

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 9<sup>th</sup> July, 2013

The House met at 2.30 p.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]*

### PRAYERS

### REQUEST FOR STATEMENT

#### FATE OF *MAU MAU* WAR VETERANS

**Hon. Kanini Kega:** Hon. Deputy Speaker, four weeks ago, I sought a Statement from the Leader of Majority Party regarding the fate of the 5,428 *Mau Mau* war veterans and their awards, but up to now I have not received any Statement. The Leader of Majority Party hand indicated that he would give a report in two weeks' time. It is now four weeks since then but I do not know what is happening.

Hon. Deputy Speaker, as you have noted, this is a very emotive issue. Last Friday, I attended the burial of one of the most respected *Mau Mau* war veterans. If this issue is not handled on time, we might have a situation similar to the one that happened in 2003, when a fellow by the name of Ato Lemma Ayanu was brought into the country from Ethiopia under the guise that he was the much respected Gen. Mathenge, whom I happen to share a name with. Since we do not want to have a repeat of such a thing, I would want the Leader of Majority Party, who is known to be very fast, to find out what is actually happening. I do not know what happened to him this time round.

Thank you.

**Hon. Deputy Speaker:** Leader of Majority Party, do you have any comments on his long waiting for his Statement?

**Hon. A.B. Duale:** Hon. Deputy Speaker, the issue of the *Mau Mau* war veterans' compensation by the British Government is very complex. When I raised it with the Attorney-General, I was told that the matter was being handled by private lawyers; he asked for time to find out what was happening. So, if I am given time, I will follow up the matter and, maybe, give the Statement, on behalf of the Attorney-General, on Thursday.

**Hon. Deputy Speaker:** Thursday it shall be.

Next Order!

### MOTIONS

#### RESOLUTION ON NON-SIGNING OF ECONOMIC PARTNERSHIP AGREEMENTS

THAT, aware that since the signing of the Cotonou Agreement in the year 2000, the Government has been negotiating Economic Partnership Agreements (EPAs) with the European Union (EU), together with other member states of the Eastern Africa Region; further aware of the concerns raised by the Eastern Africa Region on the contentious aspects of the EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further taking cognizance of the adverse effects that the EPAs are projected to have on Kenya's economy, particularly on agriculture and manufacturing sectors; aware of an amendment to the European Union's Market Access Regulations (1528 of 2007), whose effect is that the 18 countries which have not signed or ratified the full EPAs, most of which are from Sub-Saharan Africa, Kenya included, will henceforth be removed from duty-free, quota-free access to the EU Markets; further aware that once removed, Kenyan products will from October 2014 cease to enjoy the duty free, quota-free tariffs in the EU market, and that the national economy is estimated to lose more than Kshs10 billion in that year alone; this House resolves that the Government does not sign the Economic Partnership Agreements in their current form until all outstanding issues, especially the most favoured nation, export taxes and development clauses as raised by the East African Community and Kenya in particular, are conclusively addressed, and that the Government continues to explore more beneficial trade negotiations with the European Union.

*(Hon. (Dr.) Laboso on 3.7.2013)*

*(Resumption of Debate interrupted on 4.7.2013)*

**Hon. Deputy Speaker:** Hon. Members, debate on this Motion had been concluded. We were only left with putting the Question.

**Hon. Ng'ongo:** Hon. Deputy Speaker, I was on a point of order, and I thought you were sorting it out. Order No---

**Hon. Deputy Speaker:** *(off-record)* The Motion is really a property of the House, but just to make it neat in case anybody has a comment, let us wait for one of the hon. Members.

*(Putting of the Question deferred)*

Next Order.

#### ESTABLISHMENT OF AD-HOC COMMITTEE ON *KHAT/MIRAA*

THAT, aware that *khat (miraa)* is an economic mainstay of many people in Kenya and has led to economic growth and development in the country; noting that the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) has continued to campaign against consumption of the commodity and classified *khat (miraa)* as a drug; concerned that most countries have banned

chewing of *khat (miraa)* and others are in the process of banning entry of the product into their markets, including recommendation of severe penalties against consumers while others have granted the Government of Kenya a window period to consider the suitability of the product for export; further noting that recent research has established that *khat (miraa)* is not a drug and, therefore, appropriate legislation should be put in place to regulate the industry, this House resolves to establish an ad-hoc Committee to comprehensively investigate, inquire into all matters relating to *khat (miraa)*, consider and review all research findings and make recommendations to the House within 90 days, and that the Committee comprises the following Members:-

1. The Hon. Florence Kajuju, MP – Chairperson
2. The Hon. Franklin Mithika Linturi, MP
3. The Hon. Muriuki Njagagua, MP
4. The Hon. Gladys Nyasuna, MP
5. The Hon. Daniel Maanzo, MP
6. The Hon. Dennitah Ghati, MP
7. The Hon. Dr. Susan Musyoka, MP
8. The Hon. Fatuma Ibrahim Ali, MP
9. The Hon. Cyprian Kubai Iringo, MP
10. The Hon. Joseph M'Eruaki M'Uthari MP
11. The Hon. Abdulaziz Farah, MP
12. The Hon. Tiyah Galgalo Ali, MP
13. The Hon. Dan Kazungu Muzee, MP
14. The Hon. Mohamed Elmi, MP
15. The Hon. Rachel Nyamai, MP
16. The Hon. Jimmy Angwenyi, MP
17. The Hon. Beatrice Nkatha Nyaga, MP
18. The Hon. Benson Mutura Kang'ara, MP
19. The Hon. Alfred Kiptoo Keter, MP
20. The Hon. Kanini Kega, MP
21. The Hon. Zipporah Kering, MP
22. The Hon. Ayub Savula Angatia, MP
23. The Hon. Sabina Chege, MP.

*(Hon. (Ms.) Kajuju on 4.7.2013)*

*(Resumption of Debate interrupted on 4.7.2013)*

**Hon. Deputy Speaker:** Hon. Members, Order No.9 is a Motion which was ongoing. Unfortunately, hon. Kajuju is out on official duty and has asked that it be put on the Order Paper tomorrow morning.

*(Motion deferred)*

Hon. Members, we will, therefore, move on to Order No.10.

## MEASURES TO CURB IRREGULAR PAYMENTS THROUGH ILLEGAL SCHEMES

**Hon. Wandayi:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the Goldenberg matter almost brought the country's economy to its knees through false compensation claims on fictitious export of gold and diamonds; noting that the taxpayers lost about Kshs5.8 billion that is documented so far; further aware that a Judicial Commission of Inquiry set up to probe the matter established impropriety on the part of Goldenberg Company and its architects; noting that the report of the Judicial Commission of Inquiry has not been acted upon conclusively to date; further aware that the Kenyan Public continues to bear the burden of old and emerging claims arising from the Goldenberg and related schemes, this House urges the Government to put in place measures to ensure that no further irregular payments are effected with regard to such schemes to avoid further loss of public funds.

Hon. Deputy Speaker, the story of Goldenberg International is fairly well documented. In fact, anyone who was of age in the early 1990s must have heard about this story. To strangers in Kenya, this story sounds like a fairy tale. If I may jog the memory of the House a little, the political and economic environment in Kenya prior to 1993 was too weak for Kenyan authorities to allow Goldenberg Affair get so much out of hand that it became a scandal of mega proportions. Kenya then was a fairly closed economy, with the Government controlling bank interest rates, prices of commodities and foreign exchange transactions.

In the late 1980s, the Kenya Government, under then President Daniel Toroitich arap Moi, introduced the infamous Export Compensation Scheme ostensibly to encourage legitimate export of gold, eliminate smuggling and, therefore, increase revenues. Of course, this was not to be, as I will point out later. Hon. Members will recall that the Goldenberg scandal started around 1990, and became a massive economic scam which cost this country close to US\$750 million, which is the equivalent of about Kshs60 billion at the current exchange rate. This was, obviously, done through irregular, illegal and fraudulent foreign exchange claims by Goldenberg International and its cohorts.

The second way was through dubious export compensation awards for fictitious gold and diamond jewellery exports. To make matters worse, the awards were at the rate of 35 per cent, that is 15 per cent over and above the then official rate of 20 per cent. So, the people involved had the audacity to not only claim compensation on exports that did not exist, but also to go further and claim the same at a rate that was higher than what was legally provided for. The architects of this massive scam also used instruments and mechanisms like the Pre-Shipment Finance Facility and the Export Retention Scheme to defraud Kenyans. The estimated loss of Kshs60 billion that I have just talked about is considered, in many cycles, to be conservative because there are indications that more than US\$1 million could have been lost directly, or indirectly, through Goldenberg International and its networks. Goldenberg's networks were perverse. Goldenberg International was like a hyrax-headed octopus with tentacles all over.

Hon. Deputy Speaker, the recorded transactions of Goldenberg International were mainly between 1990 and 1993, but the spill-over effects continue to be felt today, more than two decades later. Therefore, the full extent of the damage caused by Goldenberg International may never be known. The networks of Goldenberg International, as I pointed out, were very wide and intricate. They involved briefcase banks such as the Exchange Bank Limited, Delphis Bank,

Trade Bank and many others. They also involved the World Duty Free Company and its local component, the Kenya Duty Free Company.

You will recall that the World Duty Free Company was incorporated in the Isle of Man. This is one of the companies that the architects of the Goldenberg affair claimed to have been importing gold from them. Later on, those architects had the audacity, through a court order in Kenya, to acquire the assets of the World Duty Free Company in Kenya, of course, with the purpose of covering up the irregularities of the Goldenberg affair.

Talking about the Kenya Duty Free Company, we are aware that as recently as early this year, this company, which is owned by the prime architects of the Goldenberg scam, was awarded a whopping Kshs4.2 billion in a long-standing dispute with the Kenya Airports Authority (KAA). This was done by a tribunal that was set up to look into the matter. Of course, the KAA is a State corporation. Therefore, it is owned by Kenyans. So, as late as early this year, the Kenyan taxpayer was still being called upon to fork out a whopping Kshs4.2 billion to pay to Goldenberg International and its network in a dispute between the Kenya Duty Free Company and the KAA.

It can also be recalled that in a 2006 determination by the International Centre for Settlement of Investment Disputes, it was found out that the agreement between the Kenya Duty Free Company and the KAA, which relates to the dispute that has given birth to the award of Kshs4.2 billion, was procured through corruption and bribery. In fact, that tribunal found that for this agreement to be procured, a lot of money changed hands. One of the recipients of that money was none other than then President Daniel Toroitich arap Moi. That tribunal found out that Mr. Moi was paid Kshs41.5 million in 1998 in order for the deal to be sealed. So, here we are bearing the cost of actions of people who should have known better than to treat public assets like a joke. In 2002---

**Hon. (Ms.) Kiptui:** On a point of order, hon. Deputy Speaker. Is the person on the Floor in order to mention names of people who cannot defend themselves in the House?

**Hon. Deputy Speaker:** Order Grace! Which is this person?

**Hon. (Ms.) Kiptui:** Hon. Deputy Speaker, it is the hon. Member who is on the Floor.

**Hon. Deputy Speaker:** Thank you.

**Hon. (Ms.) Kiptui:** Hon. Deputy Speaker, is the hon. Member in order to mention names of people who cannot defend themselves on the Floor of the House? Could he explain that to us?

**Hon. Wandayi:** Hon. Deputy Speaker, those facts speak for themselves. Firstly, my name is hon. Opiyo Wandayi, Member for Ugunja Constituency. Even if I do not mention names here, those facts cannot be swept under the carpet. Therefore, I will urge you to protect me.

**Hon. Deputy Speaker:** But you should desist from mentioning names, unless you are able to give us the evidence that you are referring to in a document that we can admit in the House as a valid document.

**Hon. Wandayi:** Much obliged, hon. Deputy Speaker.

In 2002, we had an election.

**Hon. Keynan:** On a point of order, hon. Deputy Speaker. With due respect, *Mzee* Moi is a retired statesman, and must be accorded all the respect that he deserves. I want to request hon. Opiyo to either withdraw or give concrete evidence that former President Moi was, indeed, a recipient of a bribe of Kshs41.5 million. That is a very serious allegation. Therefore, if the Member cannot provide evidence, then he should withdraw and apologize to the House, the nation and former President Moi.

**Hon. Deputy Speaker:** Yes, we all know the role that the former President has played in our country. Therefore, hon. Wandayi, it is only in order--- You can see that this is not acceptable. You can continue giving your submission without necessarily bringing in this name. Apologize and continue with your submission.

**Hon. Wandayi:** Hon. Deputy Speaker, if you allow me to continue, I will substantiate this matter further because I have a few facts.

**Hon. Ng'ongo:** On a point of order, hon. Deputy Speaker. This is a House of rules. Once a President, always a President; *Mzee* Moi is a respected statesman. If I listened carefully to hon. Wandayi, he quoted a commission of inquiry. The only thing that the Members can do to hon. Wandayi is to challenge him to substantiate or bring evidence. If we ask the hon. Members not to mention commissions of inquiry and hide behind respect for senior citizens of this country, we will not fight corruption. It is important that if a sin is committed, even if you leave office, it should be mentioned, so long as one can substantiate. So, the only thing that this House can ask hon. Wandayi to do is to substantiate with evidence that the commission of inquiry found evidence that former President Moi received that money. If he received it, he is supposed to be held accountable. Despite his statesmanship and age, this country must fight corruption; you can only fight corruption by showing people that even after leaving office, you will still be held to account.

**Hon. Deputy Speaker:** Hon. Ng'ongo, we are not speaking differently. You have just said that we are asking hon. Wandayi to provide evidence, or withdraw and apologize until such a time that he will be able to provide evidence. That is all we are asking.

**Hon. Wandayi:** Hon. Deputy Speaker, just to correct the impression which is being created, I was referring to the ruling by the International Centre for Settlement of Investment Disputes, which in a 2006 ruling determined--- This is a public document and any Member can get access to it.

**Hon. Deputy Speaker:** No! We need that evidence here for us to see it.

**Hon. Wandayi:** Hon. Deputy Speaker, for me to make progress I will withdraw, but I will not apologize because I will bring evidence. I will withdraw Moi's name, but I will not apologize.

**Hon. Members:** No!

**Hon. Deputy Speaker:** Hon. Members, since he has withdrawn, let us leave that matter until he brings us the evidence.

**Hon. Wandayi:** Hon. Deputy Speaker, I will bring it.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, let us leave it there.

**Hon. Wandayi:** Hon. Deputy Speaker, in 2002---

**Hon. Deputy Speaker:** Let us get the last point of order on this matter from hon. Langat.

**Hon. Langat:** On a point of order, hon. Deputy Speaker. This is a House of rules. If the Member has accepted to withdraw and has promised to bring the evidence, you need to rule that he brings the evidence tomorrow or one hour after now. He has promised to bring the evidence.

**Hon. Deputy Speaker:** Order, Members! We are not going to go on like this. Hon. Members, he has withdrawn. Hon. Wandayi, if you continue in the version that you are continuing, could you, please, provide that evidence latest tomorrow, or else you will then have to apologize? The evidence he is providing for us is either the report or the ruling that was given.

**Hon. Wandayi:** Hon. Deputy Speaker, I can also provide the website where you can find the report. That is fine. We are a digital House.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, let the Member continue. This is his Motion. I will continue to listen to hon. Wandayi on his Motion. Remember you are moving your Motion. We have not even seconded or agreed that you move it.

**Hon. Wandayi:** Hon. Deputy Speaker, I was saying that in 2002, this country went into an election. Sometime in 2003, the then President, hon. Mwai Kibaki, appointed a Judicial Commission of Inquiry headed by Justice Samuel Bosire. This Commission of Inquiry sat for close to three years and delved deeply into this matter of Goldenberg. At the end of its sittings, it produced a report and, among other things, found that the alleged gold and diamond jewelry exports were non-existent. Secondly, that report indicates that the Commission could not trace the assets that had been acquired with money obtained from Goldenberg affair.

