the unity that we have been having in this House. Meetings such as the Mbagathi Forum, are good and they should continue. They keep us on our toes and they keep us thinking about the economy. The economy is devastated and depressed. This is not a phenomenon of Kenya alone, but a worldwide one. I want to take this opportunity to say that we should assist ourselves by getting rid of this cancerous disease called corruption. Corruption is not in Kenya alone, but the world over. However, we in Kenya have a duty to make sure that, corruption is rooted out and that is, every Kenyan has a responsibility to do so.

Mr. Temporary Deputy Speaker, Sir, finally, let me take this opportunity to wish all my colleagues here and all Kenyans, a happy Jamhuri Day, Merry Christmas and a prosperous 1999.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I wish to thank you for giving me the opportunity of contributing to this Motion of Adjournment. Before I come to what I want to emphasise, let me take the opportunity to congratulate Mr. Kenneth Njindo Matiba for starting a daily publication to offer competition among the dailies in Kenya. This nation, for too long, has been dominated by two publications and so, it will be fair to keep you out of the cold and you get into the cold. First of all, Kenneth Matiba's private enterprise has increased competition and, hopefully, this will also be covered.

Let me also condemn this Government for deliberately refusing to give us licences to operate radio and

television stations.

Mr. Temporary Deputy Speaker, Sir, those who are in this Government have been too afraid to be told that they are useless. They have been too demonic to be frightened about what they do everyday. The time has come for the Minister for Information and Broadcasting to give the *Daily Nation* licence to operate television and radio stations. He must also licence Githunguri Broadcasting Corporation to operate a radio station. Why are we going away? What have we done in one year? We have seen poverty and grabbing increase at a rate that frightened even children. We have seen a Government Minister rise and say that this country has been wrecked by the Executive. We have seen a Government Minister say that the President of the Republic of Kenya is messing up with the Judiciary and everything else. We have seen Ministers and Assistant Ministers rising up to say that there is something wrong with this Government.

When those in a government start talking about the ills of that government, the right thing to do is for that government to retire. The President has deliberately refused to appoint a Vice-President. God forbid, but if he drops dead tomorrow, this country will be without a President and a Vice-President, and hon. Biwott will take over the Government. If that happens, we will all be dead. So, I would like to call upon the President to appoint a Vice-President, so that we can avoid being at the mercy of the character who murdered Dr. Robert Ouko.

Mr. Deputy Speaker, Sir, time has come for us to be honest, and this is the only place where we can be honest. We came here not to govern, because we are in the Opposition, but to be heard. I want the people of Githunguri to hear that the impoverishment they are facing has been caused by the Government of President Daniel arap Moi. There is no way one can govern for 20 years, and do so well. The President and his Ministers are tired. So, the right thing for them to do is to go home and let the Opposition govern.

Mr. Temporary Deputy Speaker, Sir, I want to go on record as having opposed the constitutional review process. In 1960, our founding fathers wrote a constitution that ought to have governed this country for 200 years. No country writes a constitution unless it is at war. What has happened to this country to warrant the re-writing of the Constitution? The KANU Government will not honour even the Bible. The Bible says: "Thou shall not kill", but those who are in the Government kill. It also says: "Thou shall not steal", but those who are in the Government steal. The Bible further says: "Thou shall not covet your neighbour's wife", but those in the Government do so.

(Applause)

Mr. Temporary Deputy Speaker, Sir, therefore, this Government has no moral authority to govern. The other day, I saw the President stand up and say: "Raila Odinga is a humble man". I am requesting the NDP to come out of this lying from the President. Mr. Raila Odinga will be destroyed the same way the Government is destroying Mr. Paul Muite. If anybody goes near this Government, it destroys him or her for ever.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to warn the Kenya Tea Development Authority (KTDA) that coffee and tea belong to farmers. The Government marketing bodies should stay away from the farmers' bodies. Farmers want to market their tea, coffee, sugar, *et cetera*. They want to control the marketing of their produce, but the Government is on their back. The KTDA must get away from the back of tea farmers. The farmers want to market their tea directly from the factories to the auctioneers and get their payments. So, farmers do not want interference from the KTDA.

Thank you.

**The Minister for Local Authorities** (Prof. Onger): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to take this opportunity to first of all wish hon. Members a merry Christmas and a Happy New Year. I think the Motion of Adjournment *sine die* is an indication that we should now go back to the grassroots and seek fresh ideas.

Mr. Temporary Deputy Speaker, Sir, I am not very much amused by my colleague, hon. Gatabaki, when he merely dwelt on some rhetoric. The Motion before this House is one of adjournment *sine die* to enable hon. Members to go back to the people who elected us, sit down with them, seek fresh ideas and mandate, so that when we resume next year, we can be in a position to represent them adequately. Obviously, one can spend endless periods of time castigating. That is not a characteristic of a good politician. A good politician is one who articulates the wishes and feelings of the people who elected him. He does not merely stand here to mention names for the sake of it and fun of it. I, therefore, hope that I have made that point clear.

Secondly, I would like to remind some local authorities, which want to take the law into their own hands, that there is a substantive local authorities Act with provisions that govern the conduct and business of local authorities. It is my advise that they strictly stick to the provisions of this Act. In case they need to deviate from it, they should seek to dialogue with my office. They should not take action which, in many respects, will derail many people rather than put them in the direction they will want to follow.

Thirdly, I would like to say that the constitutional review process does not necessarily mean changing the Constitution. We may reach a consensus and leave it to remain as it is today. Therefore, the existence of a constitutional review process does not negate the existence of the current Constitution.

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

**The Minister for Local Authorities (Prof. Ongeru):** Mr. Temporary Deputy Speaker, Sir, there need not be any point of order because I am talking about the Constitution. Therefore, the constitutional review process is not a matter for an individual. We have an hon. Member who is very impatient and unwilling to listen to other peoples' views. That is what we are saying now. We have a right as a nation, a people and a group to articulate our position. I suspect that some people want to hijack the process and turn it into a private matter. We shall totally reject this because I represent a constituency whose people have feelings. We are looking at the constitutional review process that will embody the totality of the feelings of Kenyans, so that we may live in harmony. This House is for the welfare of society and the just Government of men. I believe that any provision in the review of the Constitution must have that in mind. Therefore, the people must be given the opportunity to do so, and not some caucuses. There must be an embodiment of the spirit of the people of Kenya. I, certainly, intend to go and propagate this message to my constituents during this recess period.

Mr. Temporary Deputy Speaker, Sir, it is extremely disturbing that a company, which borrowed some money from a bank, became a subject of discussion in this House through which names of some people were tabled in this House. The figures which were quoted are fictitious erroneous and totally misleading. That information is supposed to be confidential, but names were tabled in this House in order for somebody to gain political mileage. I think this was totally misleading. I want to be on record saying that the matter is in court, and that the money that was borrowed by the company in which I have interest was Kshs15 million, and not Kshs182 million as stated. There is an impression being created in the public that the company had borrowed Kshs182 million. Therefore, since the matter is in court, I do not intend to seek further redress for what happened here.

With those few remarks, I support the Motion.

**Prof. Anyang-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion of Adjournment *sine die* and I would like to follow what hon. Kibaki said, that corruption is not something that disembodied. It is wrong when we say in general that there is a "cancer" called corruption. Corruption can be pinned down to specific individuals in a specific time in history. For example, as we go on recess, we would like to say that there should be no more importation of sugar and dumping of commodities in this country, which has ruined the sugar industry, the rice industry and the domestic manufacturing. We would be grateful when we come back to this House that somebody like hon. Sajjad should no longer be a Member of this House because it is a shame to the nation and to the House. I think the President should take the stand that those who are caught in such scams, should not be honoured to be Members of this House or hold any public responsibility. Across the border, a brother of the Ugandan President has set a good example by resigning from his public position and facing the law. We hope that the next thing he will do would be to return that money to the Exchequer of Uganda.

Mr. Temporary Deputy Speaker, Sir, Mumias Sugar Company, is just about to lose Kshs1 billion; Sony in South Nyanza is losing billions and billions of shillings; Nzoia, Muhoroni, Chemelil, the whole sugar industry has been put down by the politics of "lootonomics" practice by this Government; that is you must loot and raze to the ground every public corporation that comes under you. We are asking this nation that this crisis of "lootonomics" should come to an end by this Government sacking each and every person that has put his hand in the public till and ruined public institutions.

