

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th October, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Annual Report and Accounts of the Kenya Broadcasting Corporation for the year ended 30th June, 1995, and the Certificate thereon by the Auditor-General (Corporations)

The Annual Report and Accounts of Kenya Broadcasting Corporation for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations)

The Annual Report and Accounts of Kenya Broadcasting Corporation for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations)

The Annual Report and Accounts of Kenya Ferry Services for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Information,
Transport and Communications)*

ORAL ANSWERS TO QUESTIONS

Mr. Kiunjuri: Mr. Speaker, Sir, I have not yet received any written answer from the Minister.

Question No.446

PAYMENT OF COMPENSATION TO KANGAITA BOMB EXPLOSION VICTIMS

Mr. Kiunjuri asked the Minister of State, Office of the President when Mr. George Riungu Nyawira (deceased), Ms. Esther Wanjiru and Ms. Juliana Wambui (both injured) victims of 3rd August, 1999, bomb explosion at Kangaita Army Range in Ontulili Location, Timau Division in Meru Central District will be compensated.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, it was my mistake. I sent the written answer rather late to the Clerk of the National Assembly. In fact, I have just sent it now, because there was a delay in preparing it.

An hon. Member: Why?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I apologise for that.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. One way of weakening Parliament is to fail to comply with mandatory provisions. The Standing Orders are very clear; Ministers are given a certain number of days within which they should forward the answers. I sympathise with the Minister, but can he make sure that his civil servants do comply with the laws of Parliament?

Mr. Speaker: I agree with Mr. Anyona. Let us all be very serious with our work. Let us send these answers as quickly as possible to Parliament, but as you know, for Parliament, apology erases all sins. Proceed, Mr. Sunkuli.

An hon. Member: Has he apologised?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I apologise and beg to reply. The incident referred to by the hon. Member did not occur at Kangaita Army Range, but rather at Kangaita

Ranch. The Kenya Armed Forces do not use Kangaita Ranch during their exercise and, therefore, the death of the deceased cannot be blamed on the Kenya Armed Forces. Therefore, the question of compensation does not arise.

Mr. Kiunjuri: Mr. Speaker, Sir, if that is the truth, could the Minister explain to this House who left the bomb at the Kangaita Ranch?

Mr. Sunkuli: Mr. Speaker, Sir, precisely, I was trying to investigate this issue, but given the manner in which the Question was asked, I was trying to establish where this incident happened. This is because if it had happened within the exercise area, it would have been obviously a question to be looked into by my departments. But I want to assure the hon. Member that I have directed that this matter be investigated further so that we understand the full circumstances under which this bomb exploded.

Mr. Kiunjuri: Mr. Speaker, Sir, could the Minister tell this House when the investigations will be completed and when we will receive the report in this House?

Mr. Sunkuli: Mr. Speaker, Sir, if the hon. Member could give us a period of two weeks, we shall carry out investigations and then I will come back to this House and give a Ministerial Statement on this issue.

Mr. Shill: Thank you, Mr. Speaker, Sir. I would like to ask Question No.502 although I have not received any written answer.

Question No.502

EXPENDITURE ON SECURITY IN
NORTH EASTERN PROVINCE

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

- (a) how much money the Government has spent on security in North Eastern Province in the last 10 years, the last financial year, and how much money it intends to spend this financial year; and,
- (b) how much of this money has been spent on information gathering and intelligence, and whether the locals are involved in the operation.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I know that the answer was sent to Parliament this morning. This Question is very loaded and I wish the hon. Member could have been a little bit specific, because it talks of the money spent on security. If it was on specific security operations, it might have been a bit clearer. This is because when he is talking about security, we might be talking of all the security personnel whom we deploy in the North-Eastern Province. Maybe, the hon. Member could really clear this a bit.

Mr. Speaker: What do you say to that, Mr. Shill?

Mr. Shill: Mr. Speaker, Sir, I think my Question is straightforward. This is because many times the people of North-Eastern Province are denied development under the pretext that much of the money is being spent on security. So, we want to know the amount of money that is being spent on us.

Mr. Speaker: Do you want him to include information on the salaries that are paid?

Mr. Shill: Everything!

Mr. Speaker: Then I will give the Minister a chance to respond.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I will not be able to give the total cost if I take into account the money spent and salaries of policemen, Kenya Army and Provincial Administration Policemen. The Question is very loaded. When we budget for the Security Fund, it is in general. However, I would like to say that for the last 10 years, we have spent Kshs26 million on specific operations.

Mr. Shidiye: On a point of order, Mr. Speaker, Sir. I know that the Minister knows English, and what is written here is so explicit. The hon. Member did not ask for operation costs, but he asked for the amount of money the Government of Kenya spends on security in North-Eastern Province. It is as simple as that. So, we want the Minister to give us the answer. We are not interested in security operations.

Mr. Speaker: If you insist, I will make a further order. Since it will be absolutely not possible to cover it within Question Time, I might ask the Minister to give the hon. Member a written answer. Mr. Shill, what do you prefer?

Mr. Shill: Mr. Speaker, Sir, because this Question touches the hearts of people in North-Eastern Province and Kenyans who are taxpayers, I think we will give the Minister time so that he gives a very specific answer.

Mr. Speaker: It is not that way. I think the only option open to me if you make it that wide and for such a long time as ten years, then I can direct that he gives you a written answer rather than an oral answer. Which one would you prefer?

Mr. Shill: Mr. Speaker, Sir, I would like both answers because I want to ask supplementary questions from it.

Also there is part "b" of the Question---

Mr. Speaker: Do you realise that it is also within my discretion to disallow a Question when, in the opinion of Mr. Speaker, it is so wide that it is unreasonable to expect an answer during Question time?

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. This is a very serious issue. Part "b" is very specific. However, the issue of the Government misappropriating money under the cover of security in North-Eastern Province is a major issue. You will recall that security takes four times as much as this Government spends on Parliament alone. I think it would be very important for citizens of this country to know how the Government has been spending money in the security operations in North Eastern Province. Parliament deserves both a written answer as well as an oral answer.

Mr. Speaker: Mr. Minister, what is your response to that?

Maj. Madoka: Mr. Speaker, Sir, you have acknowledged that it is a very loaded question. I would be prepared to give a written answer as you have proposed.

Mr. Speaker: I have not said it is loaded. There is a difference between a loaded question and a long question. I have only said it is too wide; I have not said it is loaded. The term "loaded" means there is something intrinsic in the question that if answered may explode. I am not worried about it exploding. I am worried about it not being answered within Question time. Is it possible for you to answer it within Question time?

Maj. Madoka: If it is a question of the interpretation of the word "loaded". I still maintain that it would imply the same as you have said. I will be prepared to give a written answer.

Dr. Ali: Mr. Speaker, Sir, what is required here is figures. If the Minister cannot give us the figures then he should tell us. That is all the Member is asking for then later we will ask him the figures.

Mr. Speaker: Would you like me to give you sufficient time to look at it and then come back?

Maj. Madoka: Mr. Speaker, Sir, if that is the wish of the House.

Mr. Speaker: I will give you two weeks. The Question is deferred.

(Question deferred)

Question No.247

PAYMENT OF RETIREMENT BENEFITS
TO KENYA RAILWAYS EMPLOYEES

Dr. Ochuodho asked the Minister for Information, Transport and Communications:-

- (a) what he is doing to resolve the standoff between Kenya Railways retirees and the management;
- (b) how many employees have retired over the past 12 months and how many more are expected to retire over the next 12 months; and,
- (c) how much money has so far been paid as retirement benefits for those who have retired in the past 12 months.

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

(a) Currently there is no explosive standoff between Kenya Railways retirees and the management. However, there are some outstanding issues which are being addressed and they are as follows:

1. There is the question of delayed payments of terminal benefits due to some of the retrenched employees which Kenya Railways Corporation is making all efforts to clear.

2. There is also a dispute on the occupation of Kenya Railways houses by retirees. It has now been agreed between the Kenya Railways Corporation and the Kenya Railways Workers Union that no retrenchee will be evicted from corporation houses or be stopped from earning his owner-occupier allowance until the retiree is fully paid.

(b) Over the past 12 months 3,506 employees have been retired. Out of this number 506 retired through the normal attrition and 3,000 retired under the special retirement scheme. In the next 12 months it is anticipated that 3,503 employees will retire and 3,300 of them will be under the special scheme.

(c) So far a total of Kshs455.24 million has been spent on those who have retired in the past 12 months. This is the accumulative figure as at 15th September, 1999.

Dr. Ochuodho: Mr. Speaker, Sir, the retrenchment in Kenya Railways Corporation is one of the greatest scandals of this time in this country. At the time it was to be effected, there was an agreement between the World Bank - I would want to presume - and the Kenya Government and also between Kenya Railways and the Workers Union that 90 days worth of salaries for each year work was going to be paid. However, while that was supposed to have been

uniform, I understand that the non-unionisable workers are only being paid for days ranging from 16-21, depending on how one's face is liked by the person effecting payment.

Mr. Speaker: Order, Dr. Ochuodho. For the benefit of all Members, you do not stand to ask a question and give a statement. So, ask your question.

Dr. Ochuodho: My question is that, whereas the agreement was that people were going to be paid 90 days worth of leave time for every year worked, how come now there are different payments for both the unionisable workers as well as non-unionisable workers? Can he tell us how much money---

Mr. Speaker: Answer only that bit first.

Mr. Mudavadi: Mr. Speaker, Sir, I have to state here that I do not have the specific details of the agreement between the employees and the Kenya Railways. So, I would not be competent enough at this point in time to respond specifically to that aspect of his question.

Mr. Anyona: We would like the Minister to tell us how much money in total they owe to these Railways employees. One of the ways of raising funds to pay these people was the sale of Railways property including houses and plots, particularly in the Parklands, Upperhill areas and all the rest. Can the Minister tell us how much money was raised and where that money is?

Mr. Mudavadi: Mr. Speaker, Sir, that is a legitimate question in the sense that the retrenchment programme was indeed supposed to have been funded from the property sale programme. As I stand here, we have asked the Auditor-General (Corporations) to audit this particular aspect, that is to check what property was sold and to let us know specifically how much was raised. I could undertake to make that available to the House when the auditor has finished his report.

Mr. Michuki: Mr. Speaker, Sir, could the Minister investigate and report to this House the fact that the Railways administration has even refused to sit with the officials of the Ministry of Labour in order to arbitrate on very numerous cases of disagreement on the terms of retirement? Could he give that undertaking?

Mr. Mudavadi: Mr. Speaker, Sir, we will make sure that both parties meet and iron out the issues through proper dialogue.

Mr. Raila: In answer to a question which was asked by hon. Anyona, the Minister says that they have instructed the Auditor-General (Corporations) to carry out an audit. The Railways management recently put out an advertisement in which they gave out detailed figures of how much money has been realised from the sale of those houses. Can the Minister give the House those details?

Mr. Mudavadi: Mr. Speaker, Sir, I would like to stick to my earlier position that since the Auditor-General (Corporations) is auditing that aspect of the Corporation, I would seek the indulgence of the House. I anticipate that we should be able to finish all these within the next two weeks. I will be prepared to bring to the House facts and figures which have been verified. I do not want to go by what was put in an advertisement.

Dr. Ochuodho: Mr. Speaker, Sir, the issue of Government retirees not getting their dues in this country is a well-known fact. In the case of Kenya Railways, it is not a problem of the present management. This has been a long-term problem. However, we may not be aware that the Kenya Railways is one corporation that does not even have a medical scheme for its employees because of bad management. Can the Minister tell us how much money they received from the World Bank to cover the compensation for the retirees? Would he be in a position to table a list of the retirees which he referred to while answering part "a" of the Question?

Mr. Mudavadi: Mr. Speaker, Sir, I do not think the World Bank gave any money for the retrenchment programme of the employees of Kenya Railways. To the best of my knowledge, they did not give any money for the retrenchment programme. However, if it is the wish of the hon. Members that I extract the list of the 3,500 members of staff who have been retired, I can make that available.

Mr. Kajwang': On a point of order, Mr. Speaker, Sir. There are confusing terminologies here which have been used by the Minister. There is "special retrenchment", "special retirement" and "retirement". Can the Minister tell us what the terms of retrenchment are and what is retirement? There is a big problem in this matter because some people are even being retired at the age of 25 years!

Mr. Speaker: That was not the Question. The Question was on retirement. It was about the benefits for retirees in whatever form. Next Question, Mr. Omamba!

Mr. Omamba: Mr. Speaker, Sir, I have not received a written reply. However, I beg to ask the Question.

Question No.318

CONSTRUCTION OF A BRIDGE ACROSS RIVER KUJA

Mr. Omamba asked the Minister for Roads and Public Works when the Ministry will build a bridge or provide a ferry at Ongito on River Kuja to open Gogo area to the rest of Uriri Constituency.

Mr. Speaker: Order, hon. Members! I think we are beginning on a very bad note. Since this morning, every Member who has stood up to ask a Question has been complaining that they have not received the written replies. These rules are clearly stated in the provisions of our Standing Orders and they are made not to bother the Minister but to make Parliament operate. This is meant for hon. Members to know in advance what the answer is likely to be so that they can research and prepare supplementary questions. So, may I ask hon. Ministers to take their jobs seriously. I think I cannot be wrong if I say that your first duty is to Parliament and everything else comes second!

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, according to our records, this Question was answered during the last Session.

Mr. Speaker: It was answered when?

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, this Question was answered during the last Session.

Mr. Speaker: Was it during the last Session or during this Session?

The Assistant Minister for Roads and Public Works (Eng. Rotich): It was answered before we went on recess.

Mr. Speaker: Order, hon. Members! The hon. Member is relatively new in the House. A Session means the period between the official opening and prorogation of Parliament. So, if you are talking about the last Session, there is no doubt that you are talking about the period upto December last year. So, are you talking about the last Session or about the last sitting of this House?

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I thank you very much for that information. I meant during the last sitting.

Mr. Speaker: When was it answered exactly?

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I personally answered this Question before we went on recess.

Mr. Speaker: Hon. Members, this is a matter which obviously concerns the House. If the Question was answered within the last six months, it would be out of order for it to come before the House now. I must be assisted by the Assistant Minister in this regard. He should tell me when it was answered so that we can know whether it is within the six months or not.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I answered this Question one month before we went on recess.

Mr. Speaker: Mr. Omamba, can you help us out?

Mr. Omamba: Mr. Speaker, Sir, this Question was asked about one and half years ago.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, if it is within the regulations, I can answer it tomorrow because we have the answer ready.

Mr. Raila: Mr. Speaker, Sir, I remember very well when this Question was asked because I did ask a supplementary question on it. It is true that it was not asked during this Session. It was asked in the last Session. Is that a reason for the Assistant Minister not to have an answer?

Mr. Speaker: For me to be satisfied that the Question is within the Standing Orders, I will defer it to next week. The Assistant Minister should assist me and I will also ask my office to get me the records of the dates when this Question was answered. So, the Question, is deferred.

(Question deferred)

Mr. Ojode: On a point of order, Mr. Speaker, Sir. This Question should not be deferred because the Minister knew very well that he was coming to this House to answer the Question. He knows very well that he has not done anything on the ground and that is why he wants this Question to be deferred. Why is it that the Chair wants to help the Assistant Minister who is unable--- I also understand that he is an Assistant Minister without portfolio. Why is it necessary for the Chair to help an Assistant Minister without portfolio, not to answer this Question?

Mr. Speaker: Mr. Ojode, are you by any chance suggesting that the Chair is partial to the Assistant Minister?

Mr. Ojode: Mr. Speaker, Sir, what I am saying is that the Assistant Minister knew very well that he had a Question which he had to answer. The other Question which he alleges to have answered last year has not even taken six months. If that is the case, could he tell the House what kind of answers he gave last year? He must have promised the House something!