Hon. Deputy Speaker, that report went further and named 14 individuals whom it recommended that the Attorney-General, then one hon. Amos Wako, should either prosecute or take civil action against them for having been grossly implicated in the Goldenberg affair. I want to go about naming those names because they are there in the Bosire Report, which has been tabled in this House. So, anybody wishing to know those names can go to that Report; if you allow me I can name them.

**Hon. Deputy Speaker:** Go ahead.

**Hon. Wandayi:** Hon. Deputy Speaker, the Commission of Inquiry headed by Judge Bosire named Kamlesh Dhamji Pattni, the late James Kanyotu rest in peace), the late Professor George Saitoti (rest in peace), Charles Mbindyo, Wilfred Karuga Koinange (rest in peace), Collins Owayo, Arthur Ndegwa, Eric Kotut, Francis Cherego Cheruiyot, Elphaz Riungu, Elijah arap Bii, Tom Werunga, Michael Wanjihia and Job Kilach. Those individuals were supposed to have been prosecuted by the hon. Attorney-General, or, at the very least, civil action should have been taken against them. To date, nothing has been done.

Hon. Deputy Speaker, in another resolution of that Commission, the Bosire Report also named four individuals whom it recommended be subjected to further investigations for their perceived involvement in the scam. If you allow me, I will name those four individuals. The four individuals who were supposed to be investigated further with a view to being prosecuted were, and I am quoting from the Bosire Report---

**Hon. Deputy Speaker:** Hon. Member, yes, you are quite in order but the only issue is that this is a new House and that Report was not provided to those hon. Members. It would really be in order if you could also get a copy for this House, so that they can follow your arguments. Go ahead.

Hon. Deputy Speaker, I will table the report right away, but you will allow me to just make some references to it before I table it here.

**Hon. Murungi:** On a point of order, hon. Deputy Speaker. Hon. Wandayi has mentioned a Mr. Elphaz Riungu, who is since deceased and he has not acknowledged that. Mr. Elphaz Riungu comes from my constituency. He was a very senior citizen of this country. Is he in order?

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Wandayi, can you please pay your respects?

**Hon. Wandayi:** Hon. Deputy Speaker, let the late Elphaz Riungu rest in peace.

**Hon. Deputy Speaker:** You are not only referring to this Report but you are also tabling it?

**Hon. Wandayi:** Yes, I have it hon. Deputy Speaker.

**Hon. Deputy Speaker:** Continue.

**Hon. Wandayi:** Hon. Deputy Speaker, this Bosire Report is lying in the library. There are three individuals who were supposed to have been investigated further with a view to being prosecuted for their involvement in the Goldenberg scam. Number one, and I am reading directly from that Report, is former President Daniel arap Moi; number two is Joseph Magari; number three is Joshua Kulei and number four is Multiface Company Limited.

Hon. Deputy Speaker, on the matter of repossession of assets acquired with monies obtained from Goldenberg affair, there was an attempt some time later when the Central Bank of Kenya (CBK) repossessed the multi billion shillings Grand Regency Hotel. Thereafter, the CBK proceeded to sell this hotel to some Libyans. Here is the CBK extensively trying to recover assets which had been stolen and then it goes ahead and sells this property in an opaque and suspect manner to some Libyans; the hotel has since been renamed "Laico Regency Hotel".

Due to serious public outcry, the then President Mwai Kibaki set up a commission of inquiry to investigate this matter of the Grand Regency Hotel. That Report to date has not been made public. We only hear of rumours that certain people were named adversely in that Report. So, I do not want to go into naming those names for now, but I have got a lot of dossier on this.

Hon. Deputy Speaker, there is no denying of the fact that serious economic crimes were committed against Kenyans by the architects of the Goldenberg scandal. Those crimes had the effect of denying Kenyans their economic and social rights as guaranteed by Article 43(1) of the 2010 Constitution. Those kinds of crimes are so serious that in certain parts of the world like Asia, if you are found guilty of them you will have to face a firing squad. In this country, unfortunately, perpetrators of such crimes walk scot-free and display impunity - impunity of the highest order.

**Hon. Deputy Speaker:** Must you repeat yourself severally?

*(Laughter)*

**Hon. Wandayi:** Yes, hon. Deputy Speaker. I am stressing that point about impunity because it is killing us. Impunity is killing us in this country. It is very clear from the Report I have just read that former President Daniel arap Moi was a principal architect and beneficiary of the Goldenberg scandal. It is also a fact that his successor, President Mwai Kibaki, let Kenyans down by failing to act on this Report. It is our hope and prayer that our current President, the hon. Uhuru Kenyatta, will not follow in the footsteps of his predecessors by failing to take decisive action on this matter of Goldenberg scandal. I pray and believe he will do something better than his predecessors did on this matter.

Hon. Deputy Speaker, as we speak, you know the Goldenberg scandal has got this knack of mutating. Goldenberg has been able to mutate and as we speak there is talk of a new Goldenberg, without mentioning people's name. There is talk of a new Goldenberg. We are being told of Sky Hawk International and Ushindi Exports selling thousands of kilogrammes of gold whereas we know that this country's capacity is less than 50 kilogrammes a month.



So, this House has got a responsibility under the Constitution to safeguard public interest. In fact, Article 95(2) of the Constitution clearly stipulates that one of the functions of the National Assembly is to deliberate on and resolve issues of public interest, or of concern to the people. This House must stamp its authority and take on impunity head on.

Hon. Deputy Speaker, as I move this Motion, I will be calling upon the Government to take decisive action and stop further payments to Goldenberg and its networks. I can go on and demonstrate how Goldenberg was used to fleece this country. In fact, there is evidence in the Bosire Report that Goldenberg was used to finance the KANU elections of 1992. That evidence is here; Goldenberg payments were made under express instructions of none other than the then President. This House is being called upon---

**Hon. Deputy Speaker:** Your 20 minutes are over, hon. Wandayi. You should wind up.

**Hon. Wandayi:** I beg to move and call upon hon. David Ochieng to second the Motion. Thank you.

**Hon. Ochieng:** Thank you, hon. Deputy Speaker. I stand to second this Motion. The Motion before us should not be misconstrued to mean that we are discussing the President. The Mover urges the Government to put in place measures to ensure that no further irregular payments are effected, in regard to such schemes, to avoid further lose of public funds. I wish to second. I just need to inform the Members that this is a digital Government, one that claims to work through the internet. The case being referred to by the Mover of this Motion, the case of World Duty Free Company Limited versus Kenya; is Case No.ICSIDARB/00/7. It is available at <<http://ita.law.uvic.ca/documents/WDFv.KenyaAward.pdf>>.

(Laughter)

That is the case that the Member is referring to and legal judgments that are done by courts are public documents. Let hon. Members *Google*, get those documents, read and understand them.

We are living in times when this country has gone through a lot. During this Session of Parliament, we moved a Motion urging the Government to establish a fertilizer factory in this country. I am sure you have been living around for quite a while and you know the case of Kenren. Kenya paid so much money to construct a fertilizer company that was never to be. We continue paying that money. That is what the hon. Member is talking about. He is talking about monies we are paying and yet, we are not getting any services.

This year - and we know without going into the facts - Kamlesh Pattni has taken the Government of Kenya to court again to try to implement the World Duty Free agreements. We continue losing money every day and that is why we should not stifle debate just because some names have been mentioned. We must learn to put our mouths where our monies are. We must plan to ensure that where public investments are involved, we, as Members of Parliament, must ensure that Kenyans get the rightful return for the monies invested. That is what the hon. Member is seeking to do.

We live in times when we are now procuring laptops for our children. The laptops are going to cost so much money. We must make sure that we are going to deliver laptops and not toys. That is what the hon. Member is talking about; to spend good money and get good products. If there is any venture or anything that the Government has done before and that makes us to continue incurring debt--- Last month, we just passed a Budget in this Assembly of

around Kshs.1.6 trillion. It has a gaping gap and we need to plug it. How do we plug it if we continue throwing good money after bad ventures?

*(Hon. Oyoo passed between the Chair and hon. Ochieng)*

**Hon. Ng'ongo:** On a point of order, hon. Deputy Speaker.

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

**Hon. Ng'ongo:** I did not want to interrupt hon. David Ochieng because he is raising a very important matter. But I see provisions of Standing Order 103 being violated every day. I think we need to put a stop to it. Standing Order 103(2) says:-

“No member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the administration of Oath or affirmation of Allegiance”.

The hon. Member for Muhoroni has just passed between you and hon. David Ochieng and I think we need to put a stop to this. We should understand that no Member should pass between the one speaking and the Chair.

**Hon. Deputy Speaker:** Thank you, hon. Ng'ongo. He is always very useful because he knows the Standing Orders very well. Hon. Member for Muhoroni, please, be informed because you are not a new Member. You have been here now for quite some time. We can forgive the new Members but, please, be guided. Let us not have any Member doing that. For the new Members, when a Member is speaking, there should not be any other Member passing in between the Speaker and the Member that is on the Floor. Hon. Ouma please!

**Hon. Ochieng:** Thank you, hon. Deputy Speaker. What I was saying is that, we are throwing good money after bad ventures. The money we are throwing to help pay off those debts could be used by the people of Ugenya to access seed and fertilizer. In 2007, a Report was presented to this House by the then Minister for Finance, hon. Peter Kenneth, about how much was remaining with regard to the Kenren fertilizer agreement. We are talking about Kshs.4.3 billion that we continue to pay for things that were never received. We are still mobilizing money to help us build a fertilizer firm.

We could also use that money to pay the teachers' salaries. We have Government officials and politicians who sit down, work out on some projects that finally turn out to be called “vulture funds”. We are selling our country; we are mortgaging our country; we enter into debts and we know we will not pay. We have agreements where a few individuals receive colossal sums of money. The Government is indebted. We continue to pay by saying those are Treasury debts.

I agree with the Mover of this Motion. After we pass this Motion, Public Investments Committee must sit down, go through all Government documents and bring back to this House a list of such kind of contracts or schemes. The Committee should show how much the Government is paying in terms of those kinds of schemes and how much we are losing as a country. That way, Parliament can put a stop to that kind of “vulture” fundraising.

With those few comments, I beg to second this Motion. Thank you, hon. Deputy Speaker.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Samuel Gichigi.

**Hon. Gichigi:** Thank you, hon. Deputy Speaker. I have looked at this Motion and I agree that hon. Wandayi has the best of intentions, despite bringing in so many issues that have attracted many missiles *en route*. It is true we have had the Goldenberg scandal that has lasted for eons. We have other documents that have consumed a lot of money - prepared as reports of inquiry – and yet, we have not received the findings. The findings are not made public. So, to me, I support this Motion by saying: Let the Government make sure that what has been happening in the past does not happen again. I am aware that our President, His Excellency Uhuru Kenyatta, has been talking about eradicating corruption in this country. Even without this Motion, I know steps are being taken. I am aware that – and you can read the Jubilee Manifesto - corruption is being dealt with. I know it is going to be dealt with and if you look at this Motion, it has actually been lifted from the Jubilee Manifesto.

*(Laughter)*

I therefore, support this Motion and thank hon. Wandayi for becoming a convert. Thank you.

**Hon. Deputy Speaker:** Hon. Kenneth Okoth.

**Hon. Okoth:** Thank you, hon. Deputy Speaker. I also rise in support of this Motion. I want to emphasize to the Members of this House that on matters of national importance such as this, we are not here as Members of CORD or Jubilee. We are here as Kenyan patriots employed and required to perform our duties on behalf of the Kenyan citizens. Thousands of schools could have been built in Nyandarua, Nyeri, Murang'a, Marsabit and Kibera with the US\$60 billion that we lose. It is Kenyans who miss out on the US\$60 billion fraudulent loses. I hope that we will unite and support this Motion.

I actually represent His Excellency former President Daniel arap Moi who is a resident in my constituency. He is also my neighbour. Even as we debate this Motion, let us grant him the personal respect that he deserves in our culture. But let us not exempt him from responsibility, if he made mistakes. That is because nobody is a saint and we all know that.

*(Applause)*

So, let us respect the old man. *Mimi ni mtoto wa Nyayo* because I was born in 1978. I have great respect for him but, if he made mistakes, let us not crucify him. Let us learn from them and let us be honest. Kenya is bigger than one person, however long he served this country. That is something we recognize. However, let us stand up for the 43 million Kenyans who deserve proper governance and accountability.

With those few remarks, I thank hon. Wandayi for bringing this Motion to this House. I also thank my colleagues for their willingness in spirit and understanding that this is a national matter and not a partisan matter. This is reflected in the Jubilee Manifesto for proper governance and management of public resources. This is also reflected in the Manifesto of CORD. So, let us unite on this matter for once. Let us figure out good policies in the next few months or years to make sure that we do not suffer such loses again.

Thank you, hon. Deputy Speaker.

**Hon. Sang:** Thank you, hon. Deputy Speaker. I rise to support this Motion, although the hon. Member has really politicized the matter by naming a good number of Kenyans, including

former President Moi and Elijah Bii, who is my constituent. It is unfortunate but the Motion is good.

The hon. Member has not mentioned Jaramogi Oginga Odinga and yet, he received something small. I do not know why he has not done that. I do not want to say the reason.

*(Laughter)*

Otherwise, the Motion is good. I support the Motion. Thank you, hon. Deputy Speaker.

**Hon. Midiwo:** Thank you, hon. Deputy Speaker. I rise to support this Motion. Let me thank the Mover of the Motion, hon. Wandayi, because he is helping do the work in the Jubilee Manifesto. That is because the person who made Kimunya write a nasty letter to the people of Kipipiri has said that it is in the Jubilee Manifesto. So, I will go by that because nobody has challenged him. So, hon. Opiyo Wandayi is doing the job of the sleeping Jubilee Members of Parliament.

Having said that, corruption is a vice that we cannot afford to live with in our country. I agree with other Members that we need to be sober about---

**Hon. Members:** On a point of order, hon. Deputy Speaker.

**Hon. Midiwo:** Hon. Deputy Speaker, protect me from hon. Mbadi. Hon. Mbadi is a pain-

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**Hon. Lessonet:** On a point of order, hon. Deputy Speaker. Hon. Midiwo has said that he has woken up the Jubilee Members of Parliament. Is he in order to say that and yet, we will shortly oppose this Motion? We will defeat it in a few a minutes because this is what the Jubilee Government said it will do. They told Kenyans that they will do that and Kenyans accepted. Is it in order for hon. Jakoyo Midiwo to say that we are sleeping when we have said in our manifesto that we will do what hon. Wandayi thinks he is reminding us? He is not reminding us anything at all.

**Hon. Deputy Speaker:** Hon. Amina Abdalla, get that point of order before you continue. Hon. Jakoyo, you should desist from making comments that will raise temperatures in this House. Yes, hon. Amina Abdalla.

**Hon. (Ms.) Abdalla:** On a point of order, hon. Deputy Speaker. I want to find out whether it is in order for hon. Jakoyo to refer to us – even me who is very awake – as sleeping Jubilee Members, considering that he was photographed in the *Nairobi Star* taking a nap with sunglasses? Is it fair?

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Jakoyo, desist from making comments that will not allow you to prosecute what you really want to say.

**Hon. Midiwo:** Hon. Deputy Speaker, that was with a light touch. You know that in the last two weeks, we have caught them napping on issues of corruption. That is a fact. Some of the people who do not want to pay teachers and have bought toy laptops that are already in Mombasa are just criminals.

Hon. Deputy Speaker, there is nothing wrong with sleeping. That is why I am pointing out theirs.

**Hon. Deputy Speaker:** Hon. Jakoyo, will you get on with the points that you want to make? You need to move on.

**Hon. Midiwo:** Yes, hon. Deputy Speaker. The issue of corruption is one that we need to talk about soberly. I hope that when we mention the name of Kamlesh Pattni, supporters of corruption will not be offended. Kamlesh Pattni is one man that this country and this Parliament must deal with decisively. That is because one man cannot hold the country to ransom. I have been in the Finance Committee for the last 10 years and we investigated the issue of Grand Regency. It is only the name that was changed. Nobody has even looked at that report or implemented it. How has Pattni retained the ownership of 23<sup>rd</sup> Floor of Grand Regency, if it was repossessed from him? You are dealing with a hard criminal who is a thief and must be dealt with, the same way we are dealing with the Chinedus of this world. We want to support the President if he will do that. We want to do this soberly.