An honourable Member on the other side has just said that the crisis in the National Bank of Kenya is just a tip of the iceberg. We know for certain that about Kshs24 billion is owed to the Kenya Commercial Bank by individuals and parastatals which have been looted by those same individuals; Kshs24 billion! We would like the KCB to come out with a similar list of people and parastatals who owe it money. It is the KCB which is used by the Government to underwrite loans to parastatals in this country. After those parastatals have been mismanaged and looted by individuals, they let the burden be borne by a public bank like the KCB. We want these two banks to clear their names by bringing these people out in the public so that they can pay the money to the banks so that the Exchequer cannot be burdened by bad debts.

Mr. Temporary Deputy Speaker, Sir, we know for certain that the National Social Security Fund (NSSF) and the Government of Kenya are the major shareholders in the National Bank of Kenya. What they should have done when this scam came out was to call a shareholders meeting immediately, rather than wait for a whole month. This month they have given to the bosses of the National Bank of Kenya have given those people time to hide documents, distort records, to intimidate and so on. When I called for the top echelons in the National Bank of Kenya to be dismissed, it was nothing personal either to Mr. Simba or to Mr. Ahmed. It is a normal practice that when a company is in problems, you sack or send on leave the top officials so that you can have the freedom

to restructure the company, investigate what is going on and to ensure that things are right. The Government is waiting for too long. It will be too little too late; the action that they are going to take at the end of the month. So, I would want the Government and the major shareholders in the National Bank of Kenya to sit down immediately and take action that is required by the people of Kenya. This is important and this is urgent. Further, the Civil Service is being oppressed, the universities are being oppressed.

When a civil servant or a university don wants to leave this country, they have to go through a long procedure of getting permission. This is slowing down Government service, this is increasing bureaucracy for no reason in the Government. During the Seventh Parliament, we had a Motion here which called upon the Government to remove this bureaucracy of having a long chain of people giving people permission when they are leaving the country. I know that this idea of giving permission when you are leaving the country started with the two of us; Dr. Michael Chege and myself in 1980, when we were stopped at the airport for purely political reasons when we were going to a seminar in Harare. That incident should not make all the people of Kenya since then suffer. I think it was an incident which was political. The history should be reviewed and the thing should be removed.

Finally, Mr. Temporary Deputy Speaker, Sir, a man called Dr. Stone, who is a quack doctor is wanted by Interpol in the United States of America and Britain for crimes. This Dr. Stone is still in this country after the Minister assured us that he will leave. Dr. Stone cures no AIDS and we would like him to leave this country and face Interpol.

**Mr. Poghiso:** Mr. Temporary Deputy Speaker, Sir, I do appreciate all that has been said by my colleagues on this Motion. I stand to talk about my few days that I have been here. I want to thank God for the many months that I have been a Member of Parliament here. For the first time, I am able to finish a Session in Parliament. As you may recall, the last time when I was elected here into this Parliament, in 1988, I only served three months and then I was expelled. So, this is really something new to me that I can go beyond three months and that goes to say that we have come a very long way in democracy. I am here to say that I will not ever support a one-party system because I know the consequences of that kind of thing.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I come from Kacheliba Constituency and every time I say that, some of you say: "Where on earth is that Kacheliba Constituency?" It is tucked away somewhere in North-Western Kenya, that lies on the Uganda border.

There the problems are enormous, and sometimes we ask, and I do ask on behalf of my people: "Who will ever see the problems facing the people of Kacheliba?" A situation which was created, not by us, but by people in the Government, beginning with the Colonial Government until today, people who decided that my constituency be administered by Uganda for 40 years! We had no choice in the matter that sometimes we were put under Karamoja Administration and we never gained anything, we never moved a step. In 1970, we became part of this country and up to now, I cannot count for you with the fingers on one hand what kind of programmes we have benefitted from. I am sorry to say that since 1970 until now, I cannot say that we have even one Government school, we do not even have a secondary school there. We do not have a hospital for the people who are still suffering from basic health problems.

When we talk about malaria, a lot of our people have died because of a simple thing called malaria or kalazaar, a basic problem of the swelling of the spleen. Those people are required to pay up to Kshs7,000 or Kshs10,000 for a dose of the treatment for kalazaar. Where would they raise that money from? I am appealing to the people in the health profession, the people who are running our hospitals, if you cannot make available the thunderstan(?) drug, which takes care of kalazaar, those people are going to die, and yet the medicines are there. Can somebody, please, do, and I am talking to the Ministry of Health, address the issue of kalazaar? The people of Kacheliba have one of the highest rates of anaemic problems, suffering from anaemia, and yet there not a single place to transfuse blood in the whole constituency. So, people have to rush to Kapenguria, many miles, sometimes 200 kilometres away, and you cannot reach if you do not have the money for transfusion. I am asking you: Who will ever see the problems which are there? Are we too tucked away to be noticed by the mainstream of Government?

The only time you hear about Kacheliba, it has been in relation to cattle rustling. The fastest aid we receive from our own system is something that we reject, something called military operation. This is the fastest aid we receive anytime there is an occasion, we hear people have come and our people dread so much this thing called military operation. We want this to end, it is the same thing we were talking about yesterday, about torture and approaches to get information from people. We still have situations in West Pokot, where the Police

Reservists, and even some of the police are arrested because it is claimed that they work along with cattle rustlers. That situation is not good because you are suspecting them to be part of a raiding team. It gradually demoralises the people who are helping to stamp out cattle rustling. This thing called "military operation" should not be there.

Mr. Temporary Deputy Speaker, Sir, I support Motion.

**Mr. Kombo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I support the Motion of adjournment. I would also like to thank the Eighth Parliament for having set up a Parliamentary Select Committee that will be looking into the problems of corruption. To me, setting up that Committee was a milestone in the history of our Parliament. When we did set up the Select Committee, it drew its membership from all parties, and both KANU and the Opposition supported the Motion. The Committee has made a lot of progress because it understands that most Kenyans are extremely concerned with this problem of corruption. As we go into recess, the Committee will still be working, and I inform the hon. Members that during that period, we may go around the provinces. We will advertise these tours both on radio and in the newspapers. Therefore, I would ask the hon. Members that when they hear us advertising about when we will be in their respective areas, they should organise people who have been aggrieved. Many times, those who at the grassroots who are really hurt by the problems of corruption are not able to articulate their problems. So, we shall be coming close to the people and we will ask all of you to help us so that such people do reach us. As we also work on this programme, I would like to ask the Press to help us because, in fighting corruption the Press has a major function and role to play. They should not give up that function. They should keep on doing investigative journalism on corruption. Whenever they hear of a corrupt issue somewhere, they should be alert and quick to investigate to ensure that it is exposed. I would also like to ask the Judiciary which has been accused of being politically manipulated that, as we work on looking for long-term programmes to deal with the problem of corruption, the Judiciary should start already working now on any corrupt issues so that they can deal with them independently to move forward.

Mr. Deputy Speaker, Sir, I would also like to touch on the question of the interest rates which at the moment are coming down, but the question is: Will they benefit the economy of this country. As the interest rates come down, we need an enabling environment in which business can operate. We need security in the country. So, I would like to appeal to the Government to ensure that businesses can benefit from the interest rates that are coming down.

*[The Temporary Deputy Speaker  
(Mr. Musila) left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Poghiso) took over]*

Mr. Temporary Deputy Speaker, Sir, I would also like to touch on the question of the farmers. The maize farmers today are selling their maize at less than Ksh500 per bag. I would like to appeal that, as a matter of urgency, the National Cereals and Produce Board should begin buying maize at a higher price of at least over Ksh800 per bag so that we can stabilise the prices of maize. Today, to produce a bag of maize, you spend Ksh850. When you sell it at Ksh500, this is really a big loss to the farmer. I would also like to mention something about the Kenya Tea Development Authority (KTDA). For example, we had a saga here on the questionable tendering procedures in this House and it went back and was re-tendered. Consequently, the farmer was able to be save Kshs340 million. That is a lot of money. This is a demonstration that if we are alert in this Chamber as spokesmen of our people, we will save the farmers a lot of money.