Mr. Speaker: Order, hon. Members! The Assistant Minister rose to have a defence of the Standing Orders not to answer the Question because it had been brought before the time lapse of six months; which he is unable now to prove to my satisfaction and I have to satisfy myself that the Question is either rightly before the House or wrongly before the House. That is my duty and I intend to do that. The only thing which I agree with Mr. Ojode is that the Assistant Minister, when coming to this House, to seek the defence of the Standing Orders, must himself get all the facts right, including the date the Question was answered and the month and the Session. So, next time, you have to be extremely hard working because that is why you are paid a salary.

Dr. Kituyi: Jambo la nidhamu, Bw. Spika. Kama Mwenyezi Maulana amekutunukia kipawa cha kuwasaidia wasiojiweza, tuhuma ya shuku yatokea wapi? Kuna kosa gani?

Mr. Speaker: Wewe wasema nini?

(Laughter)

Hon. Members: Rudia!

Dr. Kituyi: Bw. Spika, ulikuwa umeuliza kama anamsaidia Mbunge fulani. Kama Maulana amekutunukia kipawa cha kuyafahamu mambo fulani kuliko wengine wetu na kutusaidia, sasa shuku ya tuhuma yatokea wapi, kama unamsaidia asiyejiweza?

An hon. Member: Hamna!

(Loud consultations)

Mr. Speaker: Order! Order! I really appreciate what the hon. Dr. Kituyi has said and I commend him for that very beautiful Swahili. As all the Members know, every Member who is in trouble here seeks the assistance of Mr. Speaker. It is my job to assist. Okay, Question deferred.

(Question deferred)

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Jambo la Nidhamu, Bw. Spika. Kutokana na matamshi ya mhe. Dr. Kituyi kuhusu Waziri Msaidizi katika Wizara ya Barabara na Ujenzi, inaonekana kwamba anamwambia mhe. Waziri Msaidizi kwamba hajiwezi! Kwa hivyo, ingefaa Dr. Kituyi ayafafanue madai yake!

Mr. Speaker: Order! Order! Haya mambo ya kujiweza na kutojiweza yafaa tuachane nayo sasa. So, let us go to something more productive. I have already deferred that Question and we will get back to it. Mr. Mwangi Githiomi's Question!

Question No.531

REPAIR OF ROAD D389

Mr. Githiomi asked the Minister for Roads and Public Works:-

(a) whether he is aware that the road between Captain and Wanjohi (D389) in Kipipiri Constituency is impassable due to the effects of *El-nino* rains; and,

(b) when he will repair the road to make it passable.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I wish to confirm that I am able to do my job by myself. If there is any doubt, it can be confirmed.

Mr. Speaker, Sir, I beg to reply:-

(a) The Minister is not aware that the road between Captain and Wanjohi (D389) in Kipipiri Constituency is impassable. However, the Minister is aware that the following sections of the road become impassable during the rainy season; between Kaptan and Kamande, 2 kilometres; Ndemi Town area which is about 0.5 kilometres; and Mubao - C35 Junction, 4 kilometres, totalling to 6.5 kilometres.

(b) The Ministry intends to carry out routine maintenance works; bush clearing and opening up of drains during the period between December, 1999 to February 2000, to keep the road in a motorable condition.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I am not going to involve myself in the whole question of "kutojiweza". But, the Assistant Minister started by saying that he is not aware that the road is impassable and then he goes on to tell us of many sections which are impassable. When is a road a road and when is a road not a road? If a

section is not passable then the road is impassable!

Eng. Rotich: Mr. Speaker, Sir, the impression created by the Question is that, the whole road is not passable. It is certain sections of the road which are not passable and that is what I have said.

Mr. Githiomi: Mr. Speaker, Sir, if the Assistant Minister is not aware, then I am making him aware that the road is impassable and indeed, he has accepted it in his response to part "b" of the Question. He said that he will try to make the road motorable. That being the case, I brought a similar Question here in July last year and I was answered by the Ministry that they would start working on this road on 1st August, 1998. Up to date, I have not seen a single Government tractor on that road. In fact since 1995, there has not been a single Government tractor on that road. Could the Assistant Minister tell this House how much money he has set aside to repair these impassable portions of the road?

Eng. Rotich: Mr. Speaker, Sir, we have allocated a total of Kshs392,000 for spot-patching of the said sections of the road.

Mr. Wamunyinyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that money has been set aside for the spot-patching of this road when we know that he has taken away all graders and he is keeping them in his constituency?

Eng. Rotich: Mr. Speaker, Sir, I do not have to respond to that point of order. The question is different from what he is saying. If he wants graders, he can get them.

Mr. Mwenje: Thank you, Mr. Speaker, Sir. The Assistant Minister is simply confirming truly what has been said about him being disabled because---

Mr. Speaker: Order! Mr. Mwenje, will you withdraw the word "disabled"?

Mr. Mwenje: Mr. Speaker, Sir, I withdraw the word "disabled". What I was about to say is that, I have been to this road myself and I know it very well. This road is completely impassable. You cannot drive on the main road, you have to drive on the sides to be able to pass through this road. An amount of Kshs319,000.00 as we know cannot even construct one kilometre of that road. Could the Assistant Minister precisely tell this House when a grader will be taken there to repair the road? Now that we have been discussing the Budget, how much more money will be allocated to this road because it is truly impassable?

Eng. Rotich: Mr. Speaker, Sir, I wish to correct that figure. It is Kshs392,000 and not Kshs319,000.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir, my question is---

(Loud consultations)

Mr. Speaker: Could we hear that hon. Member?

Mr. Angwenyi: Mr. Speaker, Sir, the Assistant Minister has told us that, the repair work of one kilometre of a murrum road costs Kshs1 million. How will an amount of Kshs329,000 construct a road of 6.5 kilometres?

Eng. Rotich: Mr. Speaker, Sir, I have not told anybody that it costs Kshs1 million to repair one kilometre of a road. However, what he may be talking about is full gravelling of the road. I am talking about spot-patching.

Mr. Nderitu: Mr. Speaker, Sir, what we are getting from the Assistant Minister for Roads and Public Works is really a raw deal in this House. This is a road which is completely impassable and he is talking of spot-patching it. What is he going to spot-patch? The road is impassable. What is he going to spot-patch? An amount of Kshs392,000 cannot construct even a toilet in this country today. What is it for?

Eng. Rotich: Mr. Speaker, Sir, the amount of money that I have mentioned will be used to spot-patch that section of 6.5 kilometres. However, if that is the case, I am willing to visit that road and prove its condition by myself.

Mr. Speaker: Very well. Next Question, Mr. Munyao?

Mr. Munyao: Mr. Speaker, Sir, before I ask my Question, I wish to congratulate the new Minister for his appointment.

Question No.358

UPGRADING OF KALAWA HEALTH CENTRE

Mr. Munyao asked the Minister for Medical Services:-

- (a) whether he is aware that Kalawa Health Centre which serves Kitui, Machakos and Makueni Districts is seriously understaffed; and,
- (b) when he will upgrade the Centre to a Sub-District Hospital as per the recommendations of the District Development Committee, Makueni.

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Kalawa Health Centre is understaffed and more staff will be posted there when they become available.

(b) The Health Centre was recommended for upgrading to a Sub-District Hospital by the District Health Management Board. The facility will be upgraded when funds become available in order to put in place the required personnel and equipment.

Mr. Munyao: Mr. Speaker, Sir, now that the Minister has told us that he is aware, what is the normal establishment for a health centre? What is the nearest hospital to this area?

Dr. Anangwe: Mr. Speaker, Sir, the normal establishment for a health centre is: One clinical officer, two Kenya Registered Community Nurses, two laboratory technicians, one family health educator, two public health technicians, five subordinate staff, one revenue clerk and 10 Kenya Enroled Community Nurses.

Mr. Ndilinge: Thank you, Mr. Speaker, Sir. The Minister should know very well that, during the outbreak of cholera, Kalawa area was highly affected. The hon. Questioner has in his Question told the Minister that the health centre serves three districts. Is it not in order for the Minister to look for staff from the other districts and transfer them to Kalawa Health Centre?

Dr. Anangwe: Mr. Speaker, Sir, it is not true that Kalawa Health Centre is the only health service institution that serves Kitui, Machakos and Makueni Districts. There are others like Makueni District Hospital, Machakos District Hospital and Kitui District Hospital. There is also Mbooni Sub-District Hospital and Makindu Sub-District Hospital. The nearest health facility to Kalawa is about 40 kilometres.

Mr. Parpai: On a point of order, Mr. Speaker, Sir. Is the Minister in order to tell this House that health centres are being headed by clinical officers when, in fact, most of them are being headed by Enroled Community Nurses or subordinate staff, like Namanga Health Centre?

Dr. Anangwe: Well, the standard and reality may vary here and there, but I have given you what the requirement is. It is supposed to be one clinical officer and the rest, as I have already enumerated.

Mr. Munyao: Mr. Speaker, Sir, the Minister has even read his answer wrong, because the answer I have here says that Makueni District Hospital is 40 kilometres, Machakos District Hospital is 90 kilometres and Kitui District Hospital is 90 kilometres. On staffing, the staff in Kalawa Health Centre are seven when the normal establishment which the Minister has read is 24. There is a big variance. If the Minister is really serious in his own office, can he confirm to this House that he is going to do what he can to improve the status of this health centre?

Dr. Anangwe: Mr. Speaker, Sir, I have already given that indication that, we shall be able to avail additional staff when they are available. I have already said that, it is a general problem everywhere in the country. The choice we have is, either to go by what we already have, or we wait until we are able to attain the required standard. The implication may be that we have to close down some clinics. Is that what you expect me to do to Kalawa Health Centre?

Mr. Speaker: Next Question, Mr. Kombe?

Question No.422

ALLOCATION OF PLOTS IN NGOMENI

Mr. Kombe asked the Minister for Lands and Settlement, how far he has gone in regard to allocation of plots to residents in Ngomeni area, Malindi District.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, I beg to reply.

The Ministry has formed a committee comprising of local leaders and Government officers to identify genuine squatters. The committee is expected to complete its work by the end of this year and then, the squatters would be issued with letters of offer to enable them own the land. Thank you.

Mr. Kombe: Mr. Speaker, Sir, I have no problem with the reply given by the Minister, but I am disturbed by the several committees the Government has formed to identify genuine squatters. In 1992, the Ministry formed a committee comprising of local leaders and Government officers to identify genuine squatters. In 1993 and 1994, they did the same. How many times will the Ministry form committees to complete this work?

Mr. J. Nyagah: Mr. Speaker, Sir, it is true that several committees have been set up in the past, but I wish to confirm that this will be the last time such a committee would be formed. In fact, we wish to invite the area Member of Parliament to be a member of that committee with some of his councillors so that we can complete this job once and for all.

Mr. Osundwa: Thank you, Mr. Speaker, Sir. I happen to chair a committee dealing with land matters in this House and I am quite conversant with this area. The facts are that, this exercise has been slowed down because

influential people have grabbed beach plots in the same area. Could the Minister promise this House that he is going to revoke the allocation of beach plots to upcountry people so that genuine squatters from Ngombeni benefit from this exercise?

Mr. J. Nyagah: Mr. Speaker, Sir, I wish to confirm that there are people who were issued with some of the beach plots and some of the allocations go back many years. I also wish to confirm that there is a big chunk of the beach which remains unallocated. It is our sincere hope that the balance of the beach plots, in addition to the 2,500 hectares, will be allocated by this committee, which will include the hon. Member. We wish to see this Committee work.

Ms. Matano: Asante, Bw. Spika. Bw. Waziri, ni hatua gani utachukua kuhusu ugawanyaji wa ploti hizi ili wapate watu wanaostahiki na wenye haki ya kuchukua ploti hizi na sio "samaki wakubwa" na matajiri?

(Applause)

An hon. Member: Speak in Kiswahili!

Mr. J. Nyagah: Mr. Speaker, Sir, my Swahili is not as good as that of the Gracious Lady!

Mr. Speaker: Proceed in English.

Mr. J. Nyagah: So, I shall proceed with the other official language of this country.

Hon. Members: No! No!

Mr. Speaker: Order! Order! The rule is that, if you begin speaking in one language, either English or Swahili, you must continue with that particular language until you finish. The Minister has spoken in English; the other Members are at liberty to ask supplementary questions in Swahili, but he is not obligated to reply in Swahili. In fact, he is obligated to answer in English since he began in English. Proceed.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House by making reference to wanting to speak in the national language, when, indeed, the official languages of this Parliament are both English and Swahili?

Mr. Speaker: Yes, you are right, Mr. Anyona; the Minister is wrong.

Mr. J. Nyagah: Mr. Speaker, Sir, I apologise. I do have "A" Level Kiswahili, but I would not attempt to practise it here, especially coming from such a distinguished and very good Swahili speaker. As already stated, the purpose of this committee that we formed is to ensure that any irregularities that might have taken place in the past will not be repeated on this particular exercise. We are paying very special attention to this particular exercise.

Mr. Ndicho: Mr. Speaker, Sir, is the Minister in order to mislead this House about the formation of a committee to oversee the allocation of plots when we know very well there is a legal provision in his Ministry that the committee charged with the allocation of plots is headed by the District Commissioner as the chairman, the Clerk to the Council as the secretary and some other official councillors in that area and the Member of Parliament? Is he in order to mislead the House and also to flout the rule?

Mr. J. Nyagah: Mr. Speaker, Sir, I think there is a misunderstanding. I am not misleading the House. On the contrary, I have explained that the committee which the hon. Member of Parliament for Juja has referred to is in place and that is the committee I am referring to. This is the committee that I have said has the power to co-opt other members in order to strengthen it in its performance. It is my hope that we will be able to co-opt the Member of Parliament and other few councillors in order to do a first class job.

Mr. Kombe: Thank you very much, Mr. Minister for co-opting me in that committee. However, I would like to ask the Minister to assure this House that the list that is yet to be given out by this committee will not be altered as has been the case before?

Mr. J. Nyagah: I wish to confirm that the people selected by the committee will be the ones who will be allocated the 2,500 hectares at Ngomeni Settlement Scheme.

Question No.430

DEMOLITION OF MUKURUWE-INI COURT BUILDINGS

Mr. Mutahi asked the Attorney-General:-

- (a) why the Mukuruwe-ini court building, which was condemned by the then Ministry of Public Works and Housing, is still housing the court;
- (b) whether he is aware that the structure poses a risk for the people working there; and,
- (c) when the building will be demolished.

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

(a) It is true that the Mukuruwe-ini court building was condemned by the Ministry of Public Works and Housing. However, nothing has been done to arrest the situation due to lack of funds.

(b) Due to the seriousness of the situation and given the financial constraints, the Judiciary is considering relocating the court to either Othaya or Karatina.

(c) The implementing committee of the Kwach Report will be in Mukuruwe-ini on 18th October, 1999 to assess the situation after which, a final decision will be made in the matter of relocation and demolition.

Mr. Mutahi: Thank you very much for that answer. However, before the implementing committee of the Kwach Report comes to Mukuruwe-ini on 18th October, 1999, I would request the Attorney-General that rather than relocating this court to Karatina or Othaya whose radius is about 30 kilometres, instead he should look for one of the buildings in Mukuruwe-ini and hire it. Consequently, my people will not have to travel all the way to Karatina or Othaya because it will cost them a lot of money. So, can he consider that even before the implementing committee of the Kwach Report comes to Mukuruwe-ini on the 18th?

Mr. Wako: Mr. Speaker, Sir, I am sure that if there is a suitable building in Mukuruwe-ini, that matter will be given favourable consideration and I will therefore appeal to the hon. Member to be present in Mukuruwe-ini on 18th October and help the committee consider all these matters.

Mr. Anyona: Mr. Speaker, Sir, I would like the Attorney-General to confirm one way or the other--- I would have thought that an act of condemnation of the building or the structure is a legal act, in which case, once that building has been condemned, it is illegal to use it. How come the Attorney-General is breaking the law by continuing to keep the court in a building that has been condemned, contrary to the law?