Hon. Deputy Speaker, corruption is corruption; corruption is cancer. This Government has pledged to deal with corruption and this Parliament must help it to deal with that vice.

*(Applause)*

This Parliament has a duty. We keep on seeing Goldenberg individuals now and then. Last week, we said it on this Floor when we were talking about laptops. We are not opposed to our kids using technology. But we are opposed to somebody insisting on them. No procurement has been done and yet, the containers are in Mombasa. That is corruption. We must call it what it is. The duty of this House, at any time, is to support---

**Hon. Langat:** On a point of order, hon. Deputy Speaker. I think the Deputy Minority Leader does not understand the laptop project. Is he in order to mislead the House that the laptops are already in Mombasa? Can he table evidence because he is misleading the House and the country?

**Hon. Deputy Speaker:** I think that is a valid point of order. Hon. Midiwo, do you have evidence to the effect that the laptops are in Mombasa? Otherwise, it will be the same thing as we had told hon. Wandayi. If you cannot substantiate by giving us evidence of the laptops being in Mombasa, you should withdraw the statement, apologise to the House and continue with your contribution.

**Hon. Midiwo:** Hon. Deputy Speaker, I will withdraw because it is none of my business to substantiate corruption. It is the duty – whether the laptops are in Mombasa, Juja or in Pepe – of this House to stop corruption. This House has no business supporting pilferage of public funds. Those of us on this side of the House shall have no business supporting that kind of project.

Hon. Deputy Speaker, only a couple of years ago, we were told about the Passat type of vehicles which were going to save public funds. A responsible Government should turn around and tell its people: “In the Passat Project, this is what happened.” Why did it fail? Who made money? They are the same people who are still in Government! Why should we be shy when it is talked about? Whose project was it?

**Hon. Member:** Uhuru!

**Hon. Midiwo:** Whose project was it? You know it! Say it! Whose project?

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Order, hon. Members! Let us have order in the House.

**Hon. Midiwo:** Hon. Deputy Speaker, all I am saying is that every Government makes pledges to correct wrongs or do good things. We have a manifesto. One of the pledges of this Government is to fight corruption. All we are asking from this side of the House is: The Goldenberg saga must stop eating into public funds. We want the payment of any money to Patni to be stopped because he is one person in this country who has corrupted the political system. If you checked, if we had a “checkmeter”, even some hon. Members in this House may have enjoyed Patni’s money. That is why when we mention his name or Goldenberg, some people think it is an offence. Some of us are poor because of the Pattins of this country. Your constituents are poor because of those mega projects, and Goldenberg is just one of them.

Hon. Deputy Speaker, I want to beg all hon. Members that there are some things you play around with. You may think that you are high and mighty, but God shall never forgive you. If you do not support the fight against grand corruption---

**Hon. Members:** Yes, God!

**Hon. Midiwo:** I want to pledge that, personally, I will support every effort of the Jubilee Government to fight Corruption. I will.

**Hon. Members:** We are witnesses.

**Hon. Midiwo:** But if you shall protect corruption, we will fight you for the next 40 months. You only have months. Play around and you will see.

**Hon. Bunyasi:** Thank you, hon. Deputy Speaker. I rise to contribute and support this Motion. Issues of corruption have cost the economy substantially. The amount of money that has been lost could have been made available to the poor households. The amount of money involved in Goldenberg, as recorded, would have more than tripled the per capita income of Nambale, which is my constituency. Just that particular single scam! But that kind of scam and similar corruption have other consequences. They distort the allocation of resources. They do not go where they are expected. That is why development is undermined.

Hon. Deputy Speaker, it is not enough that one has stolen and built a skyscraper, bought a ship or created a waterway to his or her own home. It is because poor people will have missed on health services, children have missed education opportunities and so on and so forth. I think that menace or mega scandals must be taken head on. Parliament can talk about it, but there are also other agencies that should do something about it. I think we need to empower the Office of the Director of Public Prosecutions (DPP) so that he is able to take over this matter. It is now an independent office, unlike what it was before.

Hon. Deputy Speaker, I think we need to support the Office of the Auditor-General, so that he can help us in identifying those problems. I think the reforms implied are the police reforms which will form a structure in that arm so that action can be taken. The total judicial process needs to be strengthened as well. This is not a laughing matter! It is unfortunate, of course, that some names are being quoted. But the essence of it is that, that is a trend that will destroy this country, if we did not pay attention.

Hon. Deputy Speaker, I have heard the President speak. He committed himself in his Speech before this House. He has repeated it over and over again. We must rally behind him in that respect. To do that may be uncomfortable sometimes, but we must give a genuine--- If you are looking for a legacy for President Uhuru Kenyatta, those are the areas in which you must stand firm so that his legacy can remain.

With those few remarks, I support the Motion.

**Hon. Nyenze:** Thank you very much, hon. Deputy Speaker, for giving me this chance. I rise to support this very important Motion. Though I am very saddened by what happened to Ms. Kethi Kilonzo, but I just want to say---

*(Loud consultations)*

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

**Hon. Nyenze:** Hon. Deputy Speaker, protect me from hon. Members who did it to Ms. Kethi Kilonzo.

Hon. Deputy Speaker, I want to say that hon. Opiyo Wandayi has come up with a very good Motion. We have to stop losing more money that does not belong to us by paying someone who brought this country to its knees. I do support hon. Members who have contributed ahead of me and said that we should deal decisively with this matter. I am sure that if we do not make any further payments, and if the Government is very committed to fighting corruption and stop the losses, we will make it.

Hon. Deputy Speaker, instead of taxing the poor Kenyans more through the Value Added Tax Bill, we can save so much money and be able to pay teachers. It is through such a good Motion that we can prevent money from getting lost. That is not the only scam that we have had. We had Anglo-Leasing, Triton, Maize and pyramid schemes.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Hon. Nyenze is the one on the Floor, my friends.

**Hon. Nyenze:** Hon. Deputy Speaker, in the pyramid schemes, poor Kenyans lost close to Kshs40 billion. As I speak here, some members who lost money through pyramid schemes or through such corrupt schemes like Goldenberg, have committed suicide. Other families have broken because, perhaps, a wife went and borrowed money thinking that it would profit her. So, most families collapsed.

Hon. Deputy Speaker, that money was taken from the poor people through corruption by big shots. That is because the organizations that took money were licensed by the Government. The famous Nyenze Report, which was laid before this Parliament, has been put on the shelves because it named big people in the Government. I think we should not spare anybody when it comes to corruption. It should not be Jubilee Government or CORD. We should be united as people's representatives to fight for the rights of Kenyans. That is because when we keep losing money, this economy will never grow to double digits.

Hon. Deputy Speaker, our position in CORD would be--- We do not want to make the President's life difficult in managing the economy. We want to assist him by advising him positively. Please, for heavenly sake, let him drop the laptops project and pay the teachers.

*(Loud consultations)*

If he does that, I am telling you--- If you put computer laboratories in all schools, you will open them up for teachers, students and everybody else.

**Hon. Deputy Speaker:** There is a point of order from hon. Kamanda.

**Hon. Kamanda:** Hon. Deputy Speaker, I rise to support this Motion.

**Hon. Deputy Speaker:** Hon. Kamanda, are you on a point of order? You have not yet mastered that there is a key for intervention and one for contributing.

**Hon. Nyenze:** Hon. Deputy Speaker, when hon. Midiwo said that some Members were asleep, he meant it and people laughed. I want my colleagues in the Jubilee to understand us. The children who will benefit will not be from the Jubilee, but Kenyan children. We have gone round the country and to teachers and all the stakeholders. They are saying that, that is a noble project.

**Hon. Deputy Speaker:** Hon. Nyenze, are you on the Motion or have you moved to a different one?

**Hon. Nyenze:** Hon. Deputy Speaker, I am on the Motion but I am preparing to deliver one---

**Hon. Deputy Speaker:** Order, hon. Nyenze!

**Hon. Murungi:** On a point of order, hon. Deputy Speaker. Unless hon. Nyenze is trying to give us some confessions, I remember---

**Hon. Deputy Speaker:** Remember you stood on a point of order! What is out of order in what he is saying?

**Hon. Murungi:** Hon. Deputy Speaker, this is in regard to hon. Nyenze's statement. I want to get a clarification from him because he was a Minister for Environment when I was in high school. Goldenberg was as a result of the Mining Act and mining regulations. He was a substantive Minister for Environment during Moi's era. So, what did he do to stop that corruption? He is part of this problem.

**Hon. Deputy Speaker:** Order, hon. Murungi! That is not a point of order. Continue hon. Nyenze.

**Hon. Nyenze:** Thank you hon. Deputy Speaker for protecting me. The air conditioners should be switched on because most Members on that side are sleeping. That was a noble project and to avoid further corruption, the Government should put in place mechanisms to tackle past corrupt schemes like Goldenberg. As hon. Wandayi has said, many Members who do not want to listen to me talk about Goldenberg could have been beneficiaries. This was also said by hon. Midiwo.

We want to get to the bottom of this. If the Government is committed to fighting corruption - and I do not want to believe that it is not - we will support it to root out corruption, so that our economy can grow. When the economy grows, all of us benefit. When the economy shrinks, we all suffer. So, we will support the Government where it will show it is fighting corruption. We also have to make sure that the laptop project is not corruption-packaged. It should be a project that will help our children.

With those few remarks, I support.

**Hon. Deputy Speaker:** Hon. Members, I can see a very long list here and all of you will not be able to speak at the rate we are going; with all the points of order and interruptions. Can we propose that we reduce the time for each Member speaking to three minutes?

**Hon. Members:** Five minutes!

**Hon. Deputy Speaker:** Five minutes? Many of you are becoming quite repetitive. Let us reduce the time to three minutes per each hon. Member.

**Hon. (Ms.) Chidzuga:** Ahsante sana mhe. Naibu Spika. Naunga mkono Hoja hii kwa sababu kule kwetu Pwani tuko na msemu unaosema kwamba: "Mpanda ngazi hushuka". Unapokuwa pale juu haufahamu kuwa siku moja utashuka. Kwa hivyo, ukiwa pale juu, waangalia walio chini na uwatendee haki. Tunaposema kwamba tunataka kupigana na ufisadi



katika nchi hii, ufisadi huu tuuangelie kwa pande zote. Isiwe mfiisadi aliye na cheo cha chini ndiye anayechukulia hatua lakini walio na vyeo vya juu wanawachwa.

Ikiwa kweli Serikali ya Jubilee imeamua kupambana na ufisadi, tunataka tuanze kuyaona hayo mapambano kuanzia waliokuwa na mamlaka. Waregeshe mali ya Wakenya. Wale waliokuwa na mamlaka watuonyeshe mfano mzuri kabla hawajapelekwa kortini kwa kujitokeza. Naomba kile kiboko ambacho Jubilee inatumia, ikitumie ili waliochukua pesa zetu na kuzipeleka katika nchi za nje, waadhibiwe. Goldenberg inafaa kufufuliwa upya ili haki itendeke kwa Wakenya. Tukifanya hivyo, hakuna mwingine atakayethubutu kufanya ufisadi kwa sababu atakuwa anajua mkono wa sheria unafanya kazi.

Kenya imekuwa na uzoefu wa watu kuzungumzia ufisadi lakini hakuna hatua inayochukuliwa. Tume nyingi sana zimeundwa kwa kisingizio kwamba zitachunguza ufisadi na kuleta ripoti. Mwishowe, zile ripoti zinawekwa kwa makabati na Mkenya anaendelea kuwa maskini. Ndio mpaka leo tunashindwa kuwalipa walimu wetu. Pesa ziko lakini hatutaki kutenda haki. Naunga mkono Hoja hii ili tuisafishe nchi yetu, tuaminike hata katika ulimwengu wote kwamba Kenya iko tayari kuisafisha nyumba yake na tuweze kutimiza haki kwa watu wetu.

Naunga mkono.

**Hon. Ekomwa:** Hon. Deputy Speaker, I rise to oppose this Motion. The issue of Goldenberg did not start yesterday. The people we are mentioning, for example, Pattni, were not born yesterday. Those guys have been there since then. Moreover, judgements have been delivered. Before the Jubilee Government, there was the Grand Coalition Government. The Motion they are bringing now was supposed to be dealt with by the last Government. I have realized that issues that were so difficult in the past Government were deferred waiting for the Jubilee Government.

*(Laughter)*

To affirm that, teachers have been striking for the last 15 years. The likes of hon. Midiwo were there. They were supposed to settle the issue of teachers.

**Hon. Deputy Speaker:** Order, Members! Allow the Member to contribute.

**Hon. Ekomwa:** Hon. Deputy Speaker, the issue of Goldenberg was there. We expected hon. Midiwo and his group to settle it.

*(Laughter)*

**Hon. Deputy Speaker:** Members, you have had your moment.

**Hon. Midiwo:** On a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Midiwo, we will prolong debate if we continue with all those points of order.

**Hon. Ekomwa:** Hon. Deputy Speaker, moreover, the reason why I oppose this Motion is as follows: You have heard from the Report that most of the people who have been mentioned are deceased - may they rest in peace. Sincerely speaking, we are dealing with an issue that is being handled by the Judiciary. This case is already before the Judiciary. If I am not wrong, I remember that the Judiciary declared that the Report of the---

**Hon. Deputy Speaker:** Your three minutes are over.

The hon. Shabir Shakeel who is the Chairman of the African Parliamentarians' Network Against Corruption (APNAC).

**Hon. S.S. Ahmed:** Thank you, hon. Deputy Speaker. I commend hon. Wandayi for bringing this Motion. Corruption is a sin and if there was 11<sup>th</sup> commandment ever, probably it would have said: "Thou shall not corrupt." I stand as the interim Chair of the APNAC and it is with that that I would like to urge you to give me a few minutes.

The APNAC is our network and I would like to urge Parliamentarians to kindly consider joining it so that we can fight corruption together. Corruption is not a party thing; it is not a matter of religion; it is not a matter of who you like or who you do not like. It is a sin and a sin is a sin. I would like to inform the House that we have been members of APNAC for 14 years. In Africa, we lead as one of the founding members. The former Member of Parliament, hon. Musikari Kombo, was the Chairman of APNAC, Kenya Chapter and he has been on the board for 14 years. Kenya was the first country that signed the United Nations Convention against Corruption and yet we are still fighting corruption as it is. So, we suggest that if we, as Parliamentarians, individually, can fight corruption at every level, then that can be good.

I remember in the last Parliament, without party affiliations, we had four or five people who fought corruption very hard. I would like to recognise hon. (Ms.) Shebesh, hon. (Ms.) Millie Odhiambo, hon. Jakoyo and others who fought it and we were alone. We are urging you Parliamentarians, please, I am only the interim chair but I want you to come and join us. We are going to call you. The only conditions we are putting on you is that you should not have any allegations of corruption against you. We would like you to join us so that we can fight corruption as a non-party issue and I would like to request and plead with the Leader of the Government Business in the House now---

**Hon. Deputy Speaker:** Your time is over. Hon. Shakeel, you know that we do not have the Leader of Government Business in the House now. Do you mean the Leader of Majority Party or the Leader of Minority Party? Which one do you mean?

**Hon. S.S. Ahmed:** I am so sorry, hon. Deputy Speaker. I beg your pardon. We are still stuck in the old regime. I would like to request the Leader of Majority Party and the Leader of Minority Party to support this noble cause of Parliamentarians against corruption.

Thank you very much.

**Hon. Deputy Speaker:** Hon. Sitati.

**Hon. Sitati:** Hon. Deputy Speaker, I rise to support this Motion based on the fact that this country has suffered quite a lot of setbacks in terms of growing our economy and part of those scams – Goldenberg and others – have actually deterred the improvement of the economy of this country. This is what has created a lot of issues in terms of unemployment as well to our youth. So, it is quite important and vital for the Government and even for this House to come up with measures to curb those kinds of scams so that they do not come back in future. It is also important given that this scam has been with us for a long time, it is quite in order for this country to conclusively bring to book the people who actually engaged in it. So, it is actually my dear request to the Members of this Assembly that on a debate of this national magnitude, we all put up our hands and actually condemn the vice that has actually crippled the economy of this country.