Mr. Temporary Deputy Speaker, Sir, now, going back to my Constituency, where we have Nzoia Sugar company, there is a company now coming in to manage the firm. It is called Scheffer. Warning bells are already ringing. This Scheffer company seems to have a problem internationally. I would like to appeal to the Minister for Agriculture to keep his eyes open. If Scheffer will run the Nzoia Sugar company we do not want to run into major problems. The company should not steal from the factory to destroy Nzoia Sugar company. Lastly, in the process of the constitutional reform---

**The Temporary Deputy Speaker:** Order, hon. Kombo! Your time is up. Hon. Osundwa!

*(Laughter)*

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I support this Motion of Adjournment. Being a representative of a farming constituency, I feel compelled to speak on the role of the Ministry of Agriculture. This Ministry is only second to the Ministry of Public Works and Housing in terms of inefficiency.

**Mr. Sambu:** Ministry of Finance!

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the Ministry of Agriculture does not have any policy on the maize, wheat, coffee, tea and many other sub-sectors.

*(Applause)*

If you read the daily Press, farmers all over this country are crying. They are urging their elected leaders to help them market their produce. Because the Ministry of Agriculture has allowed maize and wheat to be imported here duty-free. Farmers are stuck with their produce. The farmers of this country have been motivated and they have done their job well, but they have no say in the pricing of their commodities. I would urge the Ministry of Agriculture to pull up its socks and help farmers. You have heard from hon. Kombo that we had a saga here involving the KTDA. Some Ministry officials were trying to cover up this scandal. But, when the KTDA went for re-tendering, the farmers were saved over Ksh300 million. I have no bitterness for having been thrown out of this Chamber twice for advocating for the farmers' rights because the truth finally came out and no amount of coverage would have sufficed in that case.

Mr. Temporary Deputy Speaker, Sir, I represent sugar growing areas and it is sad that the producer price of sugar has not been increased for so many years. The company buys sugar-cane from farmers at Kshs 1,700 a tonne. It takes only eight tonnes to produce one tonne of sugar which is sold at Kshs36,000. I would urge the Government to look into this matter. I want the Government to increase the producer price of cane.

Mr. Temporary Deputy Speaker, Sir, regarding the tourism industry, this country has lost a lot of money due to tourists tour cancellations. The roads in the National Parks are impassable. I am told that some Ministers have fleets of aircraft which ferry tourists to those destinations. Maybe, that is why they do not want to repair those roads. I would like the Minister for Tourism to look into that.

Mr. Temporary Deputy Speaker, Sir, turning to my own constituency, my constituents are asking: What will we remember the Moi Government with? They are asking so because the only project they have was initiated during the Kenyatta regime; that is the Mumias Sugar Company. The Mumias Sugar company is being run down by the same Government. The Government owns 71 per cent of that factory and it does not seem to be doing anything to benefit the farmers in that area. We have the managing agents of Mumias Sugar company called Booker Tate. I would like to urge the Government to cancel the management contract of these Wazungus because their investment in this company is only 4 per cent and they carry away Kshs3 billion a year in phantom supplies of spares. Yet the Government with 70 per cent shareholding only takes Kshs140 million in terms of dividends. I urge the Government to cancel their contracts and have African managers in all the sugar companies. A good example is Chemilil, which is managed by an African very well. I do not understand why we should have wazungus managing Mumias Sugar Company and SONY.

Lastly, we are talking of industrialising. But we cannot industrialise if we do not have electricity in the rural areas. I have a lot of raw materials in my constituency, but there is no electricity. We have molasses in plenty being exported to Uganda. We are exporting jobs to Uganda. I want the Minister for Industrial Development, if he is here, to think in terms of establishing small industries in Mumias.

With those few remarks, I beg to support the Motion.

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would want to support the Motion for Adjournment today on the basis that we are preparing to go into Christmas. Christmas is the birth of Jesus Christ, a time for renewal and re-dedication. Not that I am a Christian, but the point is that some people here profess to be Christians and it is a challenge to them; that when they come next year, they should be new people, in terms of new commitment to this country; new commitment and new openness in terms of Government. We want an open Government in this country; a Government that is accountable. A Government that is not full of looters responsible for the looting that we have seen, non-accountability, looting public funds and fleecing the public. That is what we want to put an end to in this country, during 1999, before we jump into the new millennium.

The point is that all those Christians, and, maybe, some of them Moslems, must take themselves seriously for once. They should get renewed and come here as new people. They should be born again so that when they go to church, especially during Christmas time, they should be sure that they are coming back in this House as a new person; one who does not pray like a pharisee. Let us pray with some honesty this time round. I wish every Member here a merry Christmas.

Mr. Temporary Deputy Speaker, Sir, one thing that I must mention also - and I can see hon. Kalonzo Musyoka is about to leave when I am about to say something about President Moi - that President Moi is a human being. President Moi needs a holiday. Let him take this occasion too. He is a human being and he gets tired.

We appreciate his services to this country. But the point is that he has been in business too long. He needs a holiday, a time for reflection and, maybe, read the book on Moi and read my own book. There is no bribery involved in writing my own book. There are no falsehoods in my book. Let us not hire mercenaries again, to write a book about this country, and the President. There are very many writers and we have people literate up to 80 per cent. They can be able to write. Let us not get one person, who comes here and he is called Andrew Morton, a chronicler of miserable women in Europe, and he comes here and writes about our President---

**The Ministry for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that the President hired a mercenary to write his book, when we know that he is an author of good, very well researched books?

**Mr. Kihoro:** The point is confirmed that Lady Diana, after she was ejected from Buckingham Palace, she went and hired Andrew Morton to write a book about her, to polish her image. She ended up dying when having a midnight event with a man from Egypt. The same man has gone to America, and he is the one who is going to chronicle Monica Lewinsky, and he comes here and writes about our President. It is a disgrace that the same person should be able to do that! He should be writing about women, but not about our President.

Let me go to the next point. The money that has been stolen in this country needs to be returned, so that we can repair our roads, educate our children and prepare for the future of those children. The point is that we are not preparing our children for the great future that this country should be able to give them. All the money that has been taken away, most of it by the Front Bench - actually, I have looked through the Front Bench, and I can see a lot of money. If you only make a decision for 1999 to return the money to this country, it is going to make a difference. We are going to give our children a serious future in this country.

Mr. Temporary Deputy Speaker, Sir, we need to go and educate our people about the new Constitution. This is the first time, in 35 years, that our people are going to have an opportunity of writing a Constitution for themselves. Thirty million Kenyans will have the first opportunity. Sixty-five gentlemen, like I said the other day, made a Constitution for this country, that has been patched up 35 times through 35 years. This is the first opportunity that the people of Kenya have got to make a Constitution. Let every Member of Parliament take the message home, that we want a Constitution that is going to take this country through 100 years, and then, the future generations will see us as visionaries.

With those few remarks, I beg to support the Motion.

**The Minister for Environment** (Mr. Nyenze): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity, not to defend, but to wish everybody a good Christmas and a happy new year. I would want to talk on two issues, not related to that book my friend is talking about. I want to talk on one thing that I felt we need to do to increase food production for our people. I come from an area where drought, famine and so forth, are the order of the day. If we could start addressing the issue of irrigation, exploiting the virgin lands and areas where there are not many people living in, areas where there is very good soil, we would increase food production for our population. Concentrating on the high potential areas, which are very densely populated, will not help this country. I think it is high time the Ministry of Agriculture, and all the other stakeholders, started addressing the issue of irrigation. We have Athi and Tana Rivers passing through Eastern and Northern Kenya, and go to the Indian Ocean. All that water is wasted. I think it is time we addressed that issue to be self-sufficient in food production.

The other thing that I wanted to talk about is the agricultural mechanisation programme. We need to big graders which do our dams at Kshs 1,850 per hour, to be reduced to Kshs1,000, so that we can hire those machines to do our dams. That will alleviate the problem of water and food shortages.

I wish to comment on a report that appeared on the latest issue of the *Finance Newsletter*. I would wish to say that no President, of whichever country on earth, does not need to be respected. I think it has become a habit because of liberalisation and freedom of expression. Some sections of the print media have taken it upon themselves to hurl insults to the Presidency. Whoever has read them, knows that there is a lot of outrage out there, for what that paper has written about the Presidency, and the President of this country. I think good journalism is good. Even the Members of the Opposition will not feel very good, if their party leaders are attacked that way. We should, from both sides of the House, and as leaders, oppose and deter the people who would want to break up the country. I think the authors of that publication are trying to stir some bad feelings, which can tear the country into pieces. There would be a crisis because of the paper. Whoever has read it has seen so many bad things and falsehoods written about our President. That is blackmail and I think it is high time we tried to restrain this kind of reporting by all the necessary means. Such publishers tarnishing the name of the Presidency, should be dealt with. This is because that is what is uniting us. Those people who are advocating for chaos, if there was chaos in this country, I am sure nobody would carry out their businesses freely. Some of these people, not only on this side of the House, but some of these people like my friend hon. Matu Wamae, have big

businesses. What I am saying is: Always try to court for peace. Do not try to throw stones. Any kind of incitement of our tribes will cause a lot of chaos. Wherever there are chaos, there will be no peace.