Mr. Wako: The Attorney-General is not contravening the law. There is a discretion which has been wisely used. One has to balance between the interest of meting out justice to the people or not meting out justice whatsoever. Therefore, I hope that this implementing committee will be able to decide on where they can relocate the court. If a suitable building is found in Mukuruwe-ini, then I am sure that committee will consider it.

Mr. Mutahi: Mr. Speaker, Sir, I would like the Attorney-General to put this matter straight because this is a committee coming to Mukuruwe-ini on 18th and there is no way that I or my constituents are going to overlook the decision of the committee. Can he make sure that a solution of getting a building to house this court is found in Mukuruwe-ini rather than travelling to Othaya or Karatina? Can you clear that one?

Mr. Wako: Mr. Speaker, Sir, what I am saying is simply this: That this committee which will there will, I am sure, also look into the feasibility of getting a suitable place in Mukuruwe-ini but if there is no suitable place there, justice has to be meted out somewhere and as hon. Anyona has rightly pointed out, the court cannot continue to function in a house or building which has been condemned. Therefore, if there is no suitable place in Mukuruwe-ini, the nearest places are Karatina and Othaya.

Mr. Speaker: Very well. I think that is enough for that Question. Next Question!

Question No.548

RELEASE OF CONVICTS BY KISII RESIDENT JUDGE

Mr. Magara: Thank you, Mr. Speaker, Sir. I think we had agreed with the Attorney-General that we have the Question answered on 19th of this month.

Mr. Speaker: Very well. Question deferred to 19th, October, 1999.

(Question deferred)

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I just want to put on record my appreciation to the hon. Member of Parliament for agreeing to accommodate me to give my answer on 19th.

Mr. Speaker: Yes! That is exactly what I said. It is deferred to the 19th October, 1999.

QUESTION BY PRIVATE NOTICE

RENOVATION OF NYAYO NATIONAL STADIUM

Mr. Kathangu: Mr. Speaker, Sir, I beg to ask the Minister for Home Affairs, Heritage and Sports the following Question by Private Notice.

(a) How much money is the Ministry getting from the sale of the portion of Nyayo Stadium that has been hived off and currently being developed for Kobil Quick Saver Petrol Stations?

(b) Could the Minister consider renovating the dilapidated stadium from those proceeds or other sources?

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Speaker, Sir, I would like to beg for the indulgence of this House to allow me to get more details before I come and answer this Question.

Mr. Speaker: What is your reaction, Mr. Kathangu?

Mr. Kathangu: Mr. Speaker, Sir, the Assistant Minister in that Ministry then gave me a written answer in the last session to this Question. As we are talking here, batteries of the armed forces are destroying Nyayo Stadium now.

Mr. Speaker: What has that got to do with Kobil?

Mr. Kathangu: Mr. Speaker, Sir, it has a lot to do with repairs and renovations. I wish also to ask this House to appreciate that this nation has spent colossal sums of money to prepare Uhuru Park for the Armed Forces and celebrations in this country.

Mr. Speaker: What are you now doing?

Mr. Kathangu: Mr. Speaker, Sir, what I am saying is that I do not think this nation needs time for the Minister to go and investigate about renovation of Nyayo Stadium which the Armed Forces continue to dilapidate today.

Dr. Kituyi: It is preventing Mr. Speaker from exercising!

(Laughter)

Mr. Speaker: Order! Mr. Kathangu, I am at a loss because the Question before the House is: How much money is the Ministry getting from the sale--- Oh, yes! You are right. The renovations. I see why you are saying all this. Now, I am with you. Minister, would you like to respond?

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Speaker, Sir, I am not going to touch anything to do with the Armed Forces because I have no idea what the hon. Member is talking about. However, what I was interested in was to check and verify the context of the answer as presented to this House. That is why I am saying that I need time to be able to check these facts and verify, and then I will come and answer this Question in this House. It is not going to take too long for me to do that.

Mr. Kapten: On a point of order, Mr. Speaker, Sir. This is a Question by Private Notice for which 48 hours are enough. This Question was put to the Ministry more than two months ago. Does he really need more time to go and investigate? What has he been doing all this time?

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Speaker, Sir, I have not been in office for the months the hon. Member is referring to. I have asked for more time, so that I can have the right reply to the Question after consultation with my officers. So, I would like the House to give me three or four more days to enable me get detailed information; thereafter, I will come and reply to the Question.

Mr. N. Nyagah: Mr. Speaker, Sir, this is a question of inefficiency on the part of Government. Whenever Questions are deferred, the back-benchers, from both sides of the House, are denied an opportunity to raise the issues they intend to raise. Questions are deferred every time they are asked until Parliament is dissolved. Could we have a ruling from the Chair as to how often Ministers can take this House for a ride, like is the case today, which is very simple?

Mr. Speaker: Mr. N. Nyagah, I have never allowed Ministers to take the House for a ride, even for one second.

Mr. Raila: Mr. Speaker, Sir, I would understand if the Minister had said that he needed more time to get information about part (a) of the Question. However, part (b) of the Question is very clear. The honourable Questioner asks in part (b): "Could the Minister consider renovating the dilapidated stadium from those proceeds or other sources?" It is true that the stadium is dilapidated. The Minister did not need to come to this House to know that the stadium is dilapidated. He could have asked his officers, who carry out training sessions there almost every morning. So, does the Minister want this House to take him seriously when he says that he needs more time to go back and get more information regarding this Question?

Mr. Speaker: Do you have any reaction, Mr. Minister?

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Yes, I do, Mr. Speaker, Sir. I have asked for more time to get the reply because part (a) of the Question is linked to part (b). I need time to check the information regarding part (a) and connect it to part (b). I want to find out whether the proceeds being referred to in part (a) of the Question are actually there, so that I can answer this Question better.

Mr. Munyao: Mr. Speaker, Sir, my concern is on the Chair. All Questions come to this House through you.

You spend time, scrutinising them, then the Secretariat processes them. Anything that may happen to these Questions affects the entire House, including you. The deferment of this Question will affect many other questions, which will also not be answered because of the deliberate move by the Minister not to reply to the Question. Now, is the Chair going to allow this to be the practice in this House?

Mr. Speaker: Order! Order! Generally, I would expect that all Questions coming before this House on a particular date are dealt with, and should be dealt with. Therefore, I would expect all hon. Members who have filed Questions to be present and ask them. I think I served notice just before the House was adjourned last time that, hon. Members who fail to come to the House to ask their Questions should not come to me thereafter. Unless one has a very good reason, he should not come to the Chair to ask for reinstatement of that Question; that, would be very unfair to back-benchers if Minister will, with impunity, get their Questions deferred because they are not ready. So, I want to notify all hon. Members of this House that, you should be ready to deal with the Business of the House as and when it is listed. This affects Ministers as well as back-benchers. So, with that said, can we proceed?

Mr. Anyona: Mr. Speaker, Sir, this Question concerns an area that I know very well, because I live around there. My understanding is that the land that belongs to Nyayo Stadium is fenced in. The petrol station referred to is outside the stadium, but it trespasses Langata Road. So, I would like to request that when the Minister comes to answer this Question, he explains the relationship of that plot vis-a-vis the Nyayo National Stadium and Langata Road, the construction of which we are being told, has also stalled. We thought that there is a deal involved.

Mr. Speaker: Mr. Anyona, you are now using an excuse to take a joy-ride. I will not allow joy-riders in this House.

Mr. Kathangu: On a point of order, Mr. Speaker, Sir. Before we go to the next Order, it would be wise for us to know when the Minister will bring the reply to my Question?

Mr. Speaker: He will come with the reply on Tuesday, next week. By the way, Mr. Minister, many of your colleagues go to Nyayo National Stadium. It would be very nice for you to go there, for the benefit of part (b) of the Question.

(Applause)

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): On a point of order, Mr. Speaker, Sir. I would like to have a clarification from the Chair. When hon. Munyao rose on a point of order, he made it appear as if it is wrong for a Minister to come to this House and ask for leave to look for more details regarding a Question. Could the Chair clarify on this matter?

Mr. Speaker: Hon. Members should be very attentive to what I have to say, because I intend to have it implemented, particularly, on Wednesday morning. Mr. Ndilinge and his colleague, Mr. Maundu, should also pay attention. I said that if a hon. Member, without a good enough reason, cannot come to the House and ask his Question, he should forget about coming to see me for its reinstatement. In the same token, I do not expect a Minister, without a good reason, to come to the House and ask for the indulgence of the House to have a Question deferred. The question of deferment of Questions will always be there, but there must be circumstances that must make it impossible, for example, for a Minister to give an answer at that particular time. We cannot put a blanket ceiling and allow Ministers to have deferments of Questions. Deferments of Questions will only be allowed with good reasons, and good reasons will be determined by the particular circumstances that will be prevailing. I will not give strict guidance now, as to what circumstances will allow a Minister to have a Question deferred, or under what circumstances the Speaker will reinstate a Question that has been dropped. However, it would also be very nice if ah hon. Member, who realises that he is unable to ask his or her Question, gets in touch with the Chair in advance. Also, when a Minister realises that he cannot answer a Question, it would be very nice for him to get in touch with the hon. Questioner, so that both of them can be in agreement. If we observe these rules, our work will be very easy.

POINT OF ORDER

MINISTERIAL STATEMENT: REMOVAL OF WATER HYACINTH FROM LAKE VICTORIA

Dr. Ochuodho: Mr. Speaker, Sir, I stand on a point of order to seek a Ministerial Statement from the Ministry of Environment and Natural Resources on the mechanical removal of the water hyacinth from Lake Victoria.

I seek to know whether the Minister is aware that the weed invasion is now most intense around the Homa Bay and Rachuonyo Beaches; whether he is aware of the disappearance of the weed from other beaches and the general apparent reduction of the weed in the Lake; to what extent the Ministry attributes this significant reduction of

the weed from the Lake over the past few months; why it has taken so long for the mechanical removal of the weed to start despite the fact that the tender was awarded to the contractor about a year ago; why there is now a rush to mechanically remove the weed despite the mounting opposition to it being shredded.

Mr. Speaker: Dr. Ochuodho, are you giving a written statement?

Dr. Ochuodho: No, I am not, Mr. Speaker, Sir. I am just referring to some points.

Mr. Speaker: Make it short then.

Dr. Ochuodho: Yes, Mr. Speaker, Sir. I would also like to know why the Ministry intends to proceed with the mechanical removal of the weed despite the resistance to its being shredded.

Mr. Speaker, Sir, I would also want to know how the Ministry intends to measure the area covered, 1,500 hectares having been removed mechanically. I would also want to know why the local communities cannot be considered, both in rearing the weevils that have been claimed to have reduced the weed---

Mr. Speaker: Order! Now that ceases to be a request for a Ministerial Statement. You are making a Personal Statement which is not right!

Dr. Ochuodho: Mr. Speaker, Sir, the final point I would---

Mr. Speaker: Order! If it is wrong, it is wrong. So, you must sit down now.

Dr. Ochuodho: Mr. Speaker, Sir, could the Minister tell us why he does not find it fit to call a round table conference for all the stakeholders so that we know that the money that is meant for this project is best used?

MOTION

ADOPTION OF PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya accounts for 1995/96 laid on the table of the House on 8th June, 1999.

(Mr. Obwocha on 05.10.99)

(Resumption of Debate interrupted on 05.10.99)

Mr. Speaker: Order! We had Mr. Gatabaki on the Floor. Mr. Gatabaki, are you there?

Mr. Gatabaki: Yes, Mr. Speaker, Sir.

Mr. Speaker: You were ordered yesterday by the Deputy Speaker in the following terms: "Hon. Gatabaki, promise that you will bring the list tomorrow. I want you to listen because the allegation was that one, hon. Biwott, had grabbed the law courts buildings in Eldoret and then leased them back to the Government. I have also seen the list because it was tendered here when I was in the Chair. I am allowing you, exceptionally, to do that because we have run out of time and you will be continuing with your contribution tomorrow. I will not allow you to say a word before you have put the list on the Table". That was the ruling of the Deputy Speaker yesterday. I repeat: "I will not allow you to say a word before you put the list on the table". So proceed with that directive from the Deputy Speaker!

Mr. Gatabaki: Mr. Speaker, Sir, yesterday you were so magnanimous. You allowed the---

Mr. Speaker: Order, Mr. Gatabaki! The order from the Chair is in the following terms, which have not been over-turned. The order says: "I will not allow you to say a word before you have put the list on the Table". So, for you to say anything at all, you must comply with that order. So, proceed to comply with that order before you utter a word.

Mr. Gatabaki: Mr. Speaker, Sir, surely, there are no horrors that I committed for that kind of intimidation to be directed at me.

Mr. Speaker: Order! Order! Mr. Gatabaki, you had better respect the House and the rules of the House. It is the Chair which was magnanimous yesterday. If I may quote the Deputy Speaker again, he said: "I will allow you, exceptionally, to bring the list tomorrow". So, he gave you exceptional treatment, but having given you that exceptional treatment, he said he would not hear you. I am sitting here on his behalf or he was sitting here on my behalf. Therefore, he talked on my behalf and said, "I will not allow you to say a word before you put the list on the Table".

Mr. Katuku: On a point of order, Mr. Speaker, Sir. We have noticed that, that ruling gives the hon. Member no option. Maybe he wants to withdraw the remarks. Can the Chair make the ruling more applicable?

Mr. Speaker: Order! In fact, if you went through the HANSARD, and those hon. Members, who were present will remember that as a matter of fact, the Deputy Speaker gave a lot of latitude to the hon. Member for Githunguri. In fact, the Deputy Speaker requested for the Report and asked Mr. Gatabaki to tell him what page he was

referring to, but he could not pin point it. He was assisted by the hon. Obwocha and I think he quoted page 487. Mr. Gatabaki was told to look at that page and he said there was nothing there. I remember he said that those documents were tendered to them for the information of the House. For the ease of reference, the Chair has got all the documents that were tendered in evidence for paragraph 487 here to compare with what the hon. Member will bring. So, it is very simple. He made an allegation yesterday and promised the House that he would bring a list, and he was, exceptionally, given that indulgence. The Chair ruled that without saying a word, he must lay the document on the Table. May I also add here on the second day of our re-convening: Hon Members must understand that they make rules of this House for good conduct of business. Those rules are made by the hon. Members and the Speaker is charged with the sole responsibility of ensuring that hon. Members use the rules of the House as they are for the benefit of orderly conduct of debate. It is for this reason that we have to follow the rules of the House. There was an order from the Chair, which has not been varied or waived, and I am just asking the hon. Member to comply. In fact, it is so easy because if he just walks here, tables the list and then goes back, he will utter all the words in the world he chooses to. So, will you please open us to debate by walking here, table the document and then proceed to speak for the whole day?

Mr. Gatabaki: Mr. Speaker, Sir, I wish to apologise to this House for my inability to produce the documents that I said I would produce today. I also apologise for the incapacitation caused by the lack of those documents.

Mr. Speaker: That is good progress! At least, you have admitted to the House that you do not have those documents. But you were ordered by the Deputy Speaker, that if you cannot substantiate, then you must withdraw and apologise. Now that you have come to the House and you have been good enough to say that you have no evidence, I will now allow you to speak. You are now ordered to speak, and as you speak you withdraw, apologise and then proceed!

Mr. Gatabaki: Mr. Speaker, Sir, I feel disturbed for having to apologise for what I said yesterday about hon. Biwott. I feel disturbed because this is the truth. However, I will apologise for that so that I can be able to finish my speech on the report. I apologise for what I said, but I respect it because history will prove me right.