Therefore, I stand to support. Thank you.

**Hon. Deputy Speaker:** Hon. Bomet Serut.

**Hon. Serut:** Thank you, hon. Deputy Speaker. "Corruption" is a well known word in this country. Anybody will tell you there is corruption. This Motion is about urging the Government to put in place measures to curb corruption. The Government has already put there measures to deal with corruption. One of them is reforms in the Judiciary. With reforms in the Judiciary, the

issue of corruption will be dealt with in this country. Another one is reforms in the police force which are going on. Another one is the reforms amongst the leadership including this House. For any person who aspires to go into leadership, there is normally a questionnaire where you are told that if you have been involved in corruption and other issues which are crime-related, you should not aspire to ascend to any office. To me then the question is: What is this particular Motion to cure? This is because this Motion is supposed to cure some mischief. The mischief here is already corruption and corruption is being tackled by the Government. What else does this Motion want to achieve?

Hon. Deputy Speaker, I want to oppose this Motion and ask this House to also oppose it. Let us have the Government deal with corruption using those institutions that have been put in place and also those institutions that are already in motion, which include the Judiciary and also the advocates of this country who have already been told by the Law Society of Kenya (LSK) that they have to change their ways of dealing with issues. With that in place, I see that corruption will be wiped out.

I am a bit concerned that this Motion has been a bit selective because it is trying to deal with an issue which has already been dealt with or is still in the process of being dealt with by the Judiciary. Why are we not talking of the molasses scam? Why are we not talking of the Youth Enterprise Development Fund? The Fund is still fresh in our minds and nobody is telling us what happened to the money which was under the ambit of the then Prime Minister of this country. Bringing Motions which are selective will not assist this country.

**Hon. Deputy Speaker:** Your time is up. The hon. Joseph Onyango Oyoo.

**Hon. Oyoo:** Thank you very much, hon. Deputy Speaker for giving me this opportunity. I rise to support this Motion which I believe is very crucial for the growth of this country. I plead with hon. Members from both the Jubilee and the CORD side to approach this Motion with a lot of objectivity. When we are talking about corruption, we are talking about the posterity of this nation and it has nothing to do with the party.

I want to give the Jubilee Members of Parliament more energy. I have looked at President Uhuru Kenyatta and I believe that he is anti-corruption or his stand against corruption is well known.

*(Applause)*

This may be reinforced by the fact that the money you would like to bribe with bears the photograph of his late father. Therefore, he does not need it.

*(Laughter)*

So, I beseech you that you help us bring in apparatus that will rid of this country corruption.

We have talked about corruption and we are talking about the vice today. My fears are precipitated by the fact that the bodies that will control corruption effectively in this country are being downgraded by this Government. We have the Ethics and Anti-Corruption Commission (EACC). If you look at the pecking order, it has been placed far below there. We also have Parliament that plays the oversight role. You will realize that we had to struggle very hard in this House to even bring our salaries near an agreeable figure so that we could effectively stand against corruption.

We also have the Auditor-General's Office which is understaffed and underfunded. Those are the things we want to highlight. I am happy that the Leader of Majority Party is listening attentively to what I am saying so that those things can be passed on to the Government in order to bring changes that can help the society or our country get rid of corruption.

Hon. Deputy Speaker, when we talk about the Government, we are just giving an example to show how corruption and impunity is ripping off our society. The executor of Triton scam is alive and is doing business as usual and yet we have signed treaties with every country. We should have woken up one day, got the State Law Office to file the necessary papers and brought him here so that we can know who he was working with, however big he is. I know President Uhuru will not sympathize with such a person. He will be put in and we will recover the money that was lost.

Hon. Deputy Speaker, I am about to bring a Motion to this House where some unscrupulous Asian dealers brought in arms at escalated cost to the police force. When they were discovered, they ran away and the scandal was known as the "Anglo Leasing". The Government officers who---

**Hon. Deputy Speaker:** Your voice is loud but your time is up. Thank you, Hon. Oyoo. We really have to respect our decisions.

**Hon. Oyoo:** But we need those people---

**Hon. Deputy Speaker:** Hon. Oyoo, your time is up. Give Hon. Isaac Mwaura a chance to speak.

**Hon. Mwaura:** Thank you, hon. Deputy Speaker. If a Government of any country collects tax under the pretext that it is supposed to provide goods and services to its people and then mandarins in its own structure find ways of getting that money into their pockets, that is corruption. This is because it is just taking money from people, you put it in a consolidated fund and then you distribute accordingly.

In fact, if the resources of any country are distributed in a skewed manner as to favour the political whims of the ruling elite, that is corruption. We have witnessed our leaders being susceptible to corrupt maneuvers. We request President Uhuru Kenyatta to commit 'class suicide' and become a defender of the masses because he may not have experienced poverty as to desire the accumulative tendencies of those who come from poor backgrounds which have been the basis of corruption in Africa.

Hon. Deputy Speaker, we are concerned that the same Jubilee Government that is prophesying anti-corruption tendencies has even failed to provide enough resources to the DPP. The grapevine has it that we cannot fund the DPP because we may find ourselves there.

While people are trying to avoid addressing the issue of laptops, a cursory look at the cost of laptops in this country will show that this project can only cost Kshs23 billion. If this project will be implemented in phases, cumulatively this country is going to spend about Kshs53 billion or more. We are wondering where the difference will go. I am sure, therefore---

**Hon. Deputy Speaker:** Your time is up. Yes, hon. Mohamed Aden Huka.

**Hon. Huka:** Asante kwa kunipatia nafasi hii, Mhe. Naibu Spika. Ninasimama kuunga mkono Hoja hii si kwa sababu haya ni mambo mapya ambayo yameletwa. Kuna methali ambayo inasema: "Baniani mbaya kiatu chake dawa." Hii inamaanisha kwamba hata kama Hoja hii imeletwa na CORD, ina faida kwa Jubilee kwa sababu Serikali ya Jubilee ni Serikali ya kusema na kutenda.

*(Applause)*

Katika hali ya kusema na kutenda, Serikali ya Jubilee imesema katika manifesto yake kwamba itaumaliza ufisadi. Ningependa kusema kwamba kashfa ya Goldenberg ni mbaya. Lakini mbona hatujataja kashfa ya mahindi, ile ya kazi kwa vijana na ya makaburi? Pia, kuna kashfa ya sukari. Kwa hivyo ufisadi ni ufisadi na tunaupinga wote.

*(Loud consultations)*

Mhe. Naibu Spika, ninaomba unilinde kutoka kwa Mhe. Simba Arati.

Ningependa kusema kwamba hakuna Serikali ambayo haijapitia ufisadi. Lakini tunatarajia kwamba kwa vile mipango mathubuti imewekwa, Serikali ya Jubilee haitakuwa na ufisadi kwa viwango ambavyo tumesoma katika vitabu au vyombo vya habari.

Mwenzetu ambaye ameongea kuhusu ufisadi hapa na alikuwa na nafasi ya kupata faida kutoka kwa ufisadi wakati sisi tulikuwa tunasoma, amesema kwamba Wabunge wa Jubilee wanapinga hii Hoja kwa sababu wao ndio wanafaidika. Je, ni nani angefaidika zaidi? Ni wale ambao walikuwa na nafasi wakati huo au wale ambao walisomwa katika vitabu?

Asante, Mhe. Naibu Spika.

**Hon. A.B. Duale:** Thank you, hon. Deputy Speaker. The last bit of this Motion says: "The House urges the Government to put in place measures to ensure that no further irregular payments---". It is the business of this House to legislate laws that will make sure that this cancer called "corruption" is eliminated in our country.

Kenyans went to the referendum in 2010 and voted for a new Constitution. That Constitution, in my opinion, is the solution to corruption.

*(Applause)*

Hon. Deputy Speaker, independent institutions like the Judiciary, the Auditor-General's Office, Director of Public Prosecutions and the Legislature are solutions to corruption. Corruption is not only about Goldenberg, but it should be dealt with horizontally and vertically. It should be dealt with from the Constituencies Development Fund (CDF) that hon. Members oversee, to the county governments. Fundamentally, to the election fraud of a young brilliant lawyer who was paraded by respectable leaders. It is very shameful when a young brilliant lady who did very well at the Supreme Court----

**Hon. Members:** Shame!

**Hon. Kajwang':** On a point of order, hon. Deputy Speaker. Is the Leader of Majority Party in order to introduce a subject which is very irrelevant to the issue at hand, saying that---

**Hon. Deputy Speaker:** Order! Give the hon. Member a chance to speak.

**Hon. Kajwang':** Is the hon. Member in order to speak in terms that can only refer to one person who is Diana Kethi Kilonzo, as being fraudulent, when he knows very well that the committee and the superintendent that oversaw her case yesterday never found that there was any fraud committed by her; except to say that IEBC for whatever reason had released the leaflet from which the acknowledgement slip came? Is he in order to infer that a person who does not have rights to defend herself in this House should be referred to being fraudulent, when there is no court of law or commission that has said that she is fraudulent?

Can he withdraw the remarks?

**Hon. Deputy Speaker:** I think that point of order is valid. Let us not impute what we cannot substantiate, we cannot call her fraudulent.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I want to rephrase it, if you allow me. Please, protect me from my good friend, the hon. Member for Rarieda whose constituency has a similar name as the constituency formerly represented by the great man called Raphael Tuju.

Hon. Deputy Speaker, with a lot of respect to my good friend T.J. Kajwang', he was an able lawyer who represented the Wiper Party of Kenya. Yesterday, one of the verdicts, fundamentally, stated that an audit into how the card was got would be launched.

**Hon. Member:** It was stolen!

**Hon. A.B. Duale:** Hon. Deputy Speaker, you protect me.

**Hon. Deputy Speaker:** Order! All we are saying hon. Leader of Majority Party, like we have done for all the others, you have implied or you are calling Ms. Kethi Kilonzo fraudulent. That is what we are telling you to withdraw so that we can continue with this matter.

**Hon. A.B. Duale:** Hon. Deputy Speaker, at no time and the HANSARD will bear me out, did I call Ms. Diana Kethi Kilonzo a fraudster. I have never said that! What I am saying, from the IEBC---

*(Hon. Members stood up in their places)*

**Hon. Deputy Speaker:** Order! Let us hear what he is saying.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I want to be heard like all other hon. Members. I am saying that this country must be told from the IEBC to Makueni how---

**Hon. Member:** On a point of order!

**Hon. A.B. Duale:** Hon. Deputy Speaker, I want to continue, if you protect me. We must not run away from the truth. The saga of yesterday is as big as Goldenberg!

**Hon. Deputy Speaker:** Order, Leader of Majority Party! Order, hon. Members! Really, we are completely moving away from the debate and I would really request that the Leader of Majority Party withdraws that statement and continues with his contribution.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I will only abide by your guidance and I hope Kenyans will be told what happened on that issue---

**Hon. Deputy Speaker:** You have only one minute left, hon. Duale!

**Hon. A.B. Duale:** On the issue of corruption---

**Hon. Deputy Speaker:** But hon. Duale, you have not withdrawn your statement. Leader of Majority Party, please, let us get out of that.

**Hon. A.B. Duale:** I am moving on, I have left that issue.

**Hon. Deputy Speaker:** Just withdraw the statement.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I have withdrawn.

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

**Hon. A.B. Duale:** Hon. Deputy Speaker, can I continue?

**Hon. Member:** Your time is up!

**Hon. Deputy Speaker:** I am the Chair. Can you allow him to utilize his one minute and conclude?

**Hon. A.B. Duale:** Hon. Deputy Speaker, by the grace of God, I have another four-and-a-half years to speak in this House as the hon. Member for Garissa Township, and it shows that the people do not want to hear any truth. It is corruption! It is fraud!

**Hon. Member:** On a point of order, hon. Deputy Speaker!

**Hon. A.B. Duale:** Ms. Kethi Kilonzo's issue is a fraud. We need investigation. Her card was stolen from the IEBC. Kenyans must be told.

**Hon. Deputy Speaker:** Order! You are out of order, Leader of Majority Party. Order, hon. Members! We are not on that matter, we shall move to hon. James Nyikal.

**Hon. (Dr.) Nyikal:** Thank you, hon. Deputy Speaker. I am amazed at how some hon. Members can be out of order, persist and get away with it.

**Hon. Members:** Yes!

**Hon. (Dr.) Nyikal:** But let me thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. I only want to say one thing in three minutes.

Hon. Members of this august House, corruption is a serious matter. I know we can laugh when we are talking about it. But Kenyans are dying and the name of this country has gone down. Whenever there are corruption indices being mentioned internationally, we come very high on the list. This is something we must talk about seriously. Our health services and education systems could be much better than they are.

Hon. Deputy Speaker, many of us here went to good schools and got good Government health services because we could afford it. I can tell you, I know that if we got rid of corruption, we can offer free medical services and free education. So, please, let us be serious on this matter and deal with corruption as it should be. It is not only Goldenberg, if you look at all areas of Government, I dare say, even here in Parliament, we find this cancer and yet we take it very lightly. It is collusion, like the Goldenberg included literally everybody.

Hon. Deputy Speaker, at Independence, we had three enemies; poverty, ignorance and disease. Now we have four, including corruption.

**Hon. Members:** Bad governance!

**Hon. (Dr.) Nyikal:** Well, he says bad governance. But I know the fourth one to be corruption. Unless we deal with corruption, we will not beat the other three.

Hon. Deputy Speaker, as I sit down, I say that we must be prepared in this House to, one day, during this term, pass death penalty for corruption. If we cannot go round and do that, as all the other countries we admire, for example, China, Singapore, Thailand and Malaysia have done, we will not achieve much. They all have death penalty. Unless we come here and be ready to say, "For corruption and people in collusion, those who perpetrate it will have to die", we will never ever get rid of corruption in this country. But every time I talk about corruption and when I look at your faces, I have a feeling that this Motion will be very difficult to pass. But, we must one day bring it.

**Hon. Langat:** Thank you very much, hon. Deputy Speaker. First of all, I must say that corruption is a very bad thing and we must condemn it in the strongest terms possible. Having listened to the Mover of the Motion, either he did not understand the Motion that he put on the Order Paper or he just decided to be out of order in terms of the comments he made. This Motion, other than the way it was moved, looks very nice, but I want to encourage the Mover that next time, he should read the Motion and move it as he drafted it. He should not move a different Motion from the one on the Order Paper.

**Hon. Wandayi:** On a point of order, hon. Deputy Speaker. I think I am educated enough to understand my own Motion. Therefore, is it in order for the Member to imply that I do not understand my own Motion?

**Hon. Langat:** Hon. Deputy Speaker, I believe 99 per cent of the Members in this House are educated. That is not the issue. The issue is that we must stick to relevance. It is wrong to say that nothing has been done about the Goldenberg saga when it is common sense that the matter is

in court and Pattni has been in court unless one is saying that he has no faith in the Judiciary. Many of the people who were mentioned were taken to court.

Let us also be very honest. Let us not be selective. Let us not bring Motions that are selective and targeting certain individuals. Let us call a spade a spade. Even the issue that happened yesterday; the CORD Coalition member, the Wiper party should be deregistered because of the scandal. An institution that permits corruption should be deregistered. It should not be in our records. In fact, they should be ashamed---

**Hon. Mati:** On a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Order Members!

**Hon. Langat:** Hon. Deputy Speaker, you need to protect me. You know when the truth is stated, it is so painful to some people.

**Hon. Deputy Speaker:** Order! I have given the Floor to hon. Munuve!

**Hon. Mati:** On a point of order, hon. Deputy Speaker. Is it in order for the Member to impute improper motive on the CORD Coalition? He is very much aware that they stole our votes. Is he in order to say that? Is it in order for him to say that we need to be deregistered? It is them---

**Hon. Deputy Speaker:** No! No! Hon. Munuve, that is not a point of order. Continue hon. Langat.

**Hon. Mati:** Hon. Deputy Speaker, it is very unfortunate that Members of the Jubilee Coalition can bring to the House matters that are before the court.