With those few remarks, I beg to support the Motion.

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion with a very heavy heart; heavy in the context that while a few Kenyans lavish in billions of Kenya shillings, hundreds of thousands of Kenyans go hungry. I have started to learn that our teachers, as we are talking here today, have not been paid. This is because a few individuals in this House, and outside this House but in the Government, have looted the economy of this country. I am particularly concerned about corruption. I would request that hon. Kalweo listens, because he is the first victim and culprit of corruption in this country. Corruption that we talk about is that a Minister comes into the House, and says: "Whereas I am not aware of Kshs95 million disappearing, I am aware of half of that disappearing, but I do not know what the other half has done". Another Minister also comes to the House and tells us that although Kshs72 million was given for the hyacinth work, his Ministry only got Kshs39 million, which was used for paying for offices, buying cars and so forth, and then walked away with that.

In this same House, we have been told about the Goldenberg. Here, I would like to be fair to our colleagues on the other side. Transparency must not only be on the other side. Transparency must also be on this side. To me, it does not matter. A looter is a looter, whether he is a Luo or a Kikuyu; whether he is in the Government or in the Opposition. In this particular regard, I would like to challenge those of us on this side as well to come out clean.

I am saddened that with regard to transparency - and I see the Minister for Lands and Settlement sitting here very pensively - that he has to date, refused to table the list of those who have grabbed Karura Forest. He can comfortably come to this House and sit and participate in the daily deliberations. I am very concerned at the impunity with which this Government treats this House. Indeed, I wonder if we still have any teeth. I do not think I will be far from the truth if I considered Parliament a toothless bull dog, when it comes to regulations that are ignored with impunity.

In that same regard, my colleagues have talked about the KCB. Today, when I was coming here, I passed through a long queue of people at the KCB. The point is that there is already panic in that sector. What paid is it for this Government just to come out and tell us that so and so owes this much. I know that the Constitution says that one who is bankrupt has no right to hold a public office. In particular, he has no right in being in this House. If somebody has got a loan, I do not know what we consider to be bankrupt. If one has a loan which he cannot pay, that person, in my opinion, is bankrupt. Otherwise, it should have been fair to somebody like Mr. Paul Ngei. It is in that regard that I would want to challenge what the accused people are saying. Each person comes here and says: "No, it is not Kshs18 million, Kshs40 million and so forth." They give us a different figure. Who is telling us the truth? This is because these figures were tabled here by a Government Minister. Are they telling us the truth? Are they lying or what? Even the figures they agree that they have, why have they not paid, and this is the very same bank that they purport to protect?

Another case of the Government doing things with impunity is the case of the Central Bank acquiring computers by giving a tender to a company that has been blacklisted. We have talked much about that, and I do not want to re-visit the issue. However, I have only learnt recently that this same company, that has problems, supplied second-hand computers to a public university, and charged them for new. They just cleaned them, re-packaged them and delivered them to the university, which paid millions of shillings. So, we still continue doing business with that company. The Chief Executive of that company goes out there, calls a press conference and brags: "Let those burgers make noise in Parliament. No matter what they say, we will continue doing business. Even as of now, we are doing successful business with the Government". To me, that is the highest order of impunity. That is why I wonder if we still continue to have a toothless Parliament.

Mr. Temporary Deputy Speaker, Sir, I also raised a lot of concern about the census. Yesterday, Prof. Saitoti was responding to a Question that I raised, concerning the Committee that is going to look at the census. But one thing that he failed to address is my concern that being a partisan person, a person who is very keen on succession path, he puts his henchmen like Kaguthi, Dr. Gitu and Mr. Kahuria who is talking about--- We have Kinyua. There is a pattern that is emerging from that group. I would want to suggest that there should be an independent committee to look into the census.

With those few remarks, I support with a heavy heart.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, my concern, while supporting this Motion, is the issue of agriculture. We are lucky because the *El-Nino* rains have given us a good crop. The maize crop this year has been very good. But, unfortunately, the way we are handling our farmers, is very sad. At the moment, a maize bag in the region which produces maize; that is Trans-Nzoia, Nandi, Uasin Gishu and parts of Kericho and Bomet, is going for Kshs400, whereas we use over Kshs800 to produce the same bag of maize. There is a



collusion by a cartel of millers, that is; the Unga Maize Millers, TSF, Pembe, Kabansora and all the other maize millers, which are owned by those who are seated in the Front Bench here, purporting to run our Government. They are the ones who have imported maize. I would like to warn Kenyans that, that maize, which has been imported, is full of aflatoxin, and that they should not buy from those millers. The maize is full of aflatoxin and it will poison the farmers. They should buy the Kenyan maize. It is only when they start milling our maize that we will tell Kenyans to purchase the Kenyan maize. We have a lot of maize in the stores in Mombasa. That maize is full of nothing but aflatoxin. If one of the Ministers can challenge us, we will send him to Mombasa to see for himself.

Mr. Temporary Deputy Speaker, Sir, there is a move to destabilise our agricultural sector. Whether we are talking about tea, coffee, wheat or maize, all proceeds from the sale of all these agricultural products are being used to stabilise collapsing banks which have been looted by hon. Members seated in this House. How do we put Kshs2 billion into the National Bank of Kenya without passing the Appropriation Bill? We want the Minister for Finance to tell us where he got the authority to spend Kshs2 billion without the approval of this House. The Constitution of this country says:- "No funds shall be spent from the Consolidated Fund without passing the Appropriation Bill." Who gave them the authority to spend Kshs2 billion to support a bank without the approval of this House? That kind of money would have been used to support farmers, especially maize farmers. I am urging my people to converge in Eldoret and burn down those mills which are ruining our agricultural sector. We should burn down that cartel or Kabansora, Unga Limited, TSS or Pembe Unga limited because those mills are ruining the maize sector in this country. We hear that next year, there might be a *La Nina* weather. During that period, there will be no maize because farmers have been frustrated by these fellows here who have imported maize because they think only of their stomachs, but not of other Kenyans.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the problems afflicting Nandi District. In Nandi District, we are "Not Yet Uhuru", as the late Odinga once said. The civil servants are ruling us. We are not ruling ourselves. They are governing us. The DC and his staff, the DO, Administration Policemen and the chiefs arrest our people over busaa. They set up kangaroo courts and imprison men. When men are imprisoned, these officers rape our women. I want to tell the Minister in charge of Provincial Administration to urge those officers to stop that act or we will arm ourselves with poisoned arrows and shoot them dead.

Mr. Temporary Deputy Speaker, Sir, I want to talk about West Pokot District and thank the hon. Member in the Chair because he said that there is a very serious problem of cattle rustling in the northern part of Trans Nzoia. For example, over 200 raiders invaded the home of Mr. Shimejero and took away over 200 head of cattle in one night. This is a very serious matter.

In Nandi District, the allocation of funds is the worst in this Republic. We get no funds. Instead, an individual comes here, he is allocated funds, for example, Kshs15 million, for all roads in the district. He uses that money to gravel his own road simply because he is a nominated Member. There are four hon. Members elected by the Nandi people and those are the ones who should decide what to do with funds allocated to Nandi District.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

**Mrs. Sinyo:** Mr. Temporary Deputy Speaker, Sir, I am very grateful for this opportunity to speak. However, if there is anybody who would oppose this Motion, it would be me. I am only three weeks old in this House and I am not fatigued. But on humanitarian grounds, and professionally, I am obliged to support it.

At the same time, Mr. Temporary Deputy Speaker, Sir, I would like to share with hon. Members a Bible story of an old man who when Jesus was taken to him on his eighth day for dedication to God, he said, "Lord, I am ready to die now because you have allowed me to see the salvation of my people." For me, I consider this year to be a year that I would thank God for he has made me to be the salvation of my people. My people are the people with disabilities. For that matter, I am really indebted to every hon. Member here and also to the Constitutional Review Bill that was passed by this House, for the support that you gave me. On behalf of the entire fraternity of people with disabilities and the service providers, we are really grateful and we would want to wish you a merry Christmas and prosperous New Year.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I would want to remind hon. Members that I have been in the Civil Service for the past 11 years. For that matter, I was "a civil sufferer" and it means that I am a pauper and I do not have another business when this House adjourns. I would like to work with you in your constituencies and I implore you to have programmes in place where you need inclusion of people with disabilities so that we work together, for those four months to be fruitful for all wananchi who voted for you.