Mr. Speaker: Order! The history you are talking about is one-sided. History is multi-dimensional, and it will judge me very harshly if I let hon. Members who flout the rules of the House off. I said that I order you, first, to withdraw your remarks and, secondly, to apologise. So, you cannot apologise without withdrawing. Please, do not put conditionalities on the order. Please, withdraw, apologise and, then, proceed to speak, the whole day, if you want.

Hon. Member: Apologise! Wacha hayo mambo mengi!

Mr. Gatabaki: Mr. Speaker, Sir, because the HANSARD Report will be read by future generations; on this day of 6th day of October, 1999, I do hereby withdraw my remarks which I made on 5th October, 1999, and apologise to the House.

(Applause)

Mr. Speaker: Now, proceed!

Mr. Gatabaki: Mr. Speaker, Sir, yesterday, you were exceptionally magnanimous. You did allow hon. Obwocha to address the august House from the Despatch Box, knowing very well that he is not a Member of the Front Bench or from the Official Opposition party, but because of the weight of the document that he was presenting to the House. Equally, the Deputy Speaker allowed me to speak from the Despatch Box, because of the same reason. I am requesting you to allow me to proceed to the Despatch Box and speak from there, because the microphone here is not the best. You did say yesterday that you are also equally worried about the antiquity of the sound equipment. Could I move forward and speak from there?

Mr. Speaker: Order, hon. Members! Hon. Gatabaki, indeed, you know the rules of the house. As I have just said, I apply your rules. It is true that I did allow Mr. Obwocha, the former Chairman of the PAC to make his presentation from the Despatch Box. I have also done the same for the past chairmen of the PAC and the Public Investments Committee (PIC). The Seconders of the Motions, of course, first do not carry as much weight as the presenters, because you second what has already been presented. Secondly, I can tell you that, and this House will bear me witness, we are hearing you loud and clear at this time. Proceed.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir. Lastly, I want to share one experience before I move to the state of our security. Last Friday, the PAC met and stayed for one hour waiting for one Ketan Somaia to appear before it. He had been given adequate time to appear before the Committee to answer charges why he failed to deliver equipment to the Office of the President and why the equipment he delivered were non-functional. We waited for one hour and, finally, we disbanded the meeting. Mr. Ketan Somaia did not appear before the Committee. He was being summoned to answer questions for the non-delivery of equipment worth Kshs400 million to the Office of the President. Our Committee---

Mr. Speaker: Order! There is just one thing that I want to respond to, which hon. Gatabaki has raised, although wrongly, because it is on a matter that is on the table of the current PAC. But I think that it is something which is so important and which I need to respond to. That is the issue involving the non-attendance of Mr. Somaia. I remember that my Office was asked about the summoning of Mr. Somaia and I instructed my officers to issue summons to Mr. Somaia to appear before the PAC. I am informed by the Clerk of the National Assembly that, indeed, he did issue the summons. The only thing I said is: If any witness, Mr. Somaia included, does not attend the meetings of the Committee, then, the Chairman of the Committee is at liberty to communicate to me to take further necessary legal action. I hope the current Chairman of the PAC will bring to my attention if, indeed, Mr. Somaia has not responded to my summons.

Hon. Gatabaki, proceed now.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir. The issue that I want to hammer here is the untouchability of some people who defraud this Government millions of shillings, and they are not accountable to anybody. I do not even know whether they are accountable to God. It is not only the previous PAC Committee that has summoned Mr. Ketan Somaia; other past PAC Committees did also summon him. Those Committees did communicate to you about the unwillingness of this gentleman to appear before the PAC. The issue that I want to share with this House is the impossible situations that we find ourselves in the PAC. No matter what recommendations we make, we keep asking ourselves: Why do this job if the thieves of public funds cannot be held accountable?

Mr. Speaker: Order! Time is up! Your 30 minutes is up. But I took three minutes of your time. So, could you wind up?

An hon. Member: But you said that he could talk the whole day.

Mr. Speaker: Sorry.

Mr. Gatabaki: Mr. Speaker, Sir, to summarise about the question of squandering public properties, I have a document with me here, but which was refused to be laid on the Table, and which came from the Ministry of Lands and Settlement. It contains who-is-who in the Government, who have squandered our citizens' public properties.

(Laughter)

*(A number of names read out by Mr. Gatabaki
were expunged by Mr. Speaker)*

Mr. Speaker: Order! Order! What is it that you are reading? You see, this is why this House gets into trouble. In fact, this is what leads to disorder in the House. As I understand you, you said that you attempted to introduce that document yesterday and the Deputy Speaker refused. And, now you are slighting the Deputy Speaker that he is so inconsequential, by going behind his ruling and doing it to my face. What do you think you are doing? You are completely disregarding the rules of the House and the rulings of the Chair. I order that you desist from disobeying the House. I will further order that if, indeed, what you are attempting to do is what the Deputy Speaker ruled on yesterday to be inadmissible, then, whatever you have read out from that document will not be part of the records of this House and, as far we are concerned, you have not said anything to this House.

Proceed now.

Mr. Gatabaki: Mr. Speaker, Sir, history will judge that I said something. However, consider the case of Kshs2,172,000,000? advanced to the Trade Bank by the Central Bank of Kenya and guaranteed by the Deposit Protection Fund to enable one Nicholas Biwott to acquire Yaya Centre. The question that we are asking in the PAC is: Should the Kenyans be made to pay for this kind of burden? These are kind of issues that we are raising and you do not want me to communicate the facts to the nation. Who will do it on behalf of the people of Kenya? Why were we elected into this House if we cannot consider such documents? Why are we being embarrassed about facing facts? This nation is dying, because of our silence. I refuse to be part of that silence; you can be part of that silence.

Mr. Speaker: Order, hon. Gatabaki! I do not think you are entitled to honestly, insult as you may wish, not only the whole House, but even the Chair! Whatever history you are thinking about, may also have something to say about you! Is there any other hon. Member who would wish to speak?

(Question proposed)

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I would like to commend those who produced the Report. It is necessary that this Committee appears to be doing its job of scrutinising every transaction that takes place, involving Government expenditure. I, personally, take the Public Accounts Committee

(PAC) Reports very seriously.

But I am really shocked that, even with so much diligence, the Committee, in its own wisdom, could not detect the flaw in its argument, which is contained on page 279. In this page, the Committee dwelt at length with the Soya Beans Project. In the Committee's statement on paragraph 612, it says something else. The recommendations also say something else. In the recommendation on page 612, the Committee deliberately omitted the responsibility of those who were managing, and proceeded to shift the blame to other people, who were nowhere near the project. I will propose that the irrelevant section be expunged or deleted altogether.

Let me run through the section that I have mentioned. Paragraph 612 reads:-

"In the Report for the year 1993/94, attention was drawn to the fact that the Statement for that year included a foreign loan to the Industrial and Commercial Development Corporation (ICDC), issued in August, 1990, for the purchase of a Soya Beans Extraction Plant, on behalf of a limited liability company. Information then available - they did not say from who - showed that although the machines were delivered, the project stalled due to lack of local funding. As a result, the ICDC did not service the loan, which continues to accumulate interest charges. However, available information indicate that in February, 1995, the Government decided that the plant be sold after valuation, to determine the reserve price.

The Committee heard the evidence given by the Accounting Officer, that the Soya Beans Oil and Extraction plant had been valued at US\$2 million, and that the equipment had so far not been sold."

Mr. Speaker, Sir, here, they only talk about the Accounting Officer. They did not interview and record the statements of the people who were managing the ICDC, to get the relevant information that could have been necessary to arrive at a fair conclusion and, therefore, a fair recommendation. The Report proceeds:-

"The Committee noted with concern the non-implementation of the recommendation made by the Public Investments Committee (PIC) during the year 1994/95; that: The Committee recommends that the financial activities of John Savage Holdings Limited, including the payment of Kshs850,190,990, be investigated by the Attorney-General, and if any criminal intention, act or omission is revealed, legal proceedings should be instituted."

I have no problem with that. The Report proceeds to say:-

"The Committee further recommends that the officials, including Ministers, namely; the then Financial Secretary, Mr. Ali, the Permanent Secretary, Mr. Charles Mbindyo, the then Minister for Energy, Mr. K.N.K. Biwott - and this is why I have stood up - and the then Minister for Finance, Prof. George Saitoti, be held responsible for exacting undue pressure on the Management of the ICDC, for the approval and financing of the project, against expert advice."

Mr. Speaker, Sir, this is outrageous! I was the Minister for Energy! What did I have to do with the ICDC activities? For that matter, what did I have to do with soya beans, which have something to do with the Ministry of Agriculture?

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is the hon. Minister denying the findings of the PAC and the recommendations of the PIC? If so, is this the fora where he should be denying it? Can he deny the findings of two of the most important Committees of this House? Is he denying---

Mr. Speaker: Order! I think to the best of my knowledge, only religious-accepted documents are infallible. For our purposes, if you are a christian, then it is the Bible. I am yet to be told that the Report of the PAC is the Bible. It is a document which is brought to this House for debate. It can be rejected, amended or adopted fully! So, he is totally in order to question any section of that document. This House has the right to question every single paragraph and, indeed, if so minded, reject the whole Report! Proceed!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, hon. Gatabaki has something in his head, which tickles him whenever the name "Biwott" is mentioned!

Mr. Speaker: Order! We are not debating hon. Gatabaki!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Yes, Sir! Mr. Speaker, Sir, I will continue--

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. The 1994/95 Report the hon. Member is quoting was laid on the Table and adopted by this House! Is it in order for him to start raising questions about it?

Secondly, what bothers hon. Biwott whenever hon. Gatabaki raises issues of his criminal behaviour in this country?

Mr. Speaker: Order! hon. Gatabaki, why do you use insulting language? I think you owe it to this House, to behave yourself with decorum, as an hon. Member! I think that is the last I will say on the subject! This House will judge you and not history! I think your behaviour is really incompatible with the status of an hon. Member! So, can you please use ordinary language!

Hon. Biwott, I also warn you! You should also use reasonable language! I do not want any similar occasion any more!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, what I am saying is that inside and outside here, I take the full responsibility and I am not afraid of anything. It is true because it has been ascertained anywhere else. I have every right to question a document that is not correct. I have never had anything to do with the ICDC.

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

Mr. Speaker: Will you now allow him to contribute?

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

Mr. Speaker: What is it?

Mr. Gatabaki: Mr. Speaker, Sir, if your advice to some of us goes beyond the boundary of what the Speaker ought to say; treating people like us as if we are nobody. The words used by hon. Biwott disturbs us, as people who were elected to represent their constituencies in this House. Your advice is above the use of those words. If those words relate to that particular character---

Mr. Speaker: Order! Order! Everybody in this House, most of them anyway out of; 210 hon. Members, here are elected. It is only 12 hon. Members who were nominated. But even those nominated Members are entitled to protection, under the rules of the House. I am elected by this House to ensure that, the rules of this House are followed. Among the rules, is that: No hon. Member shall use insulting language to another. So, I have a duty to do this House, and to the country by the way, to ensure that this House does, indeed, operate as an honourable House. That duty, I am not only prepared to discharge it, but I am also willing to do so. I am going to do it. So, can we now debate matters, in accordance, with the rules of the House. Give each other due respect, however, much you hate one another. That is outside this House. You can hate each other in the heart; I have no problem. You can use words that are undignified to portray that hate; fine! But you can only do it, so long as you use honourable language in this House. I have no problem with that. Proceed, Mr. Biwott.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I beg to move that this section of the Report be expunged because---

Mr. Speaker: Order! Order! Mr. Biwott, we do not proceed that way. If you want to move an amendment to this Motion or to the Report itself, follow the rules.

Mr. Orengo: He has never followed the rules!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, indeed, I will follow the rules. I was only alluding to my intention to follow the rules, because this is not correct. There is no evidence whatsoever. I have never had anything to do with the ICDC nor have I, in any way---

Mr. Orengo: But do not put yourself into fire!

The Minister for Tourism, Trade and Industry (Mr. Biwott): I am not. I am only saying that this has nothing to do.

(Loud consultations)

Mr. Speaker: Order, both of you! What is this across to the border exchange?

Mr. Orengo: Mr. Speaker, Sir, I really honour the ruling that you have made; that, we should use good language. But also, if an hon. Member invites a debate on himself, the consequences can be very damaging. As far as I am concerned, the report we are discussing, has nothing to do with him. If it has something to do with the ICDC, it does not really matter. But the moment he starts saying that he has nothing to do with it, and I know the evidence to the contrary, then I will be forced to stand up to show that you are involved because I have the evidence.

Mr. Speaker: Order! May I just make that little communication. Indeed, yes; Mr. Orengo, you are right. If you make yourself a subject of the debate, then it will be a fair game. But what is so clear under our rules, no Member, including Members of a Committee, are entitled to discuss the conduct of other hon. Members without a substantive Motion brought against those hon. Members. So, if a Committee of the House breaches the Standing Orders that bars hon. Members discussing the conduct of others, without a substantive Motion; to that extent, that Committee is wrong.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I am actually labouring on this, because nobody asked me---

Mr. Speaker: Order, Mr. Biwott! In essence, what I have said, is this: If the PAC has tried you, or any other hon. Member without a specific Motion, all those allegations are against the Standing Orders and, therefore, out of order. I do not know how you intend to implement that. But I think, it is really important that hon. Members do understand that the rules of the House apply with equal force, to the Committees of the House. Therefore, what you

cannot do on the Floor of the House, you cannot do in a Committee Room. I think the rules are very clear: No Member shall impute improper motive or whatever, on another hon. Member without a specific Motion. That is why this hon. Member is doing what Mr. Orengo is aggrieved about, because he is forced to make him a subject. I do not know how we shall deal with this matter. But for now, I think the best you could do, in the circumstances, is to point out the paragraphs and say whatever you wish to say. But do not make yourself a subject, because you will then invite all the hon. Members to comment on it.

Mr. Kaindi: On a point of order, Mr. Speaker, Sir. Being an hon. Member of one of the Committees of the House, I think we are in a dilemma because we are unable to interpret the Powers and Privileges Act, with the respect to where a Committee summons an hon. Member of this House as a witness. How do we apply it when it comes to discussing debate in this House?

Mr. Speaker: Order! All the Committees of this House, work under general supervision of the Speaker, and any Chairman of any Committee who has any problem; in either interpreting the Standing Orders, the Powers and Privileges Act and all the precedents of this House, is at liberty and, in fact, encouraged and invited by me, to seek my guidance on that issue. I do not think any hon. Member has come to me for guidance and I have refused. But I do encourage, if there is a misunderstanding as to the interpretation of any Standing Order, the ultimate authority on the interpretation of the Standing Order is the Speaker and you are invited. If the House is unhappy about any interpretation of the Standing Order by Mr. Speaker, the House may move, by way of resolutions; that, that interpretation be rescinded. That is the correct procedure.

Proceed, Mr. Biwott.

Thank you very much, Mr. Speaker, Sir, for your intervention in this matter. This is because mine was actually to draw the attention of this House to the fact that this statement is false. I would also like to plead with those who are in the Committee to ensure that they draw the attention of the people they intend to include in their report, so that they can also appear before the Committee and be questioned by the Committee.

Mr. Orengo: What about Mr. Troon?

The Minister for Tourism, Trade and Industry (Mr. Biwott): I am one of those people who would have been very pleased to come and see you. As for Mr. Troon, whom you have always talked about, you were in that court for many weeks. **Mr. Orengo:** But you were not there!

Mr. Speaker: Order, Mr. Orengo! Please, you will not distract an hon. Member unreasonably so that he loses his train of thought. Will you, please, be an hon. Member, sit quietly and listen to what he is saying. When you catch my eye, please refer to what he has said. We cannot have that kind of thing across the Table in this House. The next thing that will fly will be fists, and I do not want that to happen!

Proceed, Mr. Biwott.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, well, he knows very well that he has no basis whatsoever for what he is saying, and he has always had the opportunity. I was saying that it is fair for the Committee to inform the hon. Member whom it intends to include in its Report so that he can appear before it and explain his own position.