**Hon. Members:** No! No!

**Hon. Mati:** They went to court this morning.

**Hon. Deputy Speaker:** Order Major! You have already made your point.

**Hon. Langat:** Hon. Deputy Speaker, unfortunately, he has taken up my time for no good reason. Let us not fear to say the truth. We must fight corruption. I want to encourage the Mover and tell him that we have wasted a lot of time on the Motion. In fact, he should not urge the Government. He needs to draft a Bill and bring to this House, so that we can pass it and see what he wants to propose for us to support.

Otherwise, I support the Motion as drafted and not as moved by my friend.

**Hon. Aden:** Thank you, hon. Deputy Speaker, for giving me the opportunity. First of all, I want to thank the Mover of this Motion for bringing a very important matter before this House. Corruption has, indeed, been the root cause of most of the problems in this country. It is the reason why Kenya is not as developed as many of the countries that were in the same state during Independence. For that reason, I support this Motion and read a lot of good intent in it.

We have just devolved Kshs210 billions to the counties. Out of that devolution, we have seen budgets that have been drawn with the intent of corruption. When we see county governments bringing budgets that show that they want to buy a gown for the Speaker at Kshs1 million, there is something that we need to read as a country. That is why I think that this debate, in all honesty, has been diverted and has taken a different direction, but we must say that we need to bring our focus to ensure that the devolved funds in the counties do not suffer corruption as well. All that has been done in the past should not be an excuse to say that corruption should no longer be the focus. This Motion must be supported, in all honesty, because corruption is a problem. It is a cancer in this country. It is only when we accept that by fighting corruption we can use the very little resources that we have that this country can then move forward.

The previous regimes which have been referred to, and I have a lot of respect for the retired President Daniel arap Moi, should not be a subject of discussion here in the manner in



which they have put on the Floor and should not be dragged in Motions like this. Otherwise, it is a well crafted Motion. The point that I want to end with is that Kenya is not yet out of the woods when it comes to corruption. We now have a bigger problem of not only having the central Government, but 47 counties to look at and watch to ensure that those resources are put into good use.

I support the Motion.

**Hon. M'uthari:** Hon. Deputy Speaker, I stand to support this Motion. This cancer called corruption is the greatest enemy of this republic. If we could stop some of this wastage, we could have enough money to invest in the necessary sectors of our economy. We could provide services where they are required and pay what is supposed to be paid. But the amount of waste that occurs through corrupt deals is one of the reasons why, as a country, we stagnate in this part of the world when we compare ourselves and other countries. Through the Vision 2030, we aspire to be a middle income generating country. We cannot reach that level unless this House comes up with laws and policies to make corruption very expensive.

It is because of corruption that many things are not moving and our services are very expensive. They are expensive because people take advantage. They organize for deals and are paid the money that should go to investments, education and research. In this country, we mostly spend the money that is available for research or development is limited. We pay bills that are not supposed to be paid. I support this Motion that the Government should not engage in paying those kinds of payments like it has happened with the Goldenberg. It is likely to happen and this House has a responsibility. Instead of urging, we should resolve that this should not be allowed.

I support the Motion.

**Hon (Eng.) Gumbo:** Thank you, hon. Deputy Speaker for giving me the opportunity to support the Motion. Goldenberg, like many other scandals, has held back the promise of Kenya and it is something that we must talk about boldly because it affects all of us. Each one of us in this House has been a victim of Goldenberg, one way or the other and other corruption scandals.

If there is anything that has held back the promise of Kenya, it is corruption. It is a fact that countries which were at par with Kenya 50 years ago, like Singapore today can provide housing for nearly 74 per cent of their population while in our country, we can hardly provide housing for 10 per cent of the urban population in Kenya.

The fact that someone like Kamlesh Pattni can find his way onto a ballot paper to vie for public office in this country, speaks volumes about the structures that we have in our public institutions. It is a big shame that a man like him, who was responsible for moving the price of bread from Kshs4.50 a loaf to Kshs30.00 in less than a year, can find his name on a ballot paper to purport to want to represent people in this country. What is most important is that we want to see an absolute resolve in the fight against corruption, starting with obeying of court orders. I have heard it said that the striking teachers are disobeying a court order. Why should they not? The biggest institution that has shown scant regard for court orders in this country is the Government.

**An hon. Member:** Where and how?

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, when Justice Mumbi Ngugi declared the appointment of county commissioners illegal, the Government kept them in office. When hon. Otieno Mak'Onyango was awarded Kshs20 million, the Government refused to pay. Why should we then blame the teachers if they take a cue from the Government? It is that same attitude which is the biggest hindrance to the fight against corruption. Hon. Members on the opposite side can deny it to high heavens, but that is the truth. The biggest culprit of contempt of court in

Kenya is the Government of the Republic of Kenya, and it is setting a bad precedent. We must call a spade a spade.

Hon. Deputy Speaker, I remember with nostalgia when I left university in the early 1990s. With Kshs10.00, I could buy a loaf of bread, a packet of milk and two eggs. Fifty cents used to take me from my house in Zimmerman to town but, because of Goldenberg International, some of us found ourselves stepping out of university as engineers to become hawkers on the streets of Nairobi. How can we support such a person?

**An hon. Member:** *Pole sana! Pole sana!*

With those remarks, I beg to support.

**Hon. Deputy Speaker:** Yes, hon. David Gikaria.

**Hon. Gikaria:** Hon. Deputy Speaker, going by the mood of the House, I rise under Standing Order No.95 to move that the Mover be now called upon to reply.

**Hon. Members:** No! There is a very long list.

**Hon. Deputy Speaker:** Hon. Members, it is true that there is a very long list but we seem to be repeating ourselves. So, can we give chance to a few more hon. Members to speak and conclude this debate? It is really becoming a little bit repetitive although you still have more time for the Motion. So, I will give chance to a few more hon. Members from either side.

Hon. Joyce Wanjalah, you will represent the women's voice on this debate. It has not been heard much. Can you speak next?

**Hon. (Ms.) Lay:** Thank you, hon. Deputy Speaker, for giving me the opportunity. In supporting the Motion, I would like to thank hon. James Opiyo Wandayi for bringing it to the House when the Government is ready to fight corruption.

Hon. Deputy Speaker, corruption is everywhere. It is not just the Goldenberg issue. There are so many places we need to look at because we need to know if, irrespective of who was cleared, the money was recovered. That is the question we need to ask ourselves. We need to recover the money. If we want to grow the economy to double digits, there are so many places we need to look at, and not just the VAT. We need to look at the projects that were carried out in the past, including Anglo Leasing, Goldenberg, among others, and recover the monies that were stolen.

Accountability is for all of us, and not just for CORD or Jubilee. It is for every elected leader. As we devolve all other services to the counties, we should make sure that we do not devolve corruption. We have to make sure that we stand up and fight corruption, otherwise our country will not move ahead. It is high time we appointed the Director of the Ethics and Anti-Corruption Commission (EACC). I do not know whether he or she is in place already. I stand corrected, but it is high time we made sure that the Director of the EACC is in place, so that we can hold to account whoever is involved in corruption.

With those remarks, I beg to support.

**Hon. Deputy Speaker:** Yes, hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker, the Mover of this Motion is asking us to urge the Government to put in place measures to ensure that no further irregular payments like that of Goldenberg International are effected in order to avoid further loss of public funds. One thing I would like to say is that there is one office which is very relevant in the fight against corruption. That office is even beyond the offices of DPP, the Attorney-General and the EACC, because it is supposed to be proactive. That is the Office of the Controller of Budget. I am happy and very proud of the lady we have put in that office. Madam Agnes has proved that she can perform in that office.

What we need to do, as a House, without even urging the Executive arm of the Government, is to come up with legislation that will give more powers to the Office of the Controller of Budget to make sure that fictitious, irregular and fraudulent payments are not made in the first place. If we do that, we will be able to grant hon. James Wandayi his prayer. I have heard people link corruption to this office. I think it is because hon. Wandayi built it from the Goldenberg Scandal. There have been so many scandals in this country. Expecting the Jubilee Government to fight this vice is a tall order. If you are in doubt, just look at the senior leadership of the Government. There are so many scandals, including land issues.

**Hon. Members:** Which ones?

**Hon. Ng'ongo:** Hon. Deputy Speaker, if we had the moral and ethical authority, some people should be resigning from office. If I occupy position one or position two in Government and I am accused of, and even found guilty of, stealing land from an Internally Displaced Person (IDP) and then you expect me to fight corruption; that would be asking for too much.

**Hon. Deputy Speaker:** Are you on a point of order, hon. Kabando wa Kabando?

**Hon. Kabando wa Kabando:** Yes, hon. Deputy Speaker. I am asking whether it is in order for Members on the opposite side of the House to blatantly attempt to deodorize corruption and to even, selectively, try to sanitize open fraud that is glaring to the eyes of even the most nascent innocent---

**Hon. Deputy Speaker:** Remember that you are on a point of order, hon. Kabando wa Kabando.

**Hon. Kabando wa Kabando:** Hon. Deputy Speaker, I am asking whether it is in order, because you have heard hon. Duale being told to withdraw. Is it in order for hon. John Mbadi to say that the Jubilee Government has a tall order because people in senior positions have scandals, without making specific substantiations so that we know the specific people whose nominations for appointment as Cabinet Secretaries and Principal Secretaries we approved and have specific cases in court? I think Mr. Mbadi, my colleague, is obliged to make substantiations because it is unfair to collectively condemn the Government when it is simply in the beginning.

**Hon. Deputy Speaker:** Yes, hon. Mbadi.

**Hon. Ng'ongo:** Hon. Deputy Speaker, I am not so sure what hon. Kabando wa Kabando is asking me to do but if I got him correctly, he is asking me to cite a few more cases to show that this Government cannot fight corruption. I just said that expecting this Government to fight corruption is a tall order. That is my expression. It is what I believe in, for some good reasons. Firstly, this Government is not very old but hon. Members will recall that just last week, there was a case where one of the Cabinet Secretaries that were appointed just the other day, was accused that, probably, a bank he was presiding over was involved in corruption between April and May. That is really serious. I want to add that it is not rumours when I say that some people, and very senior people in the Jubilee Government, and we know them, have been accused and found to probably have done so, taking away land from a poor person – an IDP. I wish you came and even took my land. Why do you take land from such a poor person? Then you expect such a person really to fight corruption? It is expecting too much from this Government and that is why I am saying this Parliament should deal with corruption.

**Hon. Langat:** On a point of order, hon. Deputy Speaker. Is it in order for hon. Mbadi to insinuate that the Deputy President or the President for that matter has stolen any land from anybody when we know that they have not stolen land from anybody?

**Hon. Deputy Speaker:** Okay. Hon. Mbadi, you did not mention names but you are insinuating. Please, proceed. Are we still on the three minutes?

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker. I want to conclude. Actually, you are very right that I did not mention names but I would urge hon. Langat to show respect to the Deputy President. I do not know why he is accusing him. I have not accused him. What I have said is that it is wrong to steal land from an IDP and with those many remarks, I support.

(Laughter)

**Hon. Deputy Speaker:** Hon. Francis Waititu.

**Hon. Waititu:** Thank you, hon. Deputy Speaker. I think we have heard about Goldenberg and so many other things that our country has been facing but being very new in this Parliament we know very well that we had a Government that was there before us and those things occurred at that time. I know very well that when those things came up, they did not paint a good picture of this country. When we are talking about Goldenberg and corruption in this country, seeing my seniors who were in this Parliament before me and they never spoke about it at that time, I feel very bad and think they are only trying to show this House that this is the time they want us to fight corruption. According to me, we have put up machineries in this Government to fight corruption and it is not right for people to use the words of the first and second leadership of this country. This is because we know very well that there was a lot of corruption in the former Government where we had two principals who were maybe the President and the former Prime Minister. If we do not fight corruption in this House and just talk about corruption which has invaded schools and other places, it will be a sad thing.

Hon. Deputy Speaker, I know we heard of many cases of corruption in the last Parliament. I know we had many scandals. The youth in my constituency are asking me where their money went and we know the *Kazi Kwa Vijana* (KKV) programme was under the ambit of one of the senior people in this country. I want to tell them that we want to fight corruption as a House and not as the Jubilee Government or CORD party. If we do not fight corruption as Parliament and as CORD and Jubilee, we are getting nowhere.

So, we do not want sideshows in this House. We should fight all cases of corruption and not only Goldenberg. Thank you.

**Hon. Deputy Speaker:** Hon. Johnson Naicca.

**Hon. Naicca:** Thank you, hon. Deputy Speaker. I also rise to support this Motion by my friend and neighbour, hon. Wandayi. I think this Motion should not have just ended at ending the vice. We should actually get this Kshs5.8 billion back so that we add it to the Kshs17 billion which was given to the teachers today which they have rejected. This is because if we just say that we end this vice without getting that money back, we shall not be doing justice to people in this country. One of our functions is very clear in Article 95 of the Constitution, that we deliberate and resolve issues concerning people in this country.

The architect of this Goldenberg issue should not be entertained. This is a man who even registers religious institutions and becomes a bishop when he knows very well that he has issues. I think this is a very serious issue. It is in the public domain that the architect of Goldenberg has gone as far as putting up Duty Free shops and he has actually made an agreement that allows him to retain them at the Jomo Kenyatta International Airport (JKIA) and even after him, his children and grandchildren will benefit from them. This is the biggest case of corruption that we should not entertain. I, therefore, urge that this Motion should not just end at ending the vice but we must get this money back and any other money that is in foreign countries.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Is the hon. Ichung'wah here or he is not?

**Hon. Ichung'wah:** Yes, I am around, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Proceed.

*[The Deputy Speaker (Hon. Dr.) Laboso) in the Chair]*

*[The Temporary Deputy Speaker (Hon. Cheboi) took the Chair]*

**Hon. Ichung'wah:** Thank you, hon. Temporary Deputy Speaker. From the outset, I just want to say that I support this Motion as has been put on the Order Paper. If we really have to tackle corruption conclusively and decisively in this country, we must look at the root causes of corruption and symptoms of corruption. As much as a lot has been said about what happened or transpired in Makueni, those are symptoms of where corruption starts because if you start leadership from a point where you cannot prove whether or not you are a registered voter, then you have a problem. I think if we are to tackle corruption in this country, it has got to start with the leadership in this country and right from this House. Therefore, we must be very firm as a Government and as Members of this House that we shall not, under any circumstances, condone corruption right from our electoral process to the running of Government.

I know for many of the Members of this House who are seated on the opposite side, this issue of the Makueni registration debacle is very sensitive to them but let me plead with them that it is for the benefit of this country that we start everything on the right note. We sympathise with them on what happened yesterday and the days before but if we have got to tackle corruption in this country, we must remain firm. We must be very very committed to the rule of law because corruption emanates from our impunity to the rule of law, be it as leaders in the Legislature or even in the Executive. Therefore, I would also be asking ourselves to look inwards as Members of Parliament and as leaders in this country that we must lead from the front in matters to do with corruption and not just Members of this House. I think there is now inherent fear all over the country that we are not only devolving Government to the county level but we are also devolving corruption.

**The Temporary Deputy Speaker (Hon. Cheboi):** Your time is up. Hon. Iringo.

**Hon. Iringo:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Motion and I would like to say that when we are talking of corruption, let us look at it as a monster which has been bedeviling everybody in this country and in every community. Therefore, I would urge my fellow hon. Members of this 11<sup>th</sup> Parliament that let us not look at our political divides, from which political background we have come from, but let us look at this monster the way it is.

I support the Motion because many of us and the young generation have grown up knowing about the Goldenberg issue which we know has really affected this country but more so, let us appreciate the fact that corruption has been the biggest obstacle to our development when we historically know that we were at par with the Asian Tigers during Independence. That is Singapore and other countries. Let us appreciate the fact that corruption is the one which has made us lag behind this far.