I am saddened to raise the concern of the woman, Mrs. Kavata, who was molested by her husband. This is a bird of the same feather, a woman who has also joined the club of disabilities because of the brutal and cruel act of this man. I implore the Government and the Ministry concerned that as we go on recess, my people and I, would want, when we come back, to get a Ministerial Statement on the legal measures that have been taken against this man and the redress that will be given to this particular victim. This sort of animosity should be discouraged. That is my appeal to this Government.

Mr. Temporary Deputy Speaker, Sir, before I sit down, I would also want to thank the nation at large for the treatment and visibility that the people with disabilities are getting. In the Constitutional Review Commission and in district forums, we should be given the opportunity to serve. This is just, but a beginning of surprises to come and I would like to borrow the idea of the hon. Attorney-General that there is a tide which, if you take, the future is bright and when you miss it, the future will be miserable. This applies to my category of people with disability because this process of civic education and constitutional review is a tide we cannot let go.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues who have spoken before me on this Motion.

First, I wish to say that I was not amongst those who were listed as loaness of the National Bank. However, I have now been pushed to another group of land grabbers. I am not a grabber as was alleged by a section of the Press. I was allocated a piece of land; eight hectares. If you convert these hectares into acres, then they are 20 acres. I was one of the last applicants for allocation of land at Kenya Agricultural Research Institute (KARI), Kitale. Is it a crime for one to own a piece of land in this country, especially a Pokot?

**Hon. Members:** Forest land!

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, whether it is a forest land or KARI land, it is Government land. It does not matter what term you use. It is as if there are people who think that they are better Kenyans than others. I have that land and there is no way you can revoke it! By peace or by war, you will never get it! Let them get this message.

Mr. Temporary Deputy Speaker, Sir, so many forests have been degazetted for settlement of our wananchi from day one when we got Independence. But most hon. Members from Central Province have never said anything against that. But when it comes to somebody else who is not a Kikuyu, they are up in arms. If the worst comes to the worst, they will be the sufferers in Coast Province and Rift Valley. They will have no room!

*(Loud Consultations)*

**The Temporary Deputy Speaker** (Mr. Pogishio): Order, hon. Members!

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

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, when it comes to degazetting Karura Forest, maybe, another Minister will do that. I will not revoke any allotment come what may! Maybe, another Minister will do it, but not me.

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

**The Temporary Deputy Speaker** (Mr. Pogishio): Order! Order all of you!

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, the United Nations Environmental Programme (UNEP) head office, which is an international body is situated there. The Belgium Embassy and Windsor Hotel, which belongs to hon. Michuki, are located in Karura Forest, and yet hon. Members are not complaining about them. But when it comes to other people they are good at complaining. I would like to reveal that these people are running businesses in Coast and the Rift Valley Provinces. If they want peace--- I would like to say that Pokots will not suffer, but it is them who will suffer.

*(Mr. Lotodo pointed his finger  
at the Opposition side)*

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

**The Temporary Deputy Speaker** (Mr. Pogishio): Order! Order! What is it, Mr. Mwenje?

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to

trivialise the issue of land grabbing, which has been taken very seriously by every hon. Member, into a simple affair? We are not condemning land grabbing because it is done by other tribes, but because it is wrong!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Lotodo, you can finish your contribution.

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, [**The Minister for Natural Resources**]

they have got the message and they can interpret it the way they want, because they will be the sufferers and not us. There is no single Pokot who lives in Central Province, but there are many Kikuyus who live in West Pokot District. There are also many Kikuyus who live in the Coast Province.

*(Loud consultations)*

Thirdly, I can count the number of Ministers who were assassinated when the late Mzee Jomo Kenyatta was the President of this country. They were Mr. Tom Mboya, Mr. Ronald Ngala and Mr. J. M. Kariuki. But during the time of President Daniel arap Moi, it was only Dr. Robert Ouko who was assassinated.

**Hon. Members:** Why was he killed?

**The Minister for Natural Resources** (F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, the hon. Members who grouse about the death of Dr. Ouko never said anything about the Ministers who were killed when the late Mzee Jomo Kenyatta was the President of this country. What are they talking about now? They are murderers!

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

*(Loud consultations)*

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, every one!

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion.

**Hon. Members:** Hon. Lotodo has to withdraw that!

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, hon. Mwenje! The time allocated to Mr. Lotodo is gone. We now have another hon. Member on the Floor of this House. Continue, Mr. Munyao!

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

*(Loud consultations)*

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, you are wasting time! You will have a chance to talk. Can hon. Munyao take his time!

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Mwenje, I overrule your point of order. Mr. Munyao, if you do not make use of your chance, I will go to another person.

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. To cool down the tempers of hon. Members, I would like to take this opportunity to send my personal Christmas wishes to you and the entire House. I also wish you a happy new year, which will not be like today's closing of this House. I will also take this opportunity to convey Christmas wishes to the 30 million Kenyans out of whom 80 percent are all DP members. I wish them a happy Christmas and a happy New Year. We will meet next year when we will be ready to go back to voting and change this Government. I am concerned and I want to stay here until the Minister for Public Works and Housing stands up to contribute. As we are here the Leader of Government Business wished us all a happy travel home over these holidays---

*(Mr. Ekirapa went to the Table)*

**Hon Members:** Sit down! You are wasting time!

**Hon. Members:** Sit down!

**The Temporary Deputy Speaker:** Order!

**Mr. Munyao:** Mr. Deputy Speaker, Sir, the Leader of Government introduced this Motion very well and said, that we should go home and tell our people exactly what we have achieved. I would want to hear what the Minister for Public Works and Housing will say because, although we are willing to go home, there are a few Members of Parliament here who will not reach home because there are no roads in most areas. Although Mr. Deputy Speaker said that all the Ministers with outstanding statements should make them this afternoon, the Minister for Public Works and Housing did hide himself completely out of the House although he had promised the House that he would come and tell us about the saga involving his Ministry and the Ministry of Finance and all the others. The truth is that we have been told that with regard to Machakos-Makueni Road, the funding is likely to be withdrawn by the Kuwait Government because they are concerned about the high gravity of corruption in this country.

The Minister had assured us that he would be coming to make a statement. The people living in that area are concerned and we wanted to tell the Minister for public Works and Housing that people who are living in Machakos and Makueni are Kenyans and that is why that area is a part of Kenya. We must get a Minister to tell us exactly what saga is involved here. This is not the only issue concerning the Minister for Public Works and Housing. Those people living in the areas where we come from should not pay for any road licences next year because the meaning of a road licence is a permit to use a road and yet in some areas there are no roads. They are all paths full of "KANU" holes and nobody can travel in those areas. We hope the Minister for Public Works and Housing will, perhaps, discuss and suspend payments of road licences because there are no roads to use in that area. Bridges and several sections of roads have been washed away. The Minister for Public Works and Housing must come out and do something during this recess. As we wish ourselves a happy and enjoyable Christmas, I am appealing to the Office of the President to at least create some heroes. We must praise and recognise heroes in this country. It is a shame to see those who fought for Kenya, like hon. Ngei, Achieng-Oneko, Kaggia, sitting around here begging when looters are in this House. It is a shame and the Office of the President must make some ex-gratia payments to these people to enable them to live well. It will be your turn next time.

**Mrs. Kittony:** Mr. Temporary Deputy Speaker, Sir, thank you for recognising me this evening. I want to join others in supporting this Motion. I would also like to request Members of Parliament, as we break for this recess, to go and support especially, the women of this country in the development of this country.

Sir, I also would like to send my Christmas greetings to the women of Kenya who constitute 52 per cent of the population and also the party, which is 100 per cent, which nominated me to this august House. I wish you all a Merry Christmas and all members of staff in Parliament.

I stress on women issues because women are important people in this country. Without women you cannot see these gentlemen behaving the way they are behaving and they need to go and give them the support that they require, especially in agricultural areas. This recess is very timely because they will assist women in land preparation and harvesting. I think it is time they changed and went and supported them because they have supported them all along.