In this case, I had absolutely nothing to do with another Ministry. Be that as it may, I would like to commend the present initiative which the KANU Government has put in place to ensure that the recurrent malpractice in the Government is put to an end.

(Laughter)

It is recurring in the Report, because he has similar complaints in one way or the other. We would like to see the Report of the Public Accounts Committee (PAC) being small in volume, in the sense that every officer who is responsible for accounting public money does his job diligently and accurately to the extent that there will be very little in the PAC Report. But human beings, as they are, minor errors here and there, will continue to occur, but they will purely be on accounting principle. They should never be out of inability to manage public funds effectively. I would like hon. Members to congratulate the Government for this move and the recent initiative by the President--

An hon. Member: By KANU or the President?

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, the recent move initiated by the President. This country is ruled by KANU, the President and those who are supporting him. The Opposition is out there watching how the Government is run and being helpful in pointing out mistakes, as they have, indeed, done in this particular case. May I also take this opportunity to say something small about the East African Co-operation. The signing date for the East African Community Treaty has now been postponed to November this year. There are a few clauses which need scrutiny, and I will bring the draft--

Mr. Speaker: Mr. Biwott, you are now becoming irrelevant!

The Minister for Tourism, Trade and Industry (Mr. Biwott): I am relevant, Mr. Speaker, Sir. I just wanted to raise that point and then I finish.

With these few remarks, I beg to support the Motion with the amendment of this section of the Report which carries my name.

Mr. Speaker: Mr. Biwott, you are out of the Floor. Yes, Mr. Maitha!

Mr. Maitha: Mr. Speaker, Sir, first of all, let me thank the PAC, which highlighted the shortfalls of the Government in accounting. We live in a society which believes very much in its Government. This Report has really revealed the problems that this country is facing. When you go through the whole Report and see the amount of money which was not collected or stolen, you will realise why Kenyans are now very poor. At the moment, Kenyans are very poor. They are very poor because our Accounting Officers in Government departments and Ministries have been very careless. It is very important for the watchdog Committee which looks into how the Government spends its finances to be taken very seriously. The implementation of such a Report is necessary, because Kenyans expect their Government to be a Government of the people and not a Government which "eats" its own money which is collected as revenue from its citizens.

I was impressed by the Committee when I read the Report and found that it collected a lot of evidence and carefully looked at it. The Controller and Auditor-General, who is empowered to point out the shortcomings and shortfalls in the accounting systems also did a good job. It is the wish of every Kenyan to be told the truth on how our money is being spent by the Government. It is shameful for the Government to keep quiet or Government Ministers to come here and try to hide their faces, or fail to explain to Kenyans how such huge sums of money can get lost or be misused without the Ministers actually apologising to Kenyans.

It is high time that all those Ministers in charge of Ministries where money was embezzled or there was shortcomings, came to this House and apologised to Kenyans. There is a lot of money which was supposed to be used for the benefit of Kenyans. For example, if you look at this Report, you will see that some money which was meant for the supply of drugs in our hospitals was misappropriated. At the moment, our hospitals are faced with acute shortage of drugs. We have a lot of facilities in our hospitals which are not useful and patients are dying. If you read this Report, you will find that some people take imprests for buying drugs or are awarded tenders, but they do not supply drugs. You will also read in the Report about some projects which are initiated, but are not completed, because money is pocketed by some individuals.

I would like to propose that next time, when such a Report is adopted and Parliament accepts it, the Government or the Attorney-General should ensure that these people are taken to court. Even if it is a respected person, we should see him being taken to court, so that the public can trust that the Government is really serious on the management of its funds.

Mr. Speaker, Sir, the other day we read in the newspapers that there were district accountants who were stealing millions of money. The Minister of State just went to a seminar and promised Kenyans that DCs or Accounting Officers are going to be taken to court. It is now three weeks since the Minister promised Kenyans that these people would be arrested. Despite the *Kenya Times* newspaper printing the names of those people who have squandered the money from our district headquarters, those people have not been taken to court. Such reports are really disheartening. A good example is the case where a district commissioner from Lamu squandered Kshs5 million that the Government had given to poor parents as bursary money. Lamu is a very poor district and it has very many children---

Mr. Speaker: Mr. Maitha, as you make that reference be mindful of the fact that the case is in court. Maybe you can make a reference to something else.

Mr. Maitha: I am just making that reference knowing that the case is in court. I am trying to say that such officers should be taken to court in those areas where they "ate" the money. There was no use for that officer to be brought to Nairobi and to be taken to court here while he had squandered that money in Lamu. The Lamu people do not know where this money went to and who squandered it because the money is being hidden here in Nairobi to be taken to court. Some people might say that this PAC Report is a bad Report because somebody is implicated. Even in accordance with the teachings of the Bible if the Reverend stands at the altar and says that you do not go to a bar, drink and beat others, when you think that you have that habit of beating others, if you have to fight the Reverend. You should just accept your sins, repent and get "saved" while in that church. It is good that these people were mentioned in that report. They should get "saved" now and come here and say: "I have repented and maybe I will pay back the money or I will not do this again."

Our Government serves millions of Kenyans. At the moment the President has been going round the whole country seeing that Kenyans are served well. They are put into a situation where the President is promising them everything, be it new districts, new location or new hospitals. Whatever the President tells the public, he becomes a liar because there is no money. The money has been squandered. Those people entrusted with handling public money are

not taking the money to the public.

The Minister for Information Transport and Communications (Mr. Mudavadi): On a point of order, Mr. Speaker, Sir. I do not want to interrupt hon. Maitha, but he used the word "liar" in reference to the President. I do not know in what context he was trying to use that word. Can he clarify what he really meant? I think it is the wrong word. Can he withdraw and apologise?

Mr. Maitha: Mr. Speaker, Sir, I said that the President goes round the whole nation promising people of various things that the Government will do for them. It appears as if he is lying to the public since this money is squandered by his officers.

Mr. Speaker: Order, Mr. Maitha. A year and a half in the House is sufficient time for you to know what words are Parliamentary and those that are not. If you have not, may I commend you tonight to get Erskine May and read that chapter on Parliamentary language. In the meantime, will you withdraw that word?

Mr. Maitha: Mr. Speaker, Sir, I withdraw, but when you give a public a promise which is not fulfilled, I think the best word to refer to this is "lying".

Mr. Speaker: Order!

Mr. Maitha: I withdraw that remark, Mr. Speaker, Sir.

Mr. Speaker: Order! There is a reason for every rule and why Parliament says certain words are parliamentary and others are not. It is not because they just woke up one day and decided so. It is a tradition and the tradition is this: To enable a free debate without unnecessary acrimony. The words that are not acceptable are words that are likely to make the debate to be acrimonious and to make people wish to fight one another. It is good that we keep away things that are dishonourable and that are likely to make your debate be cut short like now. You can use words that are similar, but not as pugnacious.

Proceed.

Mr. Maitha: Mr. Speaker, Sir, I oblige. This PAC Report has really reported on various projects which stalled because our own Government officers either pocketed that money or that money did not reach those projects. Most of these projects especially those implemented at the Coast like the Mokowe and Shimoni Projects are very important to the Coast people. You will find that officers are sent to a initiate development in a province, but they come to take the money, come back here and they remain untouched. There is this habit of people taking Government money and no action is taken against them because they have very big people protecting them. It is high time that such Reports highlighted the names of those officers who are said to be untouchable who are getting orders or who are being protected.

We should know the names of the people protecting them - the so called "godfathers". We cannot have a very small officer like a driver taking an imprest of Kshs10 million. There is a page here that refers to a driver in State House who took an imprest of Kshs10 million and he cannot even account for that money. This driver will just go scot-free. We are having a lot of problems in this country. Somebody is pocketing Kshs10 million just because he is a driver in State House. These are the things which make the public think that we as Parliamentarians are doing them a disfavour. That is why we have problems sometimes and the electorate keeps on changing Members of Parliament every time because the public is not satisfied with those Members who are implicated in some reports like this.

I have been in this Parliament for one and a half years and this is a Report for 1995/96 when I was not a Member of Parliament. I have been disturbed after reading whatever has been happening in this country. As I am in this Parliament, if more Reports of this nature will come here, then we are in a problem. It is my wish that this Parliament takes this Report very seriously and adopts it, and after that, then action should be taken against those implicated.

With those few remarks, I beg to support.

Mr. Ndicho: Mr. Speaker, Sir, thank you for giving me the opportunity to speak about the Report of PAC. May I take this opportunity to commend the hon. Members of PAC who went to various parts of the country, sampling evidence and collecting data on how public money has been spent. What we are discussing today are things that happened in 1995/96, when the Opposition in this country was spitting the fiercest fire.

Mr. Speaker, Sir, as we are discussing what is contained in this Report, the same things are even happening right now. I suggest that from now henceforth, every public officer whose name appears in this Report should be published in the local media, that is in the newspapers in the form of paid-up advertisement, as well as in the electronic media so that when these people travel around the country, Kenyans will see for themselves the people who have made them paupers.

Corruption started in this country in 1963. What has happened over the years, especially in 1995/96 as exemplified by this Report is a state of the art theft. The hon. Members of Parliament who went around the country had to use a lot of intelligence and man hours to unearth things that were done by equally intelligent people. It is a well

known fact that it takes a lot of time to unearth something that was done by an intelligent person. So, right from the era of the late President, Mzee Jomo Kenyatta, we saw many people getting very rich and the same people are still very rich up to today. It has, therefore, reached a point where we should ask everybody who is excessively rich to explain how he made his wealth.

Mr. Speaker, Sir, if the Government is serious - especially the strategic recovery team - it should do exactly what they have started doing at KTDA and the Coffee Board of Kenya. Everybody who has been mentioned should be made to go home and refund the money that he has stolen. It is by doing this that even the current Accounting Officers in the departments of Government and Ministries will stop looting public money. But since 1963 when this Parliament was incepted, this Committee has been working day in, day out but nothing has happened. It does not suffice to say "this Committee has noted with concern---" The Committee is noting with concern that somebody somewhere has taken all this amount of money and yet Kenyans continue to languish in poverty, because a few people happened to have misappropriated public money. By the year 2001/2002, when we shall be discussing the PAC Report for 1999/2000, you will be shocked to see that even when we will be languishing in poverty and everybody will be talking about how bad the economy will be, some people within this Parliament and within the Government will still be doing the same things! So, action should be taken now if we have to save this country from further degradation of the economy and if we have to save more Kenyans from becoming poorer.

Mr. Speaker, Sir, the PAC Members went only to the big offices as indicated in the Report. It should be noted that there are also other areas where corruption is ripe, for instance, the DCs offices and the DOs offices throughout the country. It is high time that Kenyans were told the names of the people who have made them to go without food; so that Kenyans can grab them in the streets. It does not help to make it a routine in this Parliament for us to come and tell Kenyans that their money has been stolen. This cannot help at all if an affirmative action cannot be taken. I call upon the Government, and especially the Leakey's team not to wait for reports to be tabled here by the PAC and PIC in order to start thinking on how to punish certain officers. I commend that team because it has started working. I hope it is a team that is not going to be intimidated. I call upon that team to get into the tea industry. Removing Mr. Eustace Karanja is just like removing one flea from the body of a person who is invested with fleas. These are Boards that are invested with thieves right from junior to senior officers' levels. There was no point of removing Mr. Eustace Karanja from KTDA and leaving the Chairman, Mr. Imanyara, whom we are told had his office broken into and Kshs30 million stolen. What was he doing with Kshs30 million in his office, if that was not corruption money? There was a tender for the supply of fertilizer and packaging papers and the people who had been awarded the tender had brought in the money as a bribe. Since the amount of money was so huge, he used some officers to take it up to his office in the Fifth Floor and the same junior officers knew that the money was a bribe to their boss. They vowed not to allow him to "eat" it alone. So, they broke into his office and stole that money. I commend them for taking that money because this man had "eaten" for many years and it was time that they also enjoyed that money. But this is money that belonged to tea farmers.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I am aware that in Europe - and I have been there with hon. Gatabaki - a kilogram of tea from Kenya costs Kshs2,000. We went to a shelf in Frankfurt and we bought a kilogram of tea from Kenya at Kshs2,000 and yet the Kenyan farmer is paid Kshs6 per kilogram. When farmers are paid Kshs12 per kilogram, bars in a given entire environment are flooded with people who call themselves sons of so-and-so. What we are saying is that even if these KTDA people steal all the money from the farmers, they should spare Kshs100 per kilogram for the farmers and that will turn the rural areas of this country into better places to live in. So, I call upon the forces that removed Mr. Eustace Karanja from KTDA to move in there and also remove all those senior officers who have been left there. They should remove the medium level cadre officers and even junior ones who prepare vouchers. It is also high time that farmers were allowed to elect their own representatives whom they can sack when they cannot perform. I support the Government for revoking the exemption of the KTDA and the Coffee Board of Kenya from the provisions of the State Corporations Act. Earlier on, the Government was in total control of these parastatals and it reached a time when it was also accused of "eating". When it moved out, it left the running of these corporations to these people.

Mr. Temporary Deputy Speaker, Sir, now that the Government is back there, is it going to be a vicious cycle that, people appointed by the Government will do the same thing? There should be a law enacted by the Minister for Agriculture, Livestock, and Rural Development on that issue. Stern measures should be taken against such officers

because there is nothing more demoralising and evil than to "eat" the sweat of an innocent farmer in the village, who goes under rain and sun to pick his coffee and tea, only for somebody in Nairobi, with a swinging seat and about ten telephones, waiting for that tea to come. When it has been sold, he takes 99 per cent of the proceeds and sends only one per cent to the farmer, which is also stolen by some people in the co-operative movement and in the factories. So, the Government needs to be serious on this kind of reports unless you want to make them routine reports; just to pass time and make the Commonwealth note that the Kenyan Parliament is moving and discussing issues that were raised in these Committees.

So, if the Government is serious, I call upon it to punish everybody who has been mentioned in these reports. If we want to stop stealing right now, we must punish the people who committed these crimes in 1995 and 1996. It is my wish that the Government will help the new farmers because if the Government protects dairy farmers, tea and coffee farmers--- Even if they steal this money here in Nairobi, the farmers down there might not realise a big difference. But these people steal the money that the small taxpayer pays. When that money is finished, they go eating into the farmers' money. So, it is my humble submission that, if Kenyans want to take this Parliament seriously, action must be taken on all issues raised in this Parliament.

Mr. Temporary Deputy Speaker, Sir, it is important to note that Kenyans do not take this Parliament seriously any more. This is because even if somebody is doing something very bad outside there and a Member of Parliament goes and meets that fellow and tells him; "I will take this issue to Parliament". That person will tell that hon. Member; "You can take me not only to Parliament, but wherever you want". When this Parliament started, it used to be feared and referred to. But today, it is just like the law courts where somebody says: "What is the point of paying so much money to an advocate, when you can bribe the judge and your case is thrown out"? This is what is happening! So, I am saying, let us not turn this Parliament---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Ndicho, you have just made a very interesting sweeping statement on the judges; that they are being bribed. Unless you really want to get yourself into that kind of argument, I ask you to withdraw that statement, or you substantiate it.

Mr. Ndicho: Mr. Speaker, Sir, I never said that anybody has bribed the judges. I said that, "somebody said". He said that, "there is no point of paying an advocate if you can bribe a judge". It is not me who said that. All I am saying is that, all institutions in this country---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Ndicho, are you imputing improper motives on the Judiciary or the judges? I told you to be cautious about what you are saying.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, as I stand here, I am one person who was jailed in Kamiti Maximum Prison for six months because of refusing to bribe a magistrate with Kshs20,000, after uprooting beacons in a school. So, I have got personal experience about what I am talking about. What are you telling me? So, all I am saying is that, let us not make this Parliament useless the way other institutions in this country have been rendered useless.