Hon. Temporary Deputy Speaker, therefore, I urge my colleagues, hon. Members, please when it comes to those corruption issues, let us not digress and bring other petty issues which

maybe could be amusing some of us here. Let us tackle the monster, the way it comes. Therefore, when such issues come to the House let us collectively forget our political issues. There are so many other areas where this country has failed because of corruption. Today, I was reading a newspaper whereby it was said that we, Parliamentarians, are the most unpopular people in the country but fortunately not because of corruption but because of other factors. If you look at the police and other departments in the list, you will find that they are very unpopular because of corruption. As leaders, let us appreciate that this country will not move forward unless we say no to corruption from all spheres. Let us take the cue as the 11<sup>th</sup> Parliament.

Hon. Temporary Deputy Speaker, Sir, I beg to support the Motion.

**Hon. Kamanda:** Thank you, hon. Temporary Deputy Speaker, Sir. I beg to support this Motion. I want to tell my friend, Hon. Wandayi, that the matter of Goldenberg came to this House over 20 years ago. The Leader of the Opposition at that particular time admitted in this House that he took Kshs2 million from Goldenberg operatives. That happened when the Opposition Members were debating the Goldenberg scandal.

Hon. Temporary Deputy Speaker, Sir, what am I saying? I am saying that the Goldenberg scandal has been there, Committees had been chaired by many leaders in this country to probe it and we have to fight it. However, there is one scandal whose probe has never been chaired by anybody. That scandal involved one family and that is the molasses plant. I raised that matter because the molasses plant was then worth Kshs4.5 billion. I was the one who came up with that matter when I was the Assistant Minister for Local Government.

This family which is made of senior citizens of this country benefited from Kshs4.5 billion and yet nobody has questioned them. I want to urge hon. Members that let us be sincere to all of us when we talk about corruption. Do not think that you are talking about corruption because you are on that side of the House. When you talk about corruption, condemn the vice in the entire country and everybody who is involved.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Speaker, Sir, I am Mwaura at the moment because hon. Mwaura has spoken.

**The Temporary Deputy Speaker** (Hon. Cheboi): You will get your time. Let Hon. Kamanda proceed.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Speaker, Sir, I wish you understood me because I had even talked to hon. Deputy Speaker when she was in the Chair.

**The Temporary Deputy Speaker** (Hon. Cheboi): I thought you were rising on a point of order.

**Hon. (Ms.) Chae:** I am talking about corruption, hon. Temporary Deputy Speaker, Sir. Mine is not an intervention.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, *Mheshimiwa!* I am saying that I gave you the opportunity because I was under the impression that it was an intervention or a point of order. So, I stopped hon. Kamanda and you cannot come half way through.

Proceed, hon. Kamanda.

**Hon. Kamanda:** Thank you, hon. Temporary Deputy Speaker, Sir. I urge hon. Members that let us fight corruption without any side of the House targeting the other side. This is because corruption is felt across the board and we do not want to mention names. Some of us who have been here for many years know some of those individuals. If we are told to mention names, we will do so but we do not want to mention names. Corruption should be condemned by everybody.

On the teachers' strike, I would like to say that there is a court ruling on the matter. As much as I would like to support teachers---

**Hon. Wandayi:** On a point of order, hon. Temporary Deputy Speaker, Sir. Is hon. Maina Kamanda, the very respected former Minister and former councilor in order to impute improper motive on the very respected family of the former Prime Minister, Hon. Raila Amolo Odinga, on the acquisition of the molasses plant in Kisumu when we know that the molasses plant is currently running as a private entity having been acquired transparently, and having been saved from corrupt networks that wanted to sell it off? That plant was one of the causes of the death of the late Dr. Robert Ouko. Is hon. Kamanda in order?

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Wandayi. You have made a very good point of argument and I do not think that, that is a point of order. In any case, you are the owner of this Motion. I really do not think that, that is a point of order.

Let me give this opportunity to Hon. Anami.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, Sir. This Motion is very important to us. We know what corruption has done to this country. Our people have been impoverished because of corruption. People or Kenyans have lost opportunities because of wanton corruption that has been institutionalized in some places. We should at the advent of the new Constitution do everything we can to save young Kenyans who would like to exploit the opportunities that have been created by the new Constitution.

The new Constitution emphasizes on the need for transparency and accountability. I think that is what this Motion is about. This Motion is about processes. We need to put in place mechanisms which will eradicate corruption scandals like Goldenberg.

Hon. Temporary Deputy Speaker, through the budgeting process, we have seen that we still have some Kenyans who are very keen to steal from the taxpayer. There were very many issues which were presented here that cannot pass the test of time. For example, the building of an office at Kshs700 million when the real cost is supposed to be Kshs230 million. What is that? That is planned theft and it is going on at this time when we have a new Constitution which is alive to the separation of powers, transparency and accountability.

Hon. Temporary Deputy Speaker, Sir, I would like to support this Motion so that we remove the element of discrimination that happens in this country. I have the disbursement of the funds for the aged in mind. If you look at how those funds have been disbursed, you will be shocked. Some people have been discriminated against.

In Shinyalu Constituency, the older people have never seen this money at all. We hear that this money has been distributed. People have been getting money to help the poor aged parents. Who would like that to go away? We would like this money to be distributed equitably.

Hon. Temporary Deputy Speaker, Sir, with regard to the distribution of national schools and opportunities in institutions, for example, technical institutions; we need to put in place mechanisms that will correct situations there. We are not taking this matter seriously. As the National Assembly, we have responsibilities and we need to take them seriously.

**The Temporary Deputy Speaker** (Hon. Cheboi): Thank you. Your minutes are over hon. Anami. Let us hear from hon. Eng. Chege. There seems to be a problem with that particular microphone, hon. Member. You can come to the Dispatch Box.

**Hon. J.K. Chege:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion mainly because all of us throughout our lives have known what corruption can cost this society. I am a worried person because when I look at the Office of the Auditor-General, in this country, they have only 180 persons. When you look at their responsibility which is to ensure

that all the payments are checked, audited and verified, you find that the number of people involved is not adequate. The amount of money allocated to them is very little.

Hon. Temporary Deputy Speaker, Sir, we have given the Office of the Auditor-General an additional responsibility to look at the counties. I believe the way forward is to make sure that they have adequate resources to ensure that those people who plan and execute plans to take away money from this country are controlled.

In the last two weeks, I have noted that - I do not want to repeat what other hon. Members have said about Makueni - an office of a senior officer and a very prominent person in this country was broken into and a huge sum of money lost. I was following the story to see what would happen to this case. It is important for us to establish what anybody in this country will be doing with large sums of money in foreign currency. Even as you wait, you hear that some of those cases have been withdrawn. We need an open society. If somebody says he has lost money, we need to follow up the matter. We need to know the source and the purpose of some of those huge monies that people keep in their offices.

Hon. Temporary Deputy Speaker, Sir, we cannot be saying that we are fighting corruption without some of us establishing how we have acquired wealth, how we have been able to pay people around. We need to know who has been funding some of the evil activities in this country, even the insecurity in this country. Whenever an issue of huge sums of money is involved, we need that person to come clean and say where he got that money from and for what purpose.

With those few remarks, I stand to support this Motion.

**Hon. (Ms.) Chae:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. Corruption as we know it from the word go, is actually making us to be what we are, even Kenyans are what they are because of corruption.

Hon. Temporary Deputy Speaker, Sir, I am in Parliament for the first time, and I have had an experience and I feel that, if we worked with this kind of experience that I got, it will save us so many things. I have come to learn that we in Parliament are the people to decide the direction Kenya should go. If we want Kenya to be free of corruption, it must begin from this House. I am saying so because Parliamentarians in different committees, starting from Public Accounts Committee (PAC), Public Investments Committee (PIC) and other departmental committees have a say.

Hon. Temporary Deputy Speaker, Sir, what do we do with the recommendations that we make from PAC, PIC and our departmental committees? Do we follow the recommendations that we make and make sure that they have been adopted and those concerned have responded as recommended? It is a wakeup call that as Parliamentarians we are the people to change the country. If we put frameworks from our recommendations, it will be good. Even those commissions that have been put in place, their reports have come through Parliament and have been debated and adopted. What happens then? Do we make follow ups or that is the end? Do we have a structure that is connecting our committees to the leadership of the House so that after we have done the recommendations, those reports come to Parliament, we debate them, adopt and then we release them as a House? But the way it is done, it is not coming out well.

Hon. Temporary Deputy Speaker, we know the Auditor-General's office and we talk about it being autonomous and independent. But then, if the independence of money is not there, how can it work? The hon. Member who has spoken before me said that we have added another responsibility to the Auditor-General's office. We have 47 counties, he is going to work on them



and make sure that all those counties function well without corruption. How is that office going to work when money is not there?

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is over. Hon. (Ms.) Otucho, you have the Floor.

**Hon. (Ms.) Otucho:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I wish to thank my friend, hon. Opiyo, for moving the Motion. Corruption is corruption no matter whether it is committed by an individual, an organization, a party, CORD or Jubilee. I want to join my colleagues in condemning it in the strongest terms possible. We are in the position where we are because of corruption. This nation is not in its rightful place in terms of development because of corruption, which is everywhere. We are all suffering as a result of corruption in this nation.

Having listened to contributions from all the other Members, we are missing a point. We are urging the Government to put in place mechanisms and measures to ensure that corruption is eradicated. Systems should be put in place. We are embracing technology in all institutions, but unless we change our mindset and address the issue of the culture that is engrained in the minds of Kenyans, then we will be fighting corruption in vain. First of all, we must accept that there is corruption, and must start by changing our thinking and our mindset. We should come up with regulations as mentioned by other hon. Members to support the Government to come up with the right mechanisms on how to address corruption. That way, we can fight corruption collectively. We should stop pointing fingers at each other.

There are so many cases that we can refer to, but politicking about it will not address corruption. We need to accept that it exists, face it, come up with mechanisms and support the Government in fighting corruption. It is not for the Jubilee Government alone to fight corruption; it is about all of us and it starts with us leaders.

**Hon. Nuh:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the Motion, which is very important for this country. The cancer that is killing this country is corruption. Today, Kenya is ranked where it is among the nations of the world because of corruption. It should have done better than this, if it was not for corruption. So, this is a monster that we need to deal with as a country.

In this country, corruption started at Independence. It did not begin today or yesterday. We have been living with a bit of it for the past 50 years. It is time to come together and end corruption. I feel that this Government is going to have a tall order in fighting corruption. It consists mainly of digital people, who are grandsons of corruption. Those are people who have been weaned on corruption, and I do not see them fighting corruption. When you are brought up in a corrupt way, that is the food that you know and you do not know any other thing.

I have heard people talk about the Makueni issue as one riddled with corruption. Are you aware that the biggest fraud in this country happened on 4<sup>th</sup> March, 2013? This was when this country spent over Kshs10 billion of the taxpayers' money to buy gadgets in the name of BVRs and identification equipment and they all failed in the first one hour of the elections. I do not know whether it was by design or default. I believe it was by design, so that failure could assist some of the people who find themselves now in offices. There is no way this country can spend over Kshs10 billion for nothing. Thika Road, the only Superhighway in Eastern and Central Africa, cost Kshs30 billion to build. We spent Kshs10 billion on the BVRs and the identification gadgets, a third of the money that was spent on the Thika Superhighway. So, the biggest fraudsters in this country are found at the Independent Electoral and Boundaries Commission. That is why yesterday they stopped somebody from contesting when she is legitimately

registered, has a voter's card in her pocket and she had duly processed documents from the IEBC. They came out on television at 2.00 p.m. and told the people that she was not a registered voter.

**Hon. Sakaja:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to misuse the privilege that we have in this House to cast aspersions and even call the members of an independent commission fraudsters? He very well knows the genesis of this entire issue and who actually duped the innocent young lady, with the full knowledge of her registration status, to go this way. Her career is now on the line because of that. Is the Member in order to do that?

**The Temporary Deputy Speaker** (Hon. Cheboi): It seems even your time was over.

**Hon. Nuh:** *Wakati wangu haujaisha!* No, that is another fraud.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is very dangerous, hon. Junet. You do not want to go there. Our contributions are timed. Of course, the issue that hon. Sakaja raised may have consumed some five to six seconds of your time, but I do not think you really want to go that direction. We need to respect other institutions as we expect them to respect us. Unfortunately, there is very little that I can do hon. Junet. Your time is over. It has been deleted from the record.

**Hon. Dido:** On a point of order, hon. Temporary Deputy Speaker. Listening to the speakers, there is a lot of repetition; we are even allowing some Members to go beyond their boundaries and insinuate things that they cannot substantiate. For the sake of time, I request you to call upon the Mover to reply.

**Hon. Members:** No!

**The Temporary Deputy Speaker** (Hon. Cheboi): You can see the mood of the House. Really, much as I sympathize with your position, I can see a lot of requests. We will look at that when time comes, but there is a lot of interest. Most importantly, I want to observe that Members rise to support a Motion and immediately after supporting it, they walk out. So, it becomes very difficult for business to be transacted. If you are supporting the Motion, you need to participate to the end. Let us be a bit serious in our business.

**Hon. Bowen:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. I would like to congratulate hon. Opiyo Wandayi for moving this Motion. Corruption has been sung about for many years in this country. It has been there in the past and in the present, but we have not done much to fight it.

There is need to review even our procurement rules. The Mover of this Motion is talking about irregular payments. Irregular payments are corruption. It was even last week when we saw corruption. The National Cereals and Produce Board entered into an irregular payment with a very small company despite the advice from the technical department. Unless we have mechanisms to control irregular payments which provide loopholes for corruption--- We first need to ascertain how to define an irregular payment. The Kenya National Audit Office needs to be reinforced with professionals. We need to get people who can audit public funds to make sure that the public gets to know whether public funds have been spent properly.

Hon. Deputy Speaker, the EACC needs to be given more powers to enable it prosecute corruption cases because carrying out investigations alone is not enough. The Commission investigates cases but when they forward them to the Office of the Director of Public Prosecutions, they are diluted. You find that by the time the cases get to court, they are diluted. By that time, corruption will have built up and developed very strong defence. As we know, the

corrupt are not ordinary people. They are mighty people with a lot of money. So, they hire the most expensive lawyers on the land.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, hon. Lelelit.

**Hon. Lati:** Thank you, hon. Speaker, Sir. I rise to support the Motion simply because corruption is a terrible thing for our country. It is a vice which we should all fight.

Having said so, for the few months I have been in the Jubilee Government, I have not had any doubt that our country is in the right direction in terms of fighting corruption. The two people who are leading this Government are committed Kenyans who are ready to fight corruption. I want to tell the hon. Members on the opposite side of the House, and others on this side that are sceptical about the Government's commitment to fight corruption; that, in the first five years of the Jubilee Government, we will not see any scandal like the Goldenberg one. I am sure that at end of the five years, all of us will be convinced to vote for this Government.

Hon. Temporary Deputy Speaker, one thing I enjoy, as part of the Government, is visiting State House once in a while. I hope that the privilege will be extended to the CORD fraternity. Visiting State House is good because you have opportunity to get up close and personal with the two people who are leading our country. In the process, you get to understand what they are doing. You will realise that those people are there for the good of our country. They are committed. Let me reveal a secret. All of us have been talking ill of the laptop project. I am one of the people who felt that the laptop project was probably not a good project for the country. However, in the few times I have had lunch at State House, I came to learn that the project is a wonderful thing for our country.

**An hon. Member:** Correct!

**Hon. Lati:** Hon. Temporary Deputy Speaker, that is why I am saying that those guys in the CORD Coalition should also have time to talk to those guys. They are wonderful human beings. You know what a laptop can do. You can call the laptop project a bait to taking electricity to places in the rural areas, which would otherwise not have seen electricity. That is one of the things that the laptop project will do. The programme envisaged by the President is that once laptops are taken to an area each year, that area shall be supplied with electricity. Is there any hon. Member in this House who can stand up and say that he or she does not want to see electricity in their rural areas?

Sometimes we may demonise things because we have not understood them. For that reason, I hope that the President will extend invitations for lunch to hon. Members in the CORD Coalition.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, hon. Ndambuki.