So, as I support this Motion of Adjournment, I wish all Members of Parliament a Merry Christmas.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, Mr. Nderitu! Hon. Members, it is not going to help if you become unruly and rowdy because it is for the Chair to make the decision as to who speaks, if you catch my eye. What is your point of order, Mr. Wanjala?

**Mr. Wanjala:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have really tried to stand up to be recognised, but it seems it is DP---

**The Temporary Deputy Speaker** (Mr. Poghisio): Do not stand ever on a point of order to do that. Proceed!

**Mr. Nderitu:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would like to state very well and very clearly, that I am reluctantly supporting this Motion. I have my own reasons and this year, 1998, as leaders of this country, I do not think we have achieved what we should have achieved. Lots of our people are suffering outside. May it be on roads, farming, hospitals or in any institution, our people are suffering. The noble object of having this team here is actually to try and uplift the living standards of our community.

Mr. Temporary Deputy Speaker, Sir, I will just want to mention a few, concerning farmers in Mwea Constituency. First of all, I would like to thank the Minister for Agriculture who has helped a great deal on this.

The farmers of Mwea are really living under the on a Natives Act of 1957. They are just living in abject poverty like slaves. I would urge the Minister for Agriculture to intervene.

Last night the police were actually collecting rice by force and loading it into trucks of the National Irrigation Board (NIB) and there was a big fight. I do not know how many people died. I am waiting to go and know that. Today police were being mobilised from the district to come in, and I am wondering.

Under the Constitution of this country Chapter 5, Section 65, there is right of ownership. It is becoming horrible when the Government itself; the administration, moves in and gets farmers' produce by force. I will urge the Minister for Agriculture to release to the community the water project in Ngurubani Market. The Ministry moved in after the community had bought the pump, constructed the water line and what the Ministry has done is just to collect money. Today, the pump is broken down and the Ministry has been collecting funds for the last one and half years. Actually, the community is now donating money to fix that pump.

As regards education, I do not know what is happening in other constituencies. We have TAC Tutors and school inspectors in my constituency who are having it rough because they have to walk several kilometres in their areas. At least, the Ministry could even afford a scheme to finance these TAC Tutors, enable them pay for a loan afforded by the Government through a financial agreement between the Ministry and the teachers.

Mr. Temporary Deputy Speaker, Sir, the Minister for Local Authorities was here and he talked about leaving local authorities alone. His councillors and clerks in the local authorities are the ones who are facilitating land grabbing. This is because I do not understand how a stadium can be allocated to few individuals. When you check, you find out that the authority came from the council. Unless the Minister himself has authenticated this--- I am just asking one thing: Can we do what we are supposed to do for our country? This country of ours is bleeding because some of us leaders are not performing our duties right. It is very good to be rich but be rich rightfully. It is also very good to be poor if you have got a clean heart.

Finally, I would like to talk about the DDCs, especially in Kirinyaga District. I wonder what somebody can do with an administration which is not development conscious. All the land is being grabbed, even if it is hospital or school land. The District Development Committee is aware of it and the DO is also aware of it. I do not know how Government land will be allocated to an individual without the Government knowing. My dear colleagues, it is upon us to protect Government land. There is a saying in the Bible which says; "If you cannot hear me, the rock will". One day, things will change and I do believe that all of us will have to pay for what we have done.

I will also take this opportunity to make an appeal to the Ministry of Health. I know we have agreed that Kirinyaga District Hospital requires its cost-sharing funds. I know that is being processed and I am thanking the Minister for Health for that. I am also thanking the senior medical officers for that and we will be able to assist our people.

With those few remarks, I beg to support.

Thank you very much.

**Mr. Affey:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I would like to take this opportunity to thank hon. Members of Parliament for having taken a very bold decision to have one pastoralist member in the Constitution of Kenya Review Commission. On that note, I would like to wish all hon. Members of Parliament a merry Christmas and a happy new year. I would also like to take this opportunity to wish Muslims in Kenya, a happy Ramadhan and a happy new year.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I would like to appeal to the Minister in charge of internal security to consider establishing an office that is going to act as a liaison between the Kenya Government and the militia leaders in Somalia. I border Somalia and as you know, Somalia has no central government. We have had a problem of people crossing over, stealing our animals and doing all sorts of things. So, I would like to appeal to the Minister concerned to establish this office which should be managed by a person from North Eastern Province, who understands the language and culture of the people of Somalia. Because we have no government in Somalia to deal with, we need somebody who understands their language to go and talk to the militiamen on that side. We do not know when they will ever have a government, because they have not had it for the last nine years, and it seems the situation will not improve. I would, therefore, like to appeal to the Minister in charge of internal security to consider the establishment of this office, which is overdue.

Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to thank the Minister for Water Resources, because it was only this morning that I was with him and he agreed to assist in getting a replacement borehole for Habaswein Town. Habaswein is an old town, and the only borehole the people of that town have been depending on, has collapsed. I am very happy that the Minister has taken that re-assuring bold step and I am sure, it is going to be received well. But I would like to appeal to the Minister to extend that service to the entire constituency and province because all the boreholes that are currently existing in the constituency

were put up in 1974 by USAID, and they have all got worn out. It is over 25 years since they were sunk and they are almost collapsing. I would like to appeal to the Minister to consider replacing all the boreholes, first of all, in the constituency and by extension to the whole province.

Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to appeal to the Attorney-General to take advantage of the spirit in the country. Everybody is now talking about the Constitution. We, as a province, did not have ample opportunity to give our contribution, when this current Constitution was enacted. We would like to participate fully in this particular one. We do not want to be taken for granted and we would like our rights to be reflected properly when this Constitution is drafted. Therefore, I would like to appeal to the Attorney-General to give ample time for civic education, because most of the people in Northern Kenya do not understand what it entails to draft the Constitution since we had been left out in the first one. I would like to appeal to the Attorney-General to give more time and more resources towards civic education in an attempt to review the Constitution.

*[The Temporary Deputy Speaker  
(Mr. Poghiso) left the Chair]*

*[Mr. Deputy Speaker resumed the Chair]*

Mr. Deputy Speaker, Sir, as regards security, I would again like to appeal to the Minister in charge of internal security to beef up security along the border, because we had an ugly incident in Wajir where people from Ethiopia came to attack Kenyans. We also had an ugly incident in Mandera where people from Somalia came to attack Kenyans. In my own constituency we have been attacked by people from Somalia. This shows that our security system on our borders is very lax. I would like to appeal to the Minister to beef up this security, and I hope he is paying attention to my appeal, because this is a very sensitive issue, and if it is not handled properly, then we could have regional conflicts in our country and Kenyans being involved in conflicts that have nothing to do with them.

With those few remarks, I beg to support.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I would like to comment on a few things which I feel that throughout the year, the Government did promise and these promises have come to nought. On our economy, in various fora in Mombasa and Mbagathi, there were various promises which were made by our Government, such as austerity measures to be put in place to improve our economy. We were told of the surrender of extra cars and cuts on private telephone lines. The sort of answers we have received here when we have raised these issues are that literally, nothing has happened. If anything, more cars have been bought and added onto what was said to be surrendered, more private telephone lines have been established and so on. We were told on the same subject, that there will be no more establishment of new administrative boundaries. What have we seen? We have seen new districts being created. We have seen new Assistant Ministers being appointed and new divisions coming into effect. We are wondering; the cars have not been surrendered, telephone lines have not been cut, new districts have been created, new divisions have been created, new Assistant Ministers have been appointed and one wonders what the Government is upto.

Mr. Deputy Speaker, Sir, we talked about security in this place. Little has been done to improve the security situation in this country. In Kwanza, we have witnessed where people come and take away 200 heads of cattle from a farmer, Mr. Shimegero, slaughter people and get away with it. We have seen this happening in Bagalla and we do not have hope. What we have witnessed is people in uniform being in the frontline robbing banks in this country; we have seen people in uniforms invading homes and stealing and so on. This has left Kenyans wondering where to go to, and it is so paramount that something has got to be done. Our people have even become poorer. My colleagues have talked about maize. The Government is saying it does not have enough money to buy all the maize that has been produced by farmers. But what is happening is that, the middle men are buying the maize at Kshs400 for a 90kg bag. What we are asking the Minister for Agriculture to do is to make sure that they now move in at this particular time to stabilise the prices, because this will go a long way in helping the farmers. In Western Kenya, we depend mainly on sugar cane. This sector has been crippled. Nzoia, Mumias, Muhoroni, name them; they have got piles of sugar which have not been disposed of and we want to see some measures because the Government which is supposed to be protecting the farmer is not doing that. We want the Government to be a little bit more serious.