Mr. Temporary Deputy Speaker, Sir, I said that, of all other institutions in this land, let us uphold the dignity of the House. Asians in this country do not fear this House and even the Government any more. There is an Asian in Ruiru---

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndicho, I do not want to interrupt you, I really hate that. But you are imputing improper motives on the Judiciary, whatever you did or did not do notwithstanding. That is what I am trying to caution you against. You did not bribe or did whatever you did not do, but I think you are imputing improper motives on the Judiciary.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I was only giving an example of a life time experience. But that is not my subject. My subject is calling upon this Parliament, where this Report of the Public Accounts Committee has been tabled--- But if we want to rise over and above other institutions that have been rendered useless, let us be serious at least for once.

I was giving an example of an Asian in Ruiru who has refused to pay his workers and has said, "you can take me nowhere except to God. It is only to God that you can take me and I can fear; no where else".

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Ndicho, I would like you to continue, but you are using hearsay and imaginary people whom you do not even want to say who they are and you want us to take that as statements of facts. Remember that you are responsible for facts in this House. Let us keep ourselves to the facts and, of course, things related to this particular Motion.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, if you want me to substantiate and say who he is, I will. But I will be breaking one of the rules of this House. That is why I am only saying that there is something---

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndicho, if you want to substantiate, go ahead and substantiate. But you know that you should follow the rules of the House.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, if I mention that character here, I will be breaking the rules of the House.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndicho, do not run away from the situation. You have said that you can substantiate and you can name the people; even the judge whom you refused to bribe. Why can you not do that? Why are you treating us to theatrics that are not tangible? If you really want to take issue with individuals, you either name them and talk about what they did or you stay clear of them, rather than tell us, "So-and-so has said this and So-and-so refused to do this and that". So, I have been warning you and now I am just going to ask you to be very careful.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, if you want me to substantiate I can do it. In 1997, a magistrate in Thika by the name Grace Njeri Ngare asked me to give her Kshs20,000 outside the court so that she does not jail me. When I said no and went to the court for judgement, I was jailed for six months and I was taken to Kamiti Maximum Prison. Have I not broken the rules of the House? I have?

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Ndicho, you know what is the right thing to do. I think you have been looking for that opportunity to settle scores. The Standing Orders are very clear and what you should do and say in the House. You went into this knowing very well that you will be breaking rules of the House. Standing Order No.73(1), states as follows:

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

Mr. Ndicho, you know the rules of the House and you have gone ahead to break them even after I have given you a warning to be steer clear of that. So, I am asking you to really apologize, withdraw what you have said and stop imputing improper motives on the Judiciary or any other person.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I told you that I do not want to mention names because I will be breaking the rules of the House. I then wanted to go away, but you told me not go away.

The Temporary Deputy Speaker (Mr. Poghismo): Go ahead and substantiate!

Mr. Gatabaki: On point of order, Mr. Temporary Deputy Speaker, Sir. The Kwach Report does mention what hon. Stephen Ndicho is talking about; that the Judiciary is full of corruption and all kinds of vices. The Kwach Report was ordered by the late Chief Justice. So, is it in order for the Temporary Deputy Speaker to prevent hon. Ndicho from talking about the obvious?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I have just said what I have said, but---

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndicho, what I am asking you, and I have been warning you all along is that, you need to withdraw the remarks you made against that magistrate. You know very well that, if you want to discuss the conduct of the people you are naming, you have to bring a substantive Motion.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, am I supposed to withdraw that I was jailed by Grace Njeri and sent to Kamiti Prison for six months?

The Temporary Deputy Speaker (Mr. Poghismo): You are imputing improper motive. If you want to discuss the conduct of any hon. Member or public officer, you should bring a substantive Motion.

Mr. Ndicho: Well, I will do that, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghismo): Then, you have to withdraw these comments until you bring a substantive Motion.

Mr. Ndicho: But, Mr. Temporary Deputy Speaker, Sir, that was not the subject matter. Mine was to tell this House that we should not be like those other institutions where corruption is rife and nothing goes on there. All I was saying is that, let us see for once whether this House can terminate the job of one individual who has been named in this Report.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! Hon. Members, I think it does not really end with just saying: "With those few remarks, I end there". The specific intention that you have had, Mr. Ndicho, is to try and impute improper motives on individuals, although you know you should not do so and you know the rules. I am saying this for the benefit of the other Members that, I think you have also in the past done something like that. I am saying in effect that you have refused to withdraw your statements and even things which you have already spoken out on particular people especially the magistrate who jailed you and you know that you cannot do that here. I am saying that, whatever you have said concerning that is imputing improper motives on the Judiciary and especially on that particular person without bringing a substantive Motion. I am asking you to withdraw that part of your statement, Mr. Ndicho, or face the consequences of your defiance.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I have not mentioned any specific judge. We have very good judges in the High Court and Court of Appeal. But we also have very bad ones, we cannot run away from that. Similarly, we have very good hon. Members here, but we have also very bad ones. So, I have not mentioned anybody by name. But for those who are corrupt and have ruined the Judiciary, I am only saying that, we should not make Parliament to be like that institution which needs to be reformed. It is undergoing a very serious moment. So, I did not mention anybody and therefore, I do not see what I am supposed to withdraw. If there is and I am convinced, I would do it at the earliest opportunity possible.

An hon. Member: Forgive him, he has just come back here.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think none of us wishes to prolong this. But I think I heard my colleague mention somebody's name specifically - a magistrate - who had requested a bribe of Kshs20,000. If we were to stick to the rules to discuss that magistrate, then the hon. Member would be obligated to bring a substantive Motion. Since he is not doing that, I think it is only fair that he withdraws the remarks he made about that magistrate.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! We are on another point of order, we cannot have another one. Did you mention somebody by name, Mr. Ndicho?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I did not want to mention anybody by name.

The Temporary Deputy Speaker (Mr. Poghisio): Did you mention anybody by name?

Mr. Ndicho: But, Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister says that I should withdraw on condition that I promise to bring a substantive Motion to discuss the conduct of that magistrate, I oblige.

The Temporary Deputy Speaker (Mr. Poghisio): Are you withdrawing the remarks?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I was jailed.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ndicho, are you withdrawing or not?

Mr. Ndicho: I reluctantly withdraw, but I will bring a substantive Motion to show that lady jailed me for refusing to bribe her.

The Temporary Deputy Speaker (Mr. Poghisio): That is not really withdrawing. Mr. Ndicho, I would like you to do the right thing. I am saying in effect that, we have such a trend for hon. Members that when you mention somebody's name whom you should not be naming, that you come with a substantive Motion rather than just mentioning names and things to settle scores. I think that is not for this place. We should keep this Parliament a dignified place. Proceed.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this House to become an institution to cover up corruption? If an hon. Member knows that So-and-so is corrupt, are we going to use this Parliament to cover up those people? We have seen in the PAC and PIC Reports, people who have plundered the resources of this country.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Angwenyi, you are lecturing the Chair on things that are very clear in our own rules. Mr. Angwenyi, if somebody wants to discuss your character here, the rules say: "Fine, bring a substantive Motion to discuss Mr. Angwenyi, but do not make an excuse in your debate to bring the character of Mr. Angwenyi into issue here." That is what we are saying and you know the rules. So, we are not covering up anything, but we want you to stick to your own rules. The Standing Orders are very clear and I do not want to pursue that. Yes, Mr. Ndilinge?

Mr. Ndilinge: Asante sana, Bw. Naibu Spika wa Muda.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ndilinge is on the Floor.

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

The Temporary Deputy Speaker (Mr. Poghisio): But you did not say that. Proceed, Mr. Ndilinge.

Mr. Ndilinge: Asante sana, Bw. Naibu Spika wa Muda. Hata ingawa kwangu ni mshangao kwa sababu Bunge lilianza shughuli zake jana baada ya mapumziko---

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am seeking your guidance and this matter could be referred to Mr. Speaker for interpretation because this is something that comes now and again. Standing Order No.73 (1) says as follows:-

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

This rule makes it clear that when it relates to the President, it is not a question of any conduct; it is personal

conduct. For example, if he commits adultery, we cannot discuss it in this House. But if it is a question of bad governance in so far as his office is concerned; if he received a bribe, that is not personal conduct at all, in my interpretation, because he received it while exercising his functions. The reason why I am saying this is that, it should be clear that the only conduct which is excluded absolutely is that of those performing judicial functions, Mr. Speaker, but not of a Member of Parliament, not of a Minister and not of the President. We need this clarification, because sometimes when the conduct of Ministers is also brought about in the House, people begin to say that we are imputing improper motives. We are just telling the public that this Minister has received a bribe. That is not personal conduct. It is because he is in public office and he must be questioned.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Orengo, I think it is good that you have brought the interpretation into being. Standing Order No.73(4) says:

"No Member shall impute improper motive to any other Member except upon a specific substantive Motion calling in question the conduct of that Member."

It may not be as personal, but as long as it imputes improper motives, it is very difficult to draw the line whether the bribe is personal or official. Where are you going to draw the line? So, the personal character of a person is going to be difficult, unless as you say, the Standing Orders were to be amplified to include all that. But in the meantime, Mr. Orengo, until all those things are done, you cannot discuss the character of another hon. Member or some people who have been named without bringing a substantive Motion. Proceed, Mr. Ndilinge.

The Temporary Deputy Speaker (Mr. Poghismo): Proceed, Mr. Ndilinge!

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghiso): That is an argument.

Mr. Ndilinge: Bw. Naibu Spika wa Muda, asante sana kwa kunimpa nafasi hii niseme machache sana nikiwa na uchungu mwingi sana. Kamati iitwayo PAC inaanza na jina "Public" ambao ni wananchi, yaani umma. Na tunapongea kuhusu pesa za umma wananchi kule nymbani wanasikiza wakituuliza: "Je, pesa tulizotozwa kodi zimetumiwa vilivyo?" Ndipo nataka kusema, na isikike kwa makini sana, kwamba uongozi huja ukipita. Zamani zile kulikuwa na viongozi na sasa hawako. Sisi ndiyo viongozi sasa na tutakuwa hivyo.

Ninaposema hivyo, ninamaanisha hivi: Sijawahai kuona siku hata moja mtu ambaye ametenda maovu akiambiwa yeye mwenyewe ajichunguze. Tunapongea hapa kuhusu mambo ya PAC, wengi wetu tunasikia wakitajwa, na ninashindwa ikiwa wanatajwa wakiwa katika jumba hili, je atakuwa na nafasi lini ya kumtetea mwananchi ambaye yuko nyumbani? Ni lazima tuaamke kabisa na vitisho vikome. Watu wakome kabisa kutisha wengine kwa sababu tuliletwa hapa tukiitwa Wabunge. Ikiwa ulijaliwa ukawa Waziri au Naibu wa Waziri, jambo muhimu ni kwamba uliletwa hapa kama Mbunge. Uliletwa na nikaletwa na wananchi wa nchi hii. Ndipo tunasema kinaganaga kwamba mambo ambayo yanahusu pesa, hata kama mtu ana godfathers 12, ajue ni pesa ya mwananchi, yaani kodi iliyotolewa na mwananchi wa nchi hii. Wakati umefika wa kusema mwizi ni mwizi, awe anatoka Upinzani au kwa KANU; mwizi ni mwizi.

Mr. Soita: Kama nani?

Mr. Ndilinge: Kama aliyeiba. Ni mwizi! Wakati umefika na mimi mwenyewe nataka kujisemea na akili zangu kwamba kuna Hoja nyingine zitaletwa hapa lakini sitaziunga mkono. Nitakuwa nikipiga kura na Wabunge wa Upinzani.

(Applause)

Kwa sababu sioni kuna haja gani watu wa Kilome wanilete hapa na pesa zote ambazo tunapitisha hapa hazionekani, na mimi nawaambia naenda kuwatetea ili kodi zao ziwarudie, na hawazioni. Mimi sina tafaouti kati yangu na wale Wabunge wa Upinzani ambao hujibiwa: "When funds are available," kwa sababu mimi sioni chochote kikifanyika kwangu.

Bw. Naibu Spika wa Muda, ningependa watu kutoka pande zote mbili wajue hivi: Katiba ndio inaongoza nchi, na si ukubwa wala nguvu za mtu. Ni Katiba! Na ndipo unaona watu wengine wamechukua Katiba na wakaiweka katika mifuko yao. Ningependa wengi ambao hukaa hapa wawe hapa wakati nasema haya mambo, maana wengi wao ni wale wametumiwa kwa kuambiwa: "Nenda uchukue kiti", na kiti hicho kilipeanwa na raia. Heshima ile ya Katiba wameivunja. Ikiwa mimi nilichaguliwa na watu wa Makueni kuanzia kata ndogo hadi wilaya, na nikawa mwenyekiti wao wa chama, mtu mwingine akipewa bendera anafikiri eti hiyo ndiyo leseni ya kwenda kunyang'anya wananchi wa Makueni haki zao.

(Applause)

Bw. Naibu Spika wa Muda, siku itafika ambapo wananchi watajisemea, na utakumbuka kwamba tuliwaambia

Mawaziri waliokuwa hapa kutoka Ukambani wakati uliopita. Nawaonea huruma wale Mawaziri walioko sasa maana wataenda nyumbani mbio sana wakati utakapofika.

(Laughter)

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Ndilinge, are you debating the PAC Report?

Mr. Ndilinge: Bw. Naibu Spika wa Muda, sioni kamwe kuna haja gani mtu ambaye alichaguliwa aje kufurahisha watu badala ya kufurahisha waliompigia kura. Akiona mbuzi anamwita ng'ombe, ndipo apendwe. Wakati utafika, na ningeomba wananchi wote wa Kenya popote walipo, mtu ambaye alichaguliwa kama Mbunge, na badala ya kuja hapa na kupigania haki za wale waliomchagua, anabembeleza marafiki wake, achunguzwe kwa makini sana na wahakikishe kwamba huyu mtu, wakati wa kura, ameenda nyumbani haraka itakavyowezekana.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Ndilinge, are you going to come back to the PAC Report?

Mr. Ndilinge: Bw. Naibu Spika wa Muda, hiyo ni PAC. Public ndio hawa wako hapa. Public ndio wale watu wako nyumbani. Wananchi ndio wale wanaitwa kwa Kiingereza "public". Ni wale wale kwa maana pesa walizotoa. Waliambiwa watozwe kodi na wakakubali, wakatoa kodi na sasa ndipo tunataka kuwaamsha wajue senti nyingi walizotozwa kodi hazikwenda kwa zile ahadi walizoahidiwa kufanya. Ndipo tunasema "public" hawa waamke kutuletea watu ambao hawawezi kuita mbuzi ng'ombe. Hivi ndipo nasema kwa sababu mtu akiletwa hapa na hawa, akiona mwizi, yeye atasema tumshike mwizi; hatakuwa anawadhuru public. Atakuwa akifanya kazi ambayo alitumwa kufanya. Lakini ikiwa akiona mwizi anasema niliona mkubwa, basi huyu hatekelezi yale aliyotumwa na public aje kufanya.

(Applause)

Bw. Naibu Spika wa Muda, ndipo nasema haya, na ningependa kusema kinaganaga kwa watu kwamba mimi sisemi mambo ya Upinzani wala ya KANU. Nasema kuhusu nchi yangu. Nampenda Rais wetu sana lakini namuomba sana ajue wachache wapotovu ambao wanafanya wengine tusilale kwa raha. Kuna wale ambao wakifanya kitendo kibaya, wanajua njia hii au ile ya kujizuia. Yangu ni maombi kwa wale wanaotengeneza hizi nakala za PAC kwamba waziweke vizuri sana maana mkifikiria yale niliyoyasema pale mbeleni, kwamba kulikuwa na viongozi ambao hawako sasa, mimi na wewe na mwingine tuko; tutakuja kuondoka, na kutakuwa na viongozi. Nakala ziwekwe! Siku itafika ya kuuliza mtu: "Ulikula hii? Kwa sababu Rais wetu ni Rais ambaye hatapatikana tena, siku ile atastaafu ndipo tutajua tulikuwa na Rais mzuri. Lakini wakora ambao wanafanya nchi hii ififie kabisa--

Mr. Wanjala: Ni Rais yule tu!