**Hon. Ndambuki:** Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion.

Hon. Temporary Deputy Speaker, I would like hon. Members to remember what happened to us in the last three months to the general elections. We were all over the corridors of the Office of the EACC in search of clearance certificates in order for us to qualify to vie for the various elective offices. I am sure that all of us were very worried because we did not know the requirements then. It does not matter which side of the House a Motion emanates from. During the Eighth, Ninth and Tenth Parliaments, people had been talking about Goldenberg and Kamlesh Pattni. It is high time that the issue of Goldenberg and Kamlesh Pattni came to a stop, particularly considering the fact that the Jubilee Government is very serious about fighting corruption.

A Motion can come to this House from either side of the House but some hon. Members can decide to shoot it down simply because it emanates from the opposite side of their political divide. Hon. Members should resist the temptation to do so this time round. I would like to remind this House that the people we vetted for the various positions of Cabinet Secretaries and Principal Secretaries are watching us. We should remember that the first document we asked them to produce during the vetting process was a letter from the EACC, indicating that they were not involved in any corruption. This requirement applied to everyone across the board, irrespective of whether one was from CORD or Jubilee.

Therefore, the matter before us, really, is not a matter for us to debate. It is a matter for us to implement. As a House, we are not going to watch as people steal from the public. To that extent, I am sure that all of us will support this Motion. The issue of who stole what and when should come to end, so that we can start a new chapter. We will deal with those issues when they come up. I feel very sad that during Moi's regime, every time I watched television, the news was about Kamlesh Pattni and Goldenberg. When we transited to Kibaki's time, the news in the Kenyan media was dominated by Kamlesh Pattni and Goldenberg. There was a Commission which was---

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is up, hon. Ndambuki.

Hon. Members, hon. Sakaja will be the last person to contribute to the Motion since the time allocated to it is coming to an end. So, I will put the Question after he speaks.

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Speaker. Even as I support this Motion, we need guidance going forward. Despite the fact that the Standing Orders say that any Motion brought by an hon. Member will be brought to the Floor of the House, what does this Motion intend to do? It is urging the Government to put measures in place to ensure that no further irregular payments are effected in regard to such schemes to avoid further loss of public funds.

Despite the fact that we do not need to urge the Government to perform its duties and functions, we must realise that even in the hierarchy of laws there exist pieces of legislations---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Sakaja. Hon. Ndambuki, you have just spoken. We made a plea to hon. Members that once they contribute, they should not leave the Chamber, otherwise, we will have a problem transacting business and even putting the Question on the Motion. So, I hope that you are not going out of the Chamber.

Proceed, hon. Sakaja.

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, the point I am making is that the problem we have with corruption is that we just talk about it. If the intention was really to deal with the Goldenberg matter, are there no more effective ways through which this House can engage itself on the matter? We will pass this Motion, which is well supported. We will urge the Government and then what? We should look at legislations that need to be strengthened. If the Mover had brought an amendment to an Act relating to this matter, it would be more effective. Alternatively, if he had requested for a Statement from the Government on what it is doing to stop irregular payments, it would be more effective. So, let us not make this House a talk-shop, where we just talk about corruption and then move to the next Motions, in which case we have Motions on Kenya Electricity Generating Company (KenGen) and the Tana and Athi Rivers Development Authority (TARDA) waiting.

I would like to point out that, contrary to what certain hon. Members have said on the Floor of this House today, the Jubilee Government is keen to ensure that corruption is nipped in the bud and that we have transparency.

Hon. Temporary Deputy Speaker, Sir, if you look at the past records of both principals of the Jubilee Government, you can see that they have had integrity. If you look at His Excellency the President while he was the Minister for Finance, he was the one who proposed austerity measures which I think hon. Midiwo was trying to pour cold water on.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Your time is over. We will ask the Mover to now respond, and he has the freedom of donating his time. If you decide to do that, the hon. Member from Nyaribari Chache will happily want to accept donated time. Proceed.

**Hon. Wandayi:** Thank you, hon. Temporary Deputy Speaker, Sir. Really, I want to start by thanking all the hon. Members who have contributed positively and supported this very important Motion. So, I really do not want to belabour the point, but I just reiterate that two wrongs cannot make a right. You cannot use errors of omission or commission by past governments to justify inaction by the present Government.

We want to walk the talk; therefore, I beg to move this Motion and want to donate my time. I will donate two minutes to hon. John Lodepe, two minutes to hon. Rasso and finally two minutes to hon. Nyamweya.

Thank you. I wish to move.

**The Temporary Deputy Speaker** (Hon. Cheboi): Proceed.

**Hon. Nakara:** Thank you, hon. Temporary Deputy Speaker, Sir.

**Hon. Ng'ongo:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**Hon. Nakara:** Hon. Ng'ongo, you are wasting my time.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Mbadi, I will not recognize you because I cannot see your card on intervention here. Proceed, hon. Nakara.

**Hon. Nakara:** Thank you hon. Temporary Deputy Speaker, Sir. I want to thank my friend, hon. Opiyo Wandayi, for allocating me two minutes of his time. I want to approach this Motion in a very different way in relation to human rights. If we read the Bill of Rights in our Constitution, Article 21(3) says:

“All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.”

I want to approach this Motion by saying that corruption is a way of denying somebody his or her right. I want to mention two things. One is the issue of recruitment of armed forces officers. Whenever there is recruitment in this nation, in Turkana County they only take officers from one district and leave the other five districts out of the recruitment. That is denying somebody his or her right and that is corruption.

Hon. Temporary Deputy Speaker, Sir, finally promotions are affected by corruption in this country. We have some members in the armed forces who have stayed in one rank for 25 to 27 years; they have not been promoted to another level. That is also a form of corruption. So, as we address this issue we should know that denying somebody money is not only corruption but also denying somebody his rights.

Thank you, hon. Opiyo Wandayi and hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): The remaining hon. Members will have one minute each, because the time for replying is almost over.

Yes, hon. Dido.

**Hon. Dido:** Thank you hon. Temporary Deputy Speaker, Sir, and hon. Opiyo Wandayi for this Motion. I think this Motion is timely. The only thing I wish to tell the august House is

that we must move forward. Let us not dwell on the past. If we do that then we are not likely to make much progress. My concern as far as corruption is concerned at this point in time is that we used to have one central system. Now we have 47 plus one units. That actually means that we have to be zealous in our fight against corruption, because there will be too many outlets that need watchmen.

The second point is really that when we talk about corruption, I think we find it in all places; people just make it so easy by asking for 10 per cent. This makes it appear to be such a small issue. I think hon. Wandayi's Motion is calling upon the Government to put in place systems. Where there are already bodies in place like the Ethics and Anti-Corruption Commission, then they must be strengthened.

Hon. Temporary Deputy Speaker, Sir, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Before I put the Question, there is a donation to hon. Nyamweya. You do not seem to be ready; yours, hon. Nyamweya, should be strictly one minute.

**Hon. Nyamweya:** Thank you hon. Temporary Deputy Speaker, Sir. First and foremost, I wish to thank hon. James Opiyo Wandayi for bringing this Motion to the House. Hon. Members, the challenge we have in this country is that we have registration in place; we have got the procedures in place but what we lack is the political goodwill to enforce what exists in this country and this is why the Goldenberg scandal came about. The Goldenberg scandal came about because the country did not have enough foreign exchange. At that time, the country was not collecting enough taxes so that it could meet its financial obligations. As we speak today, this country does not have enough resources to meet its obligations. I want hon. Members to just walk around town in Nairobi and check the---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! Hon. Nyamweya, your one minute is over. So, I will put the Question since I have confirmed that there is quorum.

*(Question put and agreed to)*

Now, hon. Members, we will proceed and put another Question on the Motion by hon. Dr. Joyce Laboso. This has been transacted but a Question was not put. I do not know if the Members are familiar with it, but I am sure you have it on your Order Paper. So, I think I will proceed and put the Question. Really, I think you have seen it on your Order Paper. Let us proceed and finalise this matter.

The hon. Members coming in can take their seats.

*(Several hon. Members entered the Chamber)*

#### RESOLUTION ON NON-SIGNING OF ECONOMIC PARTNERSHIP AGREEMENTS

**The Temporary Deputy Speaker** (Hon. Cheboi): The Motion which we are now putting to Question is Order No.8 on today's Order Paper; therefore, I will put the Question.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that since the signing of the Cotonou Agreement in the year 2000, the Government has been negotiating Economic Partnership Agreements (EPAs) with the European Union (EU) together with other member states of the Eastern Africa Region; further aware of the concerns raised by the Eastern Africa Region on the contentious aspects of the EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further taking cognisance of the adverse effects that the EPAs are projected to have on Kenya's economy, particularly on agriculture and manufacturing sectors; aware of an amendment to the European Union's Market Access Regulations (*1528 of 2007*), whose effect is that the 18 countries which have not signed or ratified the full EPAs, most of which are in Sub-Sahara Africa, Kenya included, will henceforth be removed from duty-free, quota-free access to the EU Markets; further aware that once removed, Kenyan products will from October 2014 cease to enjoy the duty-free, quota-free tariffs in the EU market, and that the national economy is estimated to lose more than Kshs10 billion in that year alone, this House resolves that the Government does not sign the Economic Partnership Agreements in their current form until all outstanding issues, especially the Most Favoured Nation, Export Taxes and Development clauses as raised by the East African Community and Kenya in particular, are conclusively addressed, and that the Government continues to explore more beneficial trade negotiations with the European Union.

#### LIBERALIZATION OF POWER DISTRIBUTION IN THE COUNTRY

**Hon. Bowen:** Hon. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that Kenya as East Africa's largest economy remains a minor in electricity supply, with a low penetration level of about 15%; concerned that Kenya Power, as a strategic national agency, appears to be grossly inefficient in its operations, still having 85% of the population unconnected and facing a fast-growing population at 3% annually; also noting that power outages and surges have become the norm, especially with the onset of long rains, sometimes causing electrical faults that result in fires and loss of property, which is never compensated for by Kenya Power; further concerned that Kenya Power has portrayed a lackluster approach to handling customer complaints, which leaves customers disadvantaged due to lack of alternative electricity providers, this House urges:-

(i) the Government to liberalize power distribution thereby breaking the monopoly of Kenya Power in order to encourage competition, improve efficiency, and reduce the cost of power; and,

(ii) Kenya Power to offer compensation to those who have encountered fires and loss of property due to power outages and surges.

Hon. Temporary Deputy Speaker, Sir, Kenya Power has been a nightmare to many Kenyans, especially when it comes to power distribution. As we speak today, it is only 15 per cent of Kenyans who are connected to power. We still have 85 per cent of Kenya's population unconnected. As I speak here, it is only Kenya Power which has the monopoly to distribute, transmit and retail power. I believe that most Members of this House, and members of the public,

have had many problems with Kenya Power when it comes to power connection and losses due to power outages. This is because Kenya Power does not compensate individuals.

Kenyans voted for a new Constitution and we are now in a new constitutional dispensation. We have two levels of government, namely the national Government and the county government. We want a scenario where Kenyans can get an investor at the county level to invest in power, so that they can get connected to power. The monopoly of Kenya Power should be brought to an end. We want to bring in competition in power distribution and retail because competition brings about efficiency, innovations, reduced costs and better customer care.

Since the formation of Kenya Power many years ago, there have been many problems in power connection until recently when the Government established the Rural Electrification Authority (REA), which has done a good job in the rural areas. Many hon. Members will confirm that the Authority has done a good job, especially when it liaised with the Members of Parliament. However, there are many houses in this country which are not connected to power.

The power distribution systems used by Kenya Power today are very old. You will find that whenever we have little rain, power automatically goes off. This is because their systems are outdated and have never been upgraded. We want competition in power distribution to encourage innovation, so that we can get a good system which can withstand heavy rains.

Hon. Temporary Deputy Speaker, Sir, whenever there is failure on the part of a power company in South Africa or loss of property because of power outages, the power company compensates the victims. However, there is no compensation in Kenya.

I request this honourable House to support this Motion, so that I can draw up a Bill in the next few months, and we liberalize distribution and retailing of power in this country. The Kenya Electricity Generating Company (KenGen) produces a lot of power but Kenya Power has failed to retail, distribute and transmit it to Kenyans. We have so many houses unconnected. Why should my television or any of my electronic gadgets get burnt because of a problem from Kenya Power? Kenya Power should compensate ordinary Kenyans when they suffer problems caused by their company.

Hon. Temporary Deputy Speaker, Sir, I would like to also point out that some counties have flowing rivers. I am not sure whether power generation has been liberalized in this country. I think it has been liberalized because we have geothermal in the Rift Valley, which is generating a lot of power.

The problem is the distribution. We want to encourage other investors to go down to the counties because we are talking about devolution. It is about devolving those services and resources up to the county level. We want to encourage the power generating companies, if the energy sector is liberalized, to go to the counties and invest in power generation.

We also want to encourage other distributing companies to compete with Kenya Power in order to achieve efficiency and reduce the cost of power.

With those few remarks, I would like to ask hon. Mwaura to second this Motion. Thank you.

**Hon. Mwaura:** Ahsante sana mhe. Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii ambayo imeletwa hapa na rafiki yangu, mhe. Bowen Kangogo. Ikiwa tunataka kuwa na nchi ambayo ina viwanda na inanawiri katika uchumi, ni lazima tuhakikishe kwamba watu wanapata stima ili wafanye miradi yao vizuri.

Mhe. Naibu Spika wa Muda, ni jambo la kushangaza kuona kwamba ni asilimia 15 ya Wakenya ambao wana umeme. Hili linaweza kushangaza wengi kwa sababu ukiangalia, unaweza kufikiri ni watu wengi sana ambao wamesambaziwa umeme, wale ambao wamekaribia



mitaa na miji mikubwa kama vile Nairobi, Kisumu, Nakuru, na kadhalika. Lakini kwa sababu ya umeme, watu wengi wanakimbilia mijini ili waweze kujitafutia riziki yao ya kila siku. Lazima tuhakikishe kwamba huduma za jamii na za umma zinakwenda mashinani. Ni muhimu kuhakikisha kwamba umeme umegatuliwa pia, ili watu waweze kupata nafasi ya ajira. Zile zana ambazo wako nazo za kujiendeleza ziweze kupata mwanya wa kuafikiwa.

Mhe. Naibu Spika wa Muda, ikiwa kijana mdogo ana ndoto ya kuweza kufanya ukarabati ili awe na taaluma fulani, lazima kuwe na vifaa. Vifaa vingi vya kumwezesha kuendeleza hiyo taaluma yake hutumia umeme. Kwa hivyo, hili ni jambo muhimu sana.

Mhe. Naibu Spika wa Muda, kule Uropa utakuta karibu bara nzima lina stima na watu wengi wana mataa kwao nyumbani. Barabara zinaonekana ukiwa angaani. Lakini ukitoka safarini Afrika Kusini kuja Kenya, isipokuwa tu uone mwangaza kule Johannesburg na Durban, kule kwengine ni giza totoro. Kwa hivyo, hilo ni jambo ambalo linaonyesha kwamba kwa kweli, Afrika kama Bara bado liko gizani. Pale ambapo pana mwangaza pia pana usalama.

Kuna Wabunge kadhaa ambao wameweka stima, kwa Kiingereza *flood lights* kule sokoni. Kufanya hivyo kumewawezesha akina mama kufanya kazi zao. Kuna ambao wanakwenda sokoni hata baada ya usiku kuingia. Kwa hivyo, uzuri wa umeme ni kutuwezesha kama nchi kuwa na usalama.

Mhe. Naibu Spika wa Muda, kwa sababu ya kuwa na kampuni moja inayoweza kuwasambazia Wakenya umeme, kumekuwa na ufisadi. Utakuta kwamba wanaofanya kazi katika shirika hilo ni wepesi sana kwa kukata stima ikiwa haujailipia. Lakini wengine wanaitisha murungura ili warudishe ile stima kwako.