Let the Government stop destroying our heritage. There has been a lot of talk about Karura Forest. Nobody has mentioned what is going on in Kakamega Forest, which is mainly in Shinyalu.

**An hon. Member:** Lotodo amechukua!

**Mr. Khamasi:** There is a lot of damage; there is rape of Kakamega Forest and unless something is done, we are going to create vigilante groups to protect that forest because it is the only tropical rain forest that is surviving in this country and nobody is doing anything about it and yet, it has been invaded. We want to see some sort of action being taken.

Mr. Deputy Speaker, Sir, I want to plead that, the Government takes action and be serious.

Thank you, very much.

**Mr. Musila:** Asante sana Bw. Naibu Spika, kwa kunimpa nafasi hii. Ninaunga mkono hoja hii. Mtakumbuka sasa, ni karibu mwaka mmoja tangu tuchaguliwe katika Bunge hili la nane. Wakati niliongea hapa mara ya kwanza, nilizungumza juu ya umaskini ambao unaendelea kuzidi katika nchi hii yetu ya Kenya. Hivi majuzi, kulingana na ripoti ambayo imetolewa na Serikali na Waziri Mhe. Prof. Saitoti, imeonyesha ya kwamba umaskini bado unaendelea kuzidi katika nchi hii. Kwa mfano katika wilaya za Kitui na Mwingi, kuna watu zaidi ya 500,000 ambao wanaishi katika hali ya umaskini zaidi. Hii ni kusema ya kwamba, hawa watu hulala bila kujua asusubuhi yake watakula nini.

Bw. Naibu Spika, tumekuwa na shida nyingi katika nchi yetu ya Kenya. Ukosefu wa kazi umezidi sana. Pengine, ukosefu wa kazi katika nchi uko katika hali ya juu zaidi. Pengine, ni mojawapo ya zile ambazo ziko juu ulimwenguni. Wanafunzi ambao wanatoka vyo vyo vikuu, sasa wanatembea barabarani bila kazi. Zaidi ya wanafunzi wengi kutoka shule za sekondari wako nyumbani mwao. Hata waalimu ambao wamemaliza masomo yao wako nyumbani. Kwa hivyo, nafikiri tunapaswa kuchukua wakati huu wa likizo kuangalia zaidi, mambo haya ya umaskini.

Bw. Naibu Spika, kama vile wenzangu walivyosema, tunaenda nyumbani tukiwa katika hali isiyoeleweka kwa sababu tutakuwa tukikutana na wananchi na kutuuliza maswali mengi. Kwanza, barabara zetu hazipitiki. Nikisema hasa, barabara za Mwingi Kusini ziko katika hali mbaya. Ni masikitiko kwamba, ingawaje tuliketi hapa na kupitisha fedha za Serikali za mwaka huu, hatujakuwa na barabara hata moja ambayo imeweza kutengenezwa. Je, wananchi wanauliza pesa hizi zilienda wapi? Hospitali zetu kama ilivyo katika sehemu nyingine nyingi, hayana madawa. Kuna jambo lingine ambalo ni la kusikitisha sana. Wananchi wale wadogo ambao ni wafanyi biashara ambao wanatoa huduma zao kwa Serikali, hawalipwi. Kwa mfano, ninajua wafanyi biashara wadogo ambao wanapeana vyakula katika kituo cha polisi na huwapa mahabusu ambao wanawashika na polisi huko lakini hawajalipwa. Hawa hawalipwi pesa zao na pengine, ningeliza wale wanaohusika, ili waone ya kwamba wameshawalipa pesa zao.

Bw. Naibu Spika, mambo ni mengi sana. Watumishi wa Serikali wanakaa miaka mingi bila kupatiwa pesa zao za kustaafu. Hata wengine ambao waliaga dunia hawajalipwa pesa zao kwa miaka mingi sasa. Haya ni maswali ambayo ni lazima tuulizwe tukifika nyumbani. Bila shaka, jawabu ya maswali haya ni kwamba kumekuwa na ufisadi mwingi katika nchi hii yetu ya Kenya, na kumekuwa na wizi mwingi katika nchi hii ya Kenya.

Bw. Naibu Spika, wakati umefika kwa polisi, hasa CID, na mahakama kuhakikisha ya kwamba wanawaadhibu haraka iwezekanavyo watu wote wanaoiba pesa za umma. Tumeshauriwa tusizungumze juu ya kesi ya Bw. Pattni. Mimi pia singependa kulingilia jambo hili, lakini kesi hii imeendelea kwa miaka saba sasa. Bw. Pattni pia ameanza kuzungumza juu ya kesi hii. Kwa hivyo, tunatarajia ya kwamba kufikia wakati wa kufunguliwa kwa Bunge mwaka ni, kesi hii itakuwa imekwisha, kwa sababu tungetaka kujua zaidi juu ya mambo haya ya Goldenberg Scandal.

Nikitamatisha mchango wangu, ningependa tutilie maanani sheria. Inaonekana kwamba wale ambao hukamatwa kwa visa vya uvunjaji sheria hawaoni kama kuvunja sheria ni jambo kubwa. Jana, picha ya mtu mmoja aliyesemekana aliiba Kshs1 milioni ilichapishwa katika gazeti moja. Mtu huyo, alipigwa picha akiwa anacheka. Ninaiomba Serikali ichukue hatua kali dhidi ya watu kama hao.

Ahsante, Bw. Naibu Spika.

**Mr. Waithaka:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me time to contribute to this Motion of Adjournment. We have listened very keenly to what has been said by the Mover of this Motion, the Seconder and the Attorney-General. They have appealed to hon. Members to try and educate the people of the need to contribute to the constitutional review process. During our weekend visits to our constituencies, we have found it difficult to convince the people on the importance of the constitutional review process. This is because, as much as they would want to review the constitution, they do not feel that it is the Constitution which actually affects them, but rather failure to adhere to it by those who are in authority. We may deliberate and come up with a very good Constitution, but if those in authority are not prepared to adhere to its provisions or operate within it, it will be useless.

Our constituents have been asking us whether it is the Constitution of Kenya or the President that has made them not to have a Vice-President today. If the same members of the Executive will be in power after the

creation of the new Constitution, will they adhere to its provisions considering the fact that they are not following the current one?

**An hon. Member:** Moi must go!

*(Laughter)*

**Mr. Waithaka:** So, that is the biggest question our constituents are asking. If the President does adhere to the current Constitution and appoints a Vice-President before we start deliberating on the new one, I am afraid to say that members of the public may find it very difficult to waste time deliberating a new Constitution.

Mr. Deputy Speaker, Sir, I also followed keenly the contribution by hon. F. P. L. Lotodo. He actually confessed that he was allocated eight hectares of the Kitale Research Station land. We also read newspaper articles attributed to the Attorney-General in which he confessed that he was given 80 hectares, contrary to earlier reports that he was allocated 100 hectares.

**An hon. Member:** He reduced the size of the land by 20 hectares!

**Mr. Waithaka:** He reduced its size by 20 hectares. Hon. F. P. L. Lotodo reduced his by the number he wanted. My concern is the arrogance with which hon. F. P. L. Lotodo made the confession. If that is the kind of arrogance of those who are in the Government, I sympathise with His Excellency the President when he laments that he is driving a bus with many criminals inside. One of the criminals is right here with us.

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! Hon. Waithaka, you should withdraw reference to hon. Lotodo as a criminal.

**Hon. Members:** He did not mention anybody!

**Mr. Deputy Speaker:** I have not appointed you to be my ears, I heard what he said and to whom he referred. Hon. Waithaka, you will withdraw that remark.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I never mentioned hon. Lotodo.

**Mr. Deputy Speaker:** You will withdraw that remark.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I said, "I sympathise with His Excellency the President for driving a bus with so many criminals."

**Mr. Deputy Speaker:** Order! Hon. Waithaka, I understood everything you said perfectly and you said, "and in that bus, there are criminals like him". Would you withdraw that remark, whatever "hims"?

**Mr. Waithaka:** There are so many "hims", Mr. Deputy Speaker, Sir.

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! We are adjourning today, so, why do we have to adjourn on an acrimonious note? Let us go home in happiness. Hon. Waithaka, why do you not withdraw that remark and make progress because there is no point of sending you out because that is where you are going after three minutes?