Mr. Ndilinge: Bw. Naibu Spika wa Muda, tungependa kila mtu ajibebee msalaba wake sasa. Hii ni kwa sababu kuna wale ambao ukiwaonyesha makosa yao wanaanza kuuliza: "Unamtukana Rais kwa nini? Na hali hujataja hata Rais. Shida hiyo ndiyo tuko nayo huko Ukambani sana. Ukiingoea mambo ya "wewe uliiba hii na ile" mtu anakimbia kwa Mzee na kumwambia: "Ndilinge siku hizi ni mkali, hata anakutukana." Hakuna siku nitamtukana Rais wangu. Nampenda sana, lakini nikimwona mwizi, nitapiga firimbi na nduru kusema: "Mwizi ndiye huyu; kama wengine waliomaliza Trade Bank na kadhalika. Ninasikia fununu kwamba wengine wanatoka sehemu hizo za kwetu. Mtu akisikia lugha ya Trade Bank, anaanza kubabaika na kusema: "Ndilinge alimtukana Rais." I am not a mad man! Siwezi nikamtukana Rais wangu. Kuna vita kule kwetu. Katika kijiji kukiwa kuna mwanamke mwizi au mrogi na hutaki kumtaja yeye ni mrogi asije akakupeleka kortini, kuna njia nyingi za kutafuta ni nani mrogi katika eneo hilo. Unataja tu kwamba: "Huyu mama atamaliza watoto katika hiki kijiji na urogi wake, na unalia: "Hee, ndiye huyu." Sasa tunapotaja maneno ya ufisadi na nini, wenye kutujibu ndio hawa maana; sisi hatujawataja na wanaanza kuropokwa na maneno.

Bw. Naibu Spika wa Muda, kwa hivyo, kile ningependa kusema ni hiki: PAC ya nchi hii yetu haina maana. Nitasema hivyo. Kwa nini? Ikiwa iliita mtu ambaye anaitwa Somaia na hakuja, na ni nadhania PAC iliyopita na nyingine iliyopita walimuiita na hakuja; unaongojea aje kuitwa na nani? Atakuja kuitwa na nani? Wakati Waziri Nyachae alikuwa katika Wizara wa Fedha, alieleza kinaganaga na hata raia nyumbani wakasema: "Ndio; ametuonyesha mahali tutatibu kidonda." Wanaohusika na wizi hawakutaka akae huko.

An hon. Member: Na hata wewe!

Mr. Ndilinge: Mimi hata nikifutwa kama Naibu wa Waziri, haimaanishi chochote. Nilipochaguliwa na watu wa Kilome hawakuniambia nje kupewa Unaibu wa Waziri au Uwaziri. Waliniambia nje kuangalia maslahi yao, mojawapo ya maslahi ya hawa watu ni hizi pesa za PAC, maana zinawahusu wao. Hao wananchi ndio huitwa "public".

Bw. Naibu Spika wa Muda, ningependa kuwatahadharisha Mawaziri wanaofahamu ya kwamba pesa zilizotengewa miradi ya maendeleo katika sehemu ya uwakilishi Bungeni ya Kilome hazijafika katika sehemu ile,

sitaiunga mkono Miswada ya Wizara zao. Sitaunga mkono Mswada wa Wizara ambayo haichangii maendeleo ya sehemu ya Kilome. Badala yake, nitakuwa nikipiga kura pamoja na Upande wa Upinzani.

(Applause)

Bw. Naibu Spika wa Muda, ni jambo la kusikitisha kwamba, mwaka nenda, mwaka rudi, jamii ya Wakamba huomba chakula. Wakamba hufanya kazi kwa bidii, kama punda. Maji ya kunyunyizia mashamba ndiyo yanayokosekana katika sehemu ya Ukambani. Kuna mito 16 ambayo hupitisha maji kupitia Ukambani, kuelekea Mombasa. Kama kweli Serikali inaipenda jamii ya Wakamba, ni kwa nini haijajenga mabwawa ya kuhifadhia maji katika mito hiyo, ili kuiwezesha jamii hiyo kuanzisha miradi ya unyinyiziaji maji mashamba, na hivyo basi kukomesha tatizo la jamii hiyo la kutegemea misada ya chakula?

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that all the rivers in Ukambani take their water to Mombasa, when we know that some of the rivers end up in Kipini and other areas?

Mr. Ndilinge: Bw. Naibu Spika wa Muda, mhe. Kamolleh ni rafiki yangu. Sitamjibu kwa sababu anayoyasema ni yale ambayo yeye huambiwa na psychopants kutoka Ukambani.

The Temporary Deputy Speaker (Mr. Poghishio): Order! Order! Mr. Ndilinge, I just want to draw your attention to the Standing Orders on relevance. We have waited for a long time for you to come back to the Motion on the Public Accounts Committee (PAC) Report that is before this House. So, proceed, but speak within the limits of relevance of the Motion before the House.

Mr. Ndilinge: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa mwelekeo huo. Nilitaka kumfahamisha mhe. Kamolleh kwamba wale waliomwambia maneno aliyoyasema ni wale ambao hawajui Ukambani.

Ardhi ya Ukambani ina rutuba nyingi. Maji ya kunyunyizia mashamba yakipatikana, mazao yatakayopatikana yanaweza kutosheleza mahitaji ya chakula cha Kenya nzima. Maji ya kunyunyizia mashamba yakipatikana katika sehemu ile, watu watazalisha chakula na watauzia mazao ya ziada wapate pesa. Hivyo, watapata pesa nyingi, hata watume nyingine Bungeni zikaguliwe na PAC. Kwa hivyo, kuwezesha ustawi wa miradi ya unyinyiziaji maji mashamba ni njia moja ya kuwawezesha Wakamba kupata pesa. Kwa hivyo, shughuli hiyo inahusiana na maswala ya PAC, kwa sababu hiyo ni njia moja ya kutafuta pesa.

(Laughter)

Bw. Naibu Spika wa Muda, jamii ya Wakamba hutumiwa na Serikali wakati wa uchaguzi mkuu wa kisiasa ili kuiwezesha Serikali kuwa mamlakani. Uchaguzi ukiisha, Serikali huionyesha jamii hiyo mahali pa kukaa wasubiri uchaguzi mwingine. Sasa jamii ya Wakamba imeerevuka. Ningependa kuwatahadharisha wale walio na mipango ya kuitumia jamii hiyo ya kwamba hawatafaulu.

Kama tunavyojua, jamii ya Wakamba imeumia kwa njaa kwa miaka mingi sasa. Hivyo basi, ninawaomba waheshima. Wabunge na wananchi wote wa Kenya wamuunge mkono mpiganiaji kiti cha Urais kutoka jamii ya Wakamba katika mwaka 2002. Hiyo ni njia moja ambayo waheshima. Wabunge na Wakenya kwa jumla watakuwa wanaonyesha huruma yao kwa jamii hii. Labda, jamii hii imeumia kwa njaa miaka hii yote kwa sababu haijakuwa na kiongozi katika ngazi ya kitaifa.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to tell us to support a presidential candidate from a hunger-stricken community, when we know very well that such a person will further run down the economy of this country if he gets power?

Mr. Poghishio: Order! Order! Mr. Wanjala, I respect your right to raise a point of order but, please, let it be a point of order, next time.

Mr. Ndilinge, be reminded again that your contribution should be relevant to the Motion on the PAC Report, which we are debating.

Mr. Ndilinge: Ahsante, Bw. Naibu Spika wa Mda. Ijapokuwa mwenzangu mhe. Mbunge ameikejeli jamii ya Wakamba---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ndilinge is telling us to support a presidential candidate from the Kamba community in the next general election, yet when hon. Charity Ngilu contested the seat during the last general election, members of the Kamba community residing in Thika, led by hon. Ndilinge, refused to support her despite the great support she enjoyed from the rest of Thika people. Is the hon. Member in order to tell us to support a presidential candidate from the Kamba community when he let down one of his own in 1997?

The Temporary Deputy Speaker (Mr. Poghishio): Order! Order! Mr. Ndicho, still, that is an argument; it is not a point of order at all. I think you should stop wasting the time of this House.

Proceed, Mr. Ndilinge!

Mr. Ndilinge: Ahsante, Bw. Naibu Spika wa Muda. Lengo la mhe. Ndicho lilikuwa la maana sana. Hata hivyo, wakati wa malengo kama hayo bado haukuwa umefika. Kwa vile wakati huo unakaribia, ningependa kumshauri mhe. Ndicho ajitahidi zaidi kulifikia lengo lake, zaidi ya alivyofanya katika mwaka wa 1997.

Bw. Naibu Spika wa Muda, Ripoti ya PAC huwasilishwa katika Bunge hili kila mwaka, ikitaja kinagaubaga, majina ya wale waliofuja pesa za umma. Wanachama wa Kamati hiyo pia huwasilisha mapendekezo juu ya hatua zinazopaswa kuchukuliwa dhidi ya waporaji hao. Ajabu ni kwamba, hakuna hata afisa mmoja aliyetajwa katika ripoti za kamati hiyo, ambaye amechukuliwa hatua ya kisheria miaka hii yote. Maafisa hao, huhamishwa kutoka Wizara moja hadi nyingine; labda, maafisa hao huhamishwa ili watekeleze wizi mwingine katika zile Wizara na idara nyingine. Wakati umefika sasa kwa wezi kama hao kushtakiwa mahakamani na kufungwa jela wanapopatikana na hatia. Iwapo wezi hawatachukuliwa hatua, polisi pia watashindwa wafanye nini. Ni kama kwamba Kamati ya PAC kazi yake ni kuwatambua wezi tu, kwa sababu wananchi hawawezi kuja kuteta katika Bunge hili.

Singependa kuwamalizia wenzangu muda, lakini, nikitamatisha mchango wangu kwa Hoja hii, ningependa kurudia jambo ambalo mhe. Orengo amelizungumzia. Tusiwe Wabunge katika Bunge hili ili kuzuia wezi wasiadhibiwe. Mwizi ni mwizi tu; haijalishi kama yeye ni mweupe, mweusi, rangi ya manjano ama ya samawati. Inafaa mwizi anapotajwa katika Ripoti ya PAC, tumfuatilie sote kwa pamoja; bora tu mwizi huyo awe hakuwekelewa mashtaka hayo.

Bw. Naibu Spika wa Muda, nimesema mengi na sitaendelea. Singependa kuwaudhi watu wengine. Iwapo mtu yeyote ameudhika na yale niliyosema, ninamwomba msamaha. Nilizungumza kwa niaba ya wakaazi wa sehemu ya uwakilishi Bungeni ya Kilome.

(Laughter)

Mr. Shitanda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the PAC Report.

First of all, I would like to congratulate the Members of the Committee for having given us, yet again, another very revealing Report on the ills that afflict our Government. The Report highlights quite a number of issues, high on the list being laxity in revenue collection by the relevant officers. The revenue we collect in this country is supposed to finance the operations of the Government. However, you will find that the little revenue that is collected is squandered; it is used to finance projects other than those it is meant to finance. About two years ago, the Government granted the Kenya Revenue Authority (KRA) autonomy, so that it could improve revenue collection. It is very sad to note that instead of the KRA improving its services, things have gone in a different direction. Day in, day out, you hear about tax evasion, under-collections and, in some cases, outright theft of the revenue that is collected.

Mr. Temporary Deputy Speaker, Sir, there is too much interference from the Executive in the collection and utilisation of revenue. This Report has highlighted a lot of instances where tax was not paid; was evaded, and, in some cases, where tax was stolen. The names appearing in that Report of people who declined to pay taxes in this country are not names of "small" people, but are names of prominent people. It is very embarrassing for the names of the President's children to be read before this House, not congratulating them for having acquired several medals for this country, but for having joined the looters of this country. What kind of message are we sending to the outside world and to the donors when we say that even the children of the highly placed people are involved in scams that have brought this economy to its knees? We must, as a nation, devise ways and means of dealing with this situation. Over the years that these Reports have been brought to this House, they have mentioned mostly the names of "big" people and nothing is done.

This Report also talked about accountability. We have very qualified accountants in our Government Ministries and parastatals. This leaves the hon. Members of this House wondering what happens along the way. Why do these accountants get so easily manipulated? Some of these accountants are members of CPA, ACCA, AIA and other world accounting bodies. These are bodies that have professional ethics. Are Kenyan accountants exempted from the professional ethics of accounting bodies? It is high time the Accountant-General was given security of tenure, and all accountants, both in the Government and parastatals, were placed under him so that parastatal chiefs do not threaten them in the course of their duties.

Mr. Temporary Deputy Speaker, Sir, there is the issue of awarding of contracts which has featured very prominently in this Report. It is very strange that in certain instances, you will find that the variations of contracts awarded have been done almost ten times, and sometimes even up to 15 times, from the initial figure of the contracts. The explanation given for those kinds of changes are normally flimsy and unacceptable. That is one area where some

contracts are even conceived purposely for stealing public funds. Certain contracts are awarded to specific parastatals, not with the aim of having those contracts completed, but in order to defraud public funds. We have inflation of contract cost. This is very rampant in Government parastatals and Ministries. This problem has been highlighted year in, year out, in the PAC Reports and nothing seems to be changing over the years.

There is a lot of indiscipline in the manner in which we manage our resources. This is because the recruitment of public officers in this country is not based on any merit consideration. In most cases, we find that people are given jobs on tribal basis. These are the kind of people who are messing this country, and they are the people who have brought the economy of this country to its knees. As long as we continue hiring Government officers on tribal basis, the volume of the PAC Report will continue to increase. This year, we have two volumes and, maybe, by next year, we shall have three volumes. In another ten years, maybe, we will have 20 volumes of the PAC Report.

Mr. Temporary Deputy Speaker, Sir, we have quite a number of issues that the PAC Report dealt with. These issues are normally brought to this House so that this House can deliberate on them and take the corrective measures recommended by the PAC Report. Most of these recommendations touch on our brothers who sit on the Front Bench. As long as we will have them on the Front Bench, I can assure you that nothing will ever come out of those Reports.

It is strange that an individual *Mhindi* in the streets of Nairobi can be summoned by a serious Committee like the PAC, and he snubs the summons. This has happened not just for one year, but for three years. We are told that this *Mhindi* comes here and he is given Government security. He is normally received in the VIP lounge by even some of our Ministers. Is this *Mhindi* an agent of corrupt Kenyans, or has he been doing all these things for himself?

It has become a tradition for certain Kenyans to pick on members of the Asian community, use them for very negative exercises, like looting of this country and, maybe, at the end of it all, they are advised to leave the country, the way Mr. Ketan Somaia has left. Maybe, very soon, there will be another one who will follow him, so that these brothers of ours are left to enjoy the sweat of Kenyans.

Mr. Temporary Deputy Speaker, Sir, when we talk right now about our economy, it is totally on the brink of collapse. And this is not out of economic activities of the world, but out of choice. We have chosen that the economy be what it is, as at now. We are now globe-trotting, crying, and yet, we are not doing anything to change the way we have managed our affairs in the past. We are not doing anything to try and address ourselves to the realities of our present economic order. All we do is to run around, blame each other, and say: "Oh! The International Monetary Fund (IMF) is not giving us money; the World Bank is not giving us money; they are giving us a lot of conditionalities." The reality of the mess that we have put this country into is here with us. And we can no longer continue pretending that all is well, when we are slowly grinding to a halt.