Kwa hivyo, ni bora kuwa na washikadai wengi kueneza umeme katika Kenya. Jambo hilo litatuwezesha pia kupunguza ufisadi kwa sababu kutakuwa na mashindano ya kibiashara. Kutakuwa na tabia njema katika biashara nchini na hususan katika usambazaji wa umeme.

Mhe. Naibu Spika wa Muda, jambo ambalo tunafaa kuliangazia kabisa ni manufaa yapi ambayo yatajitokeza ikiwa kutakuwa na umeme katika nyumba nyingi katika nchi hii. Jambo linalojitokeza kwanza ni hili: Tutaweza kuwazuia watu wetu kupata maradhi ambaye hutokana na kutumia taa ambazo zinatoa moshi ambao sio mzuri kwa afya zetu.

Wengi wetu tunakumbuka kwamba wakati tulipokuwa tukikuwa, tulikuwa tunatumia vyombo kama hivi ambavyo tunaweza kusema kwa lugha ya kisiasa ni mfumo wa *analogue*. Kwa hivyo, ni muhimu hata wakati huu ambapo Serikali ya Jubilee imetoa mwito kwa watu kuingia katika mfumo wa *digital*, kwamba, kuwe na umeme na uweze kusambazwa sio katika shule tu, bali pia katika boma za watu ndipo watoto wakitoka shuleni, waweze kufanya kazi ya ziada au *homework*. Wataweza kufanya hivyo kwa sababu kutakuwa na umeme ambao umesambazwa wanamoishi.

Mhe. Naibu Spika wa Muda, tunaweza kusambaza umeme kupitia kampuni tofauti, ili kupunguza gharama za umeme. Kila kaunti, hasa zile ambazo zina mito ambayo inaweza kutoa umeme, zitaweza kupata pato kutokana na uzalishaji wa umeme. Mfano ni nchi ya Uingereza. Wakati tunalipa Kshs10, wao wanalipa senti hamsini. Kwa hivyo, itapunguza malipo kwa sababu ya ule ushindani. Tutakuwa na uwezo wa kutumia vifaa vya kisasa ambavyo vinatumiwa kutengeneza umeme.

Mhe. Naibu Spika wa Muda, pia pale nyumbani, tukiwa na umeme, tutakuwa na usalama wa chakula. Tukianza kutumia vifaa kama vile friji, hakutakuwa na haja ya mama kukimbia sokoni kila wakati. Si lazima mama akimbie sokoni kununua maziwa, mboga au vyakula vingine ambavyo vinahitajika. Sioni kwa nini Serikali isichukue muda kupiga msasa ile Miswada ambayo imepitishwa hapa, na ambayo imeunda zile kampuni tofauti tofauti kama vile, Kenya

Power na zinginezo. Tukifanya hivyo, tutaweza kuwahakikishia Wakenya wetu wako na nafasi ya kupata umeme kwa bei nafuu ile wawe na njia ya kujiinua kiuchumi. Hii itawawezesha wananchi kuishi maisha ya hadhi, ya utu na ya karne ya ishirini na moja.

Kwa hayo machache, naunga mkono.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Members, you realize that we did not transact Order No.11, the Motion by hon. Wario. This is for purposes of record to notify you that, that could not be done because the Member is out of the country on official duty. So, that Motion will be transacted as soon as he comes back.

#### MECHANISM TO CONTROL FLOODING OCCASIONED BY TARDA/ KEN-GEN

THAT, aware that the heavy rains experienced across the country have caused flooding in many areas such as Tana River; concerned that the Tana And Athi Rivers Development Authority (TARDA) and the Kenya Electricity Generating Company (KenGen) have been draining water from their dams to River Tana; deeply concerned that people living downstream have been displaced, property destroyed and loss of livelihood following the artificial flooding occasioned by those two government agencies, this House resolves that TARDA and KenGen should immediately stop draining water from their dams to River Tana, come up with a mechanism to control the flooding and consider compensating the people who have been affected.

*(Motion deferred)*

**Hon. Nyenze:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion, which is very timely. Kenya is the regional giant or the biggest economy in the region. As the Mover has said - and it is a pity - we have a penetration of 15 per cent and the 85 per are in darkness. One thing that we should not forget is that in the last one year, there has been a lot of improvement and many connections in many places in the country. I hope that, that trend will continue.

If you compare the economy of Kenya to those of South Africa and Ethiopia, we have an economic growth of below 5 per cent while Ethiopia has an economic growth of over 12 per cent annually. One of the reasons why some of those countries are growing very fast in the Sub-Saharan Africa is power connection. If we can offer cheap power to industrialists for production, the cost of doing business would be cheaper. We will attract more foreign investments and our economy will grow in double digits. That is good for diversification and competition. It is also good to break the monopolistic approach that has been there in the power sector. The Kenya Power has been the only player in the field. When you are the only player and there are no alternatives, you die out. You lack innovation and there is no competition. You do as you wish because people have no choice. When you open up, you create competition by liberalizing the sector, bring in more players to produce power and then they can compete on the basis of how expensive they are.

We are very lucky in this country that we have oil, coal and geothermal resources. In places like Turkana, we have wind power. The wind speeds are astronomical. We have the right resources to make power cheap. I thank the Mover of this Motion for coming up with a very good Motion at the right time. Now that Kenya is at the take off stage and leaders want to make Kenya a middle income country through Vision 2030 in a span of 20 years, this is the main area besides others like security and infrastructural development. Cheap power will make this country grow faster. If you look at big power companies like Escom of South Africa, they produce 40,000 megawatts against 1.5 megawatts that we produce in Kenya. Ethiopia started producing power less than 10 years ago. People have complained about the drying up of Lake Turkana because of the dams in Ethiopia. Today, Egypt is complaining about Ethiopia diverting the Nile water, but Ethiopia is not deterred from achieving its objective because in the long-run, the Ethiopian economy will surpass most economies in Sub-Saharan Africa.

If we want to create equal opportunities for every citizen in this country and expand the economy so that everybody is comfortable, we should liberalize the power sector. We should not only liberalize Kenya Power, but also KenGen. There should be several power generating and distribution companies. As one Member has alluded, when reforms were done at Kenya Power and there was division of labour, we saw accelerated power distribution. If you leave it to a moribund one big body, it will go down.

At the moment, people are stealing transformers leaving villages in darkness. As we liberalize the power sector and bring in more players, I am appealing to Kenya Power to come up with transformers which cannot be targeted by thugs. I understand that criminals target the transformers to remove oil, which I do not know what it is used for. They plunge people into darkness. The people have to wait for weeks before the transformers are replaced. The cost of power in Kenya is very high compared to the cost of power in other countries in Sub-Saharan Africa and in the world. That has made several companies to move to other countries like Ethiopia and Uganda, where power is cheaper. Kenya is losing the edge. It is high time we liberalized the power sector to reduce the cost of power. When we reduce the cost of power, we will conserve our forests. Our forest cover is less than 10 per cent and the Jubilee Government wants to raise it even to 50 per cent. The best way to do it is to provide an alternative source of energy, so that our people in the villages, rural areas and urban poor do not rely on charcoal and firewood. They should rely on other sources like cheap electricity to cook. They will not go to the forest and fetch firewood. That will transform our country.

Hon. Temporary Deputy Speaker, for any economy to grow, you need better roads, ports, airports and transport infrastructure. The cost of power should be reduced to minimal rates. You need to prevent crime and reduce it to minimal levels. You will get foreign direct investments coming into this country. You do not have to advertise yourself. They will check and see doing business in Kenya is cheap because of cheap power, there are good roads, railways, ports and airports, high usage of telecommunication and ICT and good trained manpower. Those Tigers of South East Asia and countries that are doing very well like China and India started doing those things. They have overtaken the western world. Why? It is because they have reduced the cost of production by diversification and bringing in many power generators. They have built infrastructure and reduced crime. They are protecting businesses and giving their businesspeople incentives.

Hon. Temporary Deputy Speaker, Sir, the Mover of this Motion---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Leader of Minority, you should be winding up now. Your time is up.

**Hon. Nyenze:** Thank you. The Mover of this Motion also talked about compensation. So many people have lost not only their houses, but small gadgets like fridges and ovens. They blow up. When you go to complain, you do not get any answer. I think Kenya Power should compensate those people who lose their gadgets because of power outages which are very common.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Cheboi): Thank you. Let us have hon. Makenga.

**Hon. Makenga:** Thank you hon. Temporary Deputy Speaker. I rise to support this Motion by my friend, hon. David Kangogo. It is a very timely Motion. I want to say that it is a pity that, 50 years after Independence, the only company that is mandated to distribute power in this country has only done 15 per cent. About 85 per cent of our homes and institutions are not supplied with electricity. That means that it will take us another 50 years to even get closer to 50 per cent of electricity supply. I support this Motion because the company that distributes power--  
- If there was another company that was competing with it, there would be more power connections and, probably, even the cost of power would come down. The Commissioner of Monopolies--- I think monopolies was done away with in 1989. But we are still having some companies which are enjoying that monopoly. I would urge the Government to encourage new distributors of power to come in, so that Kenya Power can face competition and try to bring the cost of power down. The cost of power in this country is very high. Even, sometimes, there is the fuel levy which is charged by Kenya Power. It is very high. Sometimes, the levy is at the same level with the power consumed. So, if we can have other companies coming in, they would come up with ways and means of reducing the cost of power in this country. If the cost of power and distribution can be enhanced, many companies and other industries can be initiated in the rural areas. The cost of power is too punitive that no one may want to start an industry in the rural areas. So, I support this Motion and urge Kenya Power to pay compensation to those whose homes and industries have been affected by fires because of power outages. Sometimes, power outages impoverish people or citizens. Therefore, I think it is high time that Kenya Power thinks of compensating those affected homes and factories.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have hon. Njomo.

**Hon. Njomo:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion on one part and oppose the second part of the Motion. The first part is a timely Motion---

**The Temporary Deputy Speaker** (Hon. Cheboi): What did you say, hon. Njomo?

**Hon. Njomo:** It has two parts at the end. One is about---

**The Temporary Deputy Speaker** (Hon. Cheboi): Unless you are making an amendment, really, you can either be supporting or---

**Hon. Njomo:** Okay. I will support it, but with some amendments. Now, the Motion is timely, but I would like to look at it from two angles. If you looked at Kenya Power 10 years ago, it had the responsibility to generate, transmit and distribute power. Currently, those responsibilities have been allocated to different companies. KenGen has the responsibility of generating power, Kenya Electricity Transmission Company (KETRACO) has the responsibility of transmitting power from the generating stations to the sub-stations and Kenya Power has the mandate to take the power to the consumers from the sub-stations. From when that was done, there has been a lot of improvement in the power industry. There have been more generators. More people have come into the industry to generate power. We have new players in the geothermal power. We have independent power producers. We have wind power generators. We

know there is a project which is ongoing in Turkana by Turkana Power. We know there are others who are generating and using solar power. So, we have seen quite some improvement with the liberalization of power generation. What we should ask and urge the Government to do is to have incentives and encourage more people to come and invest in our power generating industry, so that we can have more power for our industries. That way, when we get to our Vision 2030, we do not have to import power from Uganda and Ethiopia. On the part of distribution, I agree with the Mover of this Motion, hon. Bowen, that this may be liberalised so that we have more players in the industry. This will encourage competition and hopefully the prices will go down. I remember when I owned my first mobile phone many years ago, I spent so much money just to have it because there was only one player in that industry. Today, if you want to own a mobile phone, with only Kshs3,000, you will be able to get one.

**Hon. Nyenze:** With Kshs1,000.

**Hon. Njomo:** With Kshs1,000 you can buy a mobile phone. I am corrected by the Leader of Minority Party. So, I believe that when we liberalise our distribution of power, we shall be able to attain cheaper electricity. But there are also dangers involved with liberalisation of the power industry. Already, the types of systems that we are having out there are an eyesore. The power lines are not beautiful and they are not something that we would like to see every other day. So, if we bring in more players, just like the way we have so many telecommunication masts dotted all over the country, we are going to have so many power lines going parallel because each player will be having a system to distribute power. So, we must liberalise prudently. We must have good regulations that will not mess up our environment and that will not create danger to our citizens because of so many power lines.

Hon. Temporary Deputy Speaker, Sir, on the other hand, I would like to congratulate Kenya Power because for the last 10 years, it has had a very good improvement in the services. It has connected more people in 10 years than what had been done from Independence up to the last 40 years. We have also seen them moving from analogue to digital where you can now know your bill from your phone. You can get your bills on your phone. So, I must really congratulate them because they have done a good job. But we need to have a better system for our country. We need to have enough power for our country, so that we can move on.

The Government must also help Kenya Power to protect its equipment. There have been complaints that it is inefficient but some of those inefficiencies are not caused by Kenya Power. They are caused by vandalism of systems. Our people who fry chips have discovered that it is much cheaper to use transformer oil to fry chips rather than cooking fat. That is because transformer oil will fry chips for more than two years without being replenished. So, we must also control that. We must even ask our public health personnel to check on people who are using transformer oil to fry chips because that is even subjecting our people to health hazards. We must also encourage the public to take part in policing Kenya Power systems because it may not be able to police each and every transformer and pole. But since those vandalism acts are done where people live, we must tell our people to help Kenya Power and the Government to protect that equipment. That is because such acts cause inconveniences and losses to Kenya Power.

Hon. Temporary Deputy Speaker, Sir, on compensation, we know that every fire that we hear about is reported to be caused by an electrical fault. I know that Kenya Power has a good insurance scheme to compensate people who are injured or those who incur losses from misuse or abuse of electricity. I know many people have been compensated but we must also understand that some claims are fraudulent and false. Somebody, just because he has lost electronic

equipment, he or she claims that it is because of electricity, while it may have been because of any other reason. We know that there are homes that have been burnt down and people claim that it is an electrical fault, while there was no electrical gadget in that house. So, for those who have incurred losses due to use of electricity, it is very important to prove that it was an electrical fault that has caused that loss and, once you can prove that, Kenya Power will compensate you.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Thank you. Hon. Cecilia Ngetich, you have only about four minutes for this session. The next will be transferred to the next session.

**Hon. (Ms.) Ngetich:** Okay. Thank you hon. Temporary Deputy Speaker, Sir. I rise to support the Motion that, indeed, monopoly should be discouraged at all costs and I want to cite the following reasons:-

One, in the spirit of devolution, most services are being devolved to the county governments for efficient provision of essential services that are required. So, that monopoly would mean that everything is controlled from one centre. That then beats the spirit of devolution and it also creates inefficiency due to the bottlenecks that will be there and even delays.

In particular, I want to add that we have also witnessed in regard to fires, several properties being destroyed due to electrical faults. We have had valuable information destroyed. We recently heard about the Kenya Bureau of Statistics (KBS) information that was destroyed and because it was 4.00 a.m., we cannot blame any human being. However, I want to say that Kenya Power personnel should improve the way they do wiring or the way they supervise the contracted services that they, sometimes, contract.

So, I strongly support because it is not only Government property that has been destroyed, but even individual's property has been destroyed due to shoddy connections and negligence by Kenya Power personnel. I think they should be compensated. However, it is also good for the Government to urge families to insure their property so that, at least, if such a thing happens, they should be compensated although, of course, you will never recover what you had before. But it will help you.

Hon. Temporary Deputy Speaker, Sir, I want to say that, indeed, power is very expensive. When you get your bill, you realize that the units you have used, for example, can be costing Kshs1,500. Then there is a list of adjustments like fuel cost and so on, which are even more than the Kshs1,500. So, you wonder why that is the case. I think there must be a way of reducing that cost and one of the ways is creating that competition. They will be able to compete through liberalisation. That will bring down the cost of electricity.

Another thing is to exploit our sources of production of power. We have enormous potential of wind power especially in the northern parts of our country. We have potential solar power. We know we are privileged because in Kenya, we experience tropical climate. We do not have winters and all that and it is possible---

Thank you, hon. Temporary Deputy Speaker, Sir.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! You will have your six minutes. Now, the House is declared adjourned until tomorrow, Wednesday, 10<sup>th</sup> July, 2013 at 9.00 a.m.

The House rose at 6.30 p.m.