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, let me proceed.

**Mr. Deputy Speaker:** Order! Would you withdraw that remark first?

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I withdraw that His Excellency the President is driving a bus with criminals.

**Mr. Deputy Speaker:** Withdraw the phrase "criminals like him".

Order! This is not a joking matter. Would you withdraw that remark?

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I withdraw the remark, a "criminal like him" because I never mentioned anybody.

**Mr. Deputy Speaker:** Thank you. Time up!

**The Assistant Minister for Water Resources** (Mr. Chanzu): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion today. This has come at an opportune time when Members have been very busy in the whole of the year deliberating on issues affecting this country. I think it is time when Members are leaving, like Mr. Deputy Speaker, Sir, you pointed out that they should leave on a good note and not a day when Members call others names.

Mr. Deputy Speaker, Sir, I wish to congratulate the Members of this august House for the work they have done throughout the period we have been here from the beginning of the year upto this time. I wish them a



prosperous 1999! I also want to take this opportunity to congratulate the Leader of Government Business who has brought harmonious co-existence between Members from both sides of the House. It has been a big effort to bring the House to that state when we have been here upto the time we are adjourning today. So, for that, I congratulate the Leader of Government Business, hon. Mudavadi.

Mr. Deputy Speaker, Sir, the expectations of the electorate are numerous and this is the time for the Members to go back to their constituencies and take stock of what has been happening there. We expect that the Members should do that thoroughly well so that we can get actual feedback when we come back. There have been shortfalls in the budgetary provisions. I hope that the hon. Members here, particularly those holding positions in various Ministries, will look into this issue during this recess so that they prepare Supplementary Estimates for those items which were not provided for in order for them to be considered as we go into the following year.

Mr. Deputy Speaker, Sir, for example, this particular case goes to the Ministry of Health. I would like to appeal to the Minister for Health to consider providing, during the Supplementary Estimates, more funds for Vihiga District Hospital which has been under construction and is now almost complete. The hospital has equipment there but the construction work is not complete. So, that very expensive equipment will end up rotting there. So, I appeal to the Minister for Health to look into that.

Mr. Deputy Speaker, Sir, the other aspect I would like to talk about is the re-afforestation programmes. If we have to conserve our environment, this is the area we have to look at. I would also appeal to the Ministries concerned to look into this and make provisions for the environmental conservation area. It is also for us to review what has taken place and be able to plan for the future.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion for adjournment.

**Mrs. Mugo:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also support this Motion, though with a very heavy heart. Before I forget, I would like to wish all the hon. Members and staff a very joyous Christmas.

Mr. Deputy Speaker, Sir, having said that, I am very saddened to hear the outburst by the hon. Minister here, directed at the founding father of this nation who is well known in Africa and all over the world.

*(Applause)*

The late President Kenyatta brought us independence and this far. I am saddened because he was such a great President who adhered to the rule of law by having a Vice-President who was not from his tribe or his province. In fact, he brought in President Moi to be his own Vice-President. I think by that virtue the Vice-President became the President of this country. Yet, somebody from the Rift Valley Province has the audacity to bring such a President down like he has done today. I am referring to the Minister for Natural Resources, Mr. Francis Polisi Lotodo. I would like to remind him that the names he invoked like that of the late hon. Ngala, which I am sympathise with; at least Parliament demanded for a Select Committee to be established to probe about the assassinations and it was allowed. This was done and it was in a transparent manner. Yet, it is sad to see a KANU member bringing the greatest KANU President down in this House.

**Mr. Nyanja:** Greater than anybody else!

**Mrs. Mugo:** Yes, greater than anybody else we have known. We all know that the hon. Minister was jailed by this Government because of promoting war-like activities.

*(Applause)*

**The Minister for Natural Resources** (Mr. F. P. L. Lotodo): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, both of you! Hon. Mugo you are touching on an issue concerning an hon. Member.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, but that is a fact. So, I would like to say that as part of the good manners in the African traditions, we do not speak ill of the dead who cannot come here to defend themselves.

**Hon. Members:** From the grave!

**Mrs. Mugo:** I think I can say that I am proud of the work he did for this country and for all Kenyans. When His Excellency the late President died, he left this country on a sound agricultural footing and the economy of this country was almost at par with that of Korea and Singapore. Where are those countries today? The Kenyan people were getting somewhere. There was no tribalism and institutions were running; and those are the institutions which have seen Kenya this far. Where are all those institutions?

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

**Mr. Deputy Speaker:** Order, hon. Munyasia! Continue Mrs. Mugo!

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I know that there are some Ministers there who really work. I do not want to say that the whole Government is rotten but there are a few "bad potatoes" there. But as the saying goes; "A bad potato can make the whole bag go rotten." I feel very saddened that a KANU Member can stand here and criticise and speak ill of the dead. The first President of this country adhered to the rule of law and chose---

**The Minister for Natural Resources (Mr. F.P.L. Lotodo):** On a point of order, Mr. Deputy Speaker, Sir.

**An hon. Member:** Mr. Lotodo, sit down!

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I do not like hitting hard. We are talking about security in this country. But is that the kind of talk that we are encouraging in this country? Is it what I saw in Trans Nzoia which is bordering West Pokot? I was just in Trans Nzoia last weekend---

**An hon. Member:** And you were beaten!

**Mrs. Mugo:** I was beaten the first time, but I was not beaten this time. I saw women and children sleeping outside their houses because of the war-like activities from the neighbouring Pokot. It is unfortunate that the same thing is being brought to this House.

**The Minister for Natural Resources (Mr. F.P.L. Lotodo)** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Lotodo! Let us have Mr. Sunkuli contributing.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, I am grateful to have the last opportunity to say goodbye. I know the reason why hon. Mugo is particularly quite defensive of the Kenyatta regime. One must realise that there are sensitivities especially when the President you are talking about is a member of your family.

But that apart, I want to say that as we go into recess, we are all interested in the improvement of the economy and we want it to improve but those of us who come from Maasailand feel that it is time that the livestock industry was developed so that we have the KMC revived to enable our economy to improve. We do not want to be endangered. I know that the Maasai people who are working in the National Bank of Kenya are an endangered species. The National Bank of Kenya is sacking practically every Maasai person who is working there. This is raising a big concern for those of us who come from Maasailand. I have personally tried to intervene for some of them. Some of them are accused of

**[The Assistant Minister, Office of the President]**

offences they are about to commit. Whichever position has been created for a Maasai man in the National Bank of Kenya, it has always gone to a person from another tribe. We are becoming an endangered species in the National Bank of Kenya and I hope those who are running it will stop this idea of pruning the Maasais from that bank.

Mr. Deputy Speaker, Sir, some people do not like us calling ourselves communities. It is because we have ignored the fact that we are communities and have created inequities in this country. For about 15 years from Independence, a certain type of leadership was created to favour some people. Right now, when we complain, these people are telling us there were times when Kenya was doing well! There were times when "they" were doing well. We were never doing well! Those are the same people who are nowadays criticising the creation of new districts. When the President announces the creation of Thika District, not a single finger is raised. When we try to balance the inequities of the past, some people---

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

**Mr. Deputy Speaker:** Overruled! Proceed, Mr. Sunkuli!

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Thank you, Mr. Deputy Speaker, Sir. We want to ensure that these new districts are created to serve people. From Trans Mara District to Narok District, how many kilometres are those? You have got to go through other five districts in order to arrive there. What is wrong in ensuring that other people are happy? When we create a district in your own territories, your people celebrate. What is wrong in our people celebrating? It is absolutely important that we realise that there are people who do not want to see other people happy, but we will ensure that does happen.

I would like to say that we wish hon. Members a happy Christmas and a happy New Year. When we go to the issue of constitutional changes let us address the question of the constitution.

With those remarks, I beg to support.

**Mr. Deputy Speaker:** Order, hon. Members! We have come to the end of this debate and of this

Session. As we proceed into recess, I hope Members will take time to reflect on what has gone on throughout the year and plan for the future.

I want to take this opportunity to wish you a happy Jamhuri Day, on Saturday, a merry Christmas and a prosperous 1999; a prosperity that will mean something to all Kenyans.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**Mr. Deputy Speaker:** Order, hon. Members! This House now stands adjourned *sine die*.

The House rose at 7.50 p.m.