It is high time we sat down and addressed these issues with sobriety. The first step is to go back to where we strayed. In going back, there is no pretence about this; we will have to step on certain toes of some people. Unfortunately, most of these toes of those people are in this House. Unless we do that, and unless we take aggressive steps towards redressing this situation, we will be simply dancing in circles, and very soon, our dance will come to a halt.

There is the problem of performance by civil servants and parastatal chiefs; that is, the manner the finances that are allocated to these departments are handled. There is a problem in the manner in which recruitment is going on in parastatals. There is even a problem in the manner in which we want to retrench our workers. If you go out there, you will be told that we must have retrenchment of teachers. Go to any school in the countryside, and you will find that there is not a single school with enough teachers. Are we addressing the right issues when we say: "Okay, fine, let us retrench teachers?" What needs to be looked into is the 8-4-4 Education System, which is a big financial burden to our Government and on the teaching force that we have in this country. It is a burden to everybody; that is, the parents, the pupils, and to this Government. So, before we start talking about retrenching teachers, we must address the structure of the 8-4-4 Education System.

I will now touch on the agricultural sector. The agricultural sector in this country is collapsing. We are pumping in a lot of money into the agricultural sector, but we are not realising any returns out from this gesture. If you go to Western Kenya and look at the sugar industry, you will find that it is a very sad story. We produce almost enough sugar for our consumption, but what does the Government do? The Government allows individuals to import sugar into this country without paying taxes. These problems have crept into the tea, coffee and milk industries, and they have all collapsed. Which agricultural industry is moving? There is none!

As a priority, we must not pretend to belong to the world-class. Sooner or later, we will have to re-look at the benefits of the so-called liberalisation policy. It has contributed substantially to the state in which we find ourselves today.

With those few remarks, thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Nyachae: Thank you, Mr. Temporary Deputy Speaker, Sir. I will be brief. It is very difficult to decide on what to say about the Report of the PAC, which was presented yesterday, when you look at the amount of Kshs580

billion collected from the public and disappearing, and here we are, as a Parliament which voted for this money and authorised the system to collect this money from wananchi. And we, then, as leaders elected by wananchi, who are being asked to pay these taxes, and they do pay, are unable to explain to those same people who elected us how that money has been spent. I think the sooner this House became more serious on how we are going to run the public affairs of this nation, the better.

I stood up only to grumble! Every hon. Member who has spoken since yesterday has been grumbling! We are still grumbling! We have not come up with a decision on the action to be taken. I followed the discussions closely when the Chairman was presenting the Public Accounts Committee (PAC) Report. The debate was: "We should not mention people! We should not do this or that! Leave your notes! Just present what is in the Report!" In other words, we were being told: "Do not mention the criminals!" That is what was happening! We have got to insist that since we authorise the taxation and vote for public funds to be used, the people who steal must be known, and the necessary action taken against them.

I am not a lawyer, but we have many lawyers in this House. I do not know the interpretation of a criminal. Out there, the police seem to know the criminals, even those who steal a small loaf of bread from a hotel. They are considered to be criminals. But people in the system--- What do you call what is mentioned in the Report, when money has been stolen? What is the difference between theft out there, and theft in Government offices? What is the difference in law?

An hon. Member: It is criminal!

Mr. Nyachae: If it is criminal, why is action not being taken? This is the question members of the public are asking! When I talk about this, I have gone through a major war---

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the former Minister for Finance to tell us that steps should be taken against criminals who have stolen money, when, when the former Anti-Corruption Authority Director wanted to prosecute some people who had embezzled Government funds, he was against it and made sure that the Anti-Corruption officer was sacked?

Mr. Nyachae: Mr. Temporary Speaker, Sir, I would like to forgive my friend, hon. Wanjala, because he does not know the inside story!

(Applause)

But for his information, the officers who were accused of committing a crime--- The plan was for the officers to be taken to court, be found with no case and suspended from their jobs, because they were obstructing the thieves! That is why I took that stand!

(Applause)

I will be quite happy to have a cup of tea with hon. Wanjala out there, to brief him on what happened!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, what concerns me most is this: When you steal---

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Nyachae, you are making it official here, about the cup of tea? Are you carrying this debate over to---

Mr. Nyachae: That, Mr. Temporary Deputy Speaker, Sir, that is with a light touch between me and my friend! When you steal from your brother who is a mature man---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Nyachae, the Chair will not steal! Actually, you had better watch your language now! I think you should use the language that is appropriate in this case. You should use parliamentary language!

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, I am trying to look for interpretation of what you call "stealing" in this House.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Nyachae, look for it and then use it!

Mr. Nyachae: What I am saying is this: If I may leave out the word "stealing", when children walk with their mothers, and they are bought a soda, the soda has tax in it! The idea here is to tax the child drinking the soda. This is because tax has been collected out of that soda. When you "eat" - I leave the word "steal" - the little that belongs to the child, who are you? This is the problem that I have! We are exploiting the sick because they pay at the

hospitals. We are "eating" from the child, and old women, and everything is taxed in this country. I have done taxation myself and, therefore, nobody can dispute what I am saying. Everything is taxed in this country. When passengers who work for 24 hours climb a matatu and pay the fare, that includes the cost of the fuel. Everybody is taxed. That is the money we are talking about. The amount of Kshs580 billion was taken from the poorest person, youngest child and everybody else. Are we not going to accept that the system of managing public affairs has fallen apart? That is what we are saying! If we admit that things are wrong, and that is what we are admitting here, what are we doing?

Mr. Temporary Deputy Speaker, Sir, what I am saying here is this: There is no way this country can carry on the management of taxation through this Parliament, year in year out, with Public Accounts Committee Reports of this kind coming in. The Report is brought, we grumble and the year goes! The next year, we get the Report, grumble and the year passes, yet, the misery out there is so grave and serious. I think we, as Members of Parliament, are pretending! One of these days, I am telling you here--- I have managed human beings for a long time. I saw some Members of Parliament saying: "Some elderly politicians should retire!" I am among those elderly people! If you want us out, we will go! We might even be safer! This is because, one of these days, you are going to wake up and find wananchi out there saying: "Enough is enough!" You are not going to continue pretending that you are managing a nation when everybody is suffering! When we go out there and hold meetings, we complain about the same things since the House is not listening! We say: "Let us go and complain in front of our people to tell them that we are not all the same!" You find policemen with riot gear coming around, so that you do not say these things! Sometimes, when you complain, you are told: "You are abusing!"

These days, because I did not read a lot of English like my children, I go to the dictionary to find out what the word "abuse" means. I always wonder whether complaining about what has gone wrong is the same thing as abuse.

(Applause)

Right now, when I say wananchi have been exploited, Mr. Temporary Deputy Speaker says I have used unparliamentary language. This is because I have used the word "stealing." The wananchi out there tell me: "You people have stolen!"

Sir, we have not stolen, but we have "eaten". This is the problem we face in this country because wananchi understand what stealing is all about. This is because, if it is just simply "eating", then why are we complaining about the poor state of our economy? Apart from eating, stealing or exploiting our people and let us also accept that we are behaving as if we are not responsible to anybody in this country; that is, we are not responsible to wananchi. One of the wars I had with these people, when I was in the Government, was the control of expenditure. There are some people who hate others because they want to exploit taxpayers' money and do things which they cannot afford on their own. Some people want to have carpets in their offices, and yet, in their houses, they do not have them. They want to drive Mercedes Benz cars, but they cannot afford to buy even a simple pick-up. They come here and ask us to give them money, but it is a pity that they go and spend more money than what was allocated to them. They buy expensive things, but the moment they are sacked, they go back to their miserable wives and children where there are no carpets on the floor, cars and so on. Sometimes, I do remember when I was a civil servant, I saw a Minister who, when he was sacked, went home by third-class train. It is on the record.

Hon. Members: Who was he?

Mr. Nyachae: If you do not know the name of that Minister, please, go to the newspaper' libraries and you will get that information. Therefore, we need to understand that this country cannot afford certain things. We must, therefore, start thinking in terms of discipline. Financial discipline is very important in any organisation, be it a country, a company or a kiosk. Financial discipline is necessary in our lives. That is why, because of my financial discipline, when I check my money in the pocket, I do not want anybody to see what I have. By so doing, I want to make sure that I give out little of it as I reserve some for my children. That is the financial discipline, I am talking about. It has to start with an individual. However, we have to fear the people I refer to as "Mt. Kenya trouts." I do not know whether you know how a Mt. Kenya trout drinks water; it faces the river upwards and opens its mouth, and all the water flows into its mouth through the jaws, and it takes all of it. That is how some people are "drinking" our money.

(Applause)

This is a very sad thing for this country. Let nobody assume that we hate, or we are bitter with anybody. Let us have one thing clear in our minds; that, when you are given a chance to lead, you must know that it is just a privilege and a trust. Honour those two things and when you die, people will remember that you were trustworthy and you accepted

responsibility in accordance with the trust they bestowed on you. But when you are given a position of leadership and you forget that it is a trust that has been bestowed on you, you will become a boss and say you must eat before your time is up. This is a very sad situation.

Mr. Temporary Deputy Speaker, Sir, my appeal today in this House is that grumbling should not be considered as part of our history. I know it cannot be done today; but can the appropriate Committees of the House make recommendations to this House, so that we create a legislation which will assist us to punish these thieves? Out there, I refer to them as thieves, but in this House, I am told that it is unparliamentary to call them thieves. However, a way must be found to discipline people who do these things. This is because the report we are discussing now is almost four years old since it was compiled. Perhaps, a good number of fellows mentioned in it, ate and went away.

An hon. Member: Some of them are in the Cabinet!

Mr. Nyachae: Yes, some of them are here. Some civil servants have been retired and others sacked!

There is something that was mentioned yesterday in this House which reminded me of my days as a civil servant; that is the management of imprests. During those days, there were regulations to govern imprests. You would get the imprest for a specific purpose and on return, you would account for it before you could be given another imprest. Today, it appears as if civil servants are taking imprests without accounting for them. One of the things why I am trailed everywhere by the police in riot gears, and my telephones tapped, is because, early last year, I stumbled on Kshs229 million in the form of imprests given to some civil servants and vowed to get hold of them. But before I got hold of them, I was out of the Cabinet!

An. hon. Member: Pole sana!

Mr. Nyachae: Just imagine money voted by this Parliament, to the tune of Kshs229 million, is in the pockets of civil servants who are earning salaries every month; and that is called imprests? How do you run a country like that?

Mr. Temporary Deputy Speaker, Sir, my concluding remark is: If you have any morals and the interest of this country; you have a wife and children, relatives and friends, but you see them all poor, what do you feel? We have educated our children up to university level, but most of them are in the streets. When they are not employed and you are still eating, then something must be wrong in your mind. Do you have any morals when you see graduates on the streets? Can we change our attitudes? Can we stop grumbling and punish the criminals?

Mr. Temporary Deputy Speaker, Sir, I conclude by saying that, serious actions must be taken against individuals mentioned in this report.

(Applause)

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the adoption of the Public Accounts Committee (PAC) Report. We all agree, after reading this Report four years after the facts, that it is tragic for this country. This is because it is the answer to the poverty that prevails in this country; a country that was once doing very well. In 1963, the country was at the same level with Malaysia, Singapore, Uganda and even China. But today, you will find that the level of poverty in this country, arising from the kind of conduct we find in this Report, is abominable.

The former Minister for Finance has given a very good overview of why Kenya is in trouble, the way it is seen today. This country is in trouble because 70 per cent of Kenyans are living below the poverty line today. It is the poverty line that has been contrived below the usual poverty line. In fact, about five or six months ago, it was accepted that people who earn Kshs950 per year are not living below the poverty line. But the truth is that there is nothing you can do in this country today with Kshs950. I am saying that this Report is the dictionary of corruption in this country. Four years after the facts, it is incredible that, that level of corruption has been perpetrated in this country when there is a Government with a Front Bench. It is incredible that in the 1995/96 Financial Year, which is covered by this Report, a Budget was read in this House. That Budget that was read by the then Minister for Finance in 1995 prescribed, in very precise terms, how Government money, I presume it could have been Kshs180 or Kshs170 billion-- I know there are very many Ministers for Finance who have come and gone since that time, but I know that a Budget was read in this House that prescribed how Government money would be spent. At one point, I was reminded to call the Report a "Bible," but I thought that I was going to use that word improperly, and I called it the "dictionary of corruption" of what should not have happened when there was a Budget that had been read in this House.

Mr. Temporary Deputy Speaker, Sir, what is important now is to think of ways of stopping corruption. It does not augur well for this country and people who expect action from the Government to find, four years after the facts, that no action has been taken by the Government.

If you go through that Report, you will find the extent of public debt. In this country, we have a public debt that is touched in this Report. This debt goes to Kshs320 billion. How much money do we pay every year in terms of

interest on public debt? That is money that has been borrowed and "eaten" by the "Mount Kenya trouts" of this country. How much money do we pay in terms of interest on public debt that stood at Kshs320 billion in 1995? I know the local debt in this country today stands at Kshs150 billion, and we pay the same amount of interest on the local debt as we were paying on Kshs320 billion in 1995. Every month, this country has to look for Kshs4 billion to pay as interest, and that is money thrown to the wind! It is absurd for a poor country like this one to pay Kshs4 billion as interest. Now, the problem is that the country cannot default because if it does, you will find that the Government has been taken over by new managers, and after that it is directed on who to put where and in which office. There is no way we can have Independence in this country when you have that level of public debt taking so much money every month as interest, and everything else comes after. Whether you are sick or with education, you have to pay Kshs4 billion as interest. This is money which is "thrown to the wind" again.

Mr. Temporary Deputy Speaker, Sir, if you go through this report you will find the expenditure that this Government has managed to incur. You will notice that public funds have been spent and you cannot say whether they were actually spent on the fiction that could have been told by a certain Government official. There is no receipt or indication that the money went to the project for which it was obtained. That is money that is going out of the Treasury in billions. Illegal purchases are contained in this Report. Yesterday, when the chairman of the PAC gave his Report, he told us that Kshs3 billion has gone towards the purchase of the Presidential aircraft. How many vehicles have been bought in this country, and they are no longer valuable? How much money has gone to the Nyayo car? That money has been wasted. We have not produced a single vehicle in this country and billions of shillings have been spent on these illegal purchases.

The computerisation project in the Ministries is also another area where so much public money has been misspent. If I give you an example, in 1997, Tetu Coffee Co-operative Society in Nyeri spent Kshs8 million on computerisation. This was a white elephant. There was no feasibility study done, or no indication about what the computerisation project, was supposed to attain, but somebody was paid Kshs8 million for the purchase of the computers. It is clearly indicated in this Report how much money has gone into the computerisation project and it is a sad matter. There is a restricted group of Kenyans who are so innovative in terms of how to fleece the public. If that innovation could be applied to a more useful end instead of thinking and dreaming about a project and since you are not paying for it, you decide that you are going to get money from the public funds. Since you are powerful, you end up spending that money.

How many projects in this country are lying idle despite the fact that millions of shillings were invested in them? How much money has been put into these projects by the present Government and as soon as the person has had his cut, that project is abandoned? Today we are rationing electricity. I thought in Kenya we would never ration electricity after all this great talk about the Turkwell Gorge and the Seven Forks Electrification Project on the Tana River. I live in Mugoya Estate and there was no electricity there today at 8.00 o'clock and for the rest of the day. How many people are spending a whole day walking in the streets of Nairobi because there is no electricity? How much money was spent on the Turkwell Gorge? I thought we were supposed to be exporting electricity to poorer countries like Sudan and Ethiopia. It is all fiction.

With all this ingenuity and intelligence about corruption, why have the masters of corruption not applied that ability in doing something worthwhile for this country? Why do we not run an underground system in Nairobi? There is a lot of money in that kind of project and we will not have Kenyans killing one another to get into a matatu every morning. Why do we not think about it? They just want to use the money. You might think that this is just another idea coming from me, but it is going to be very practicable. That would be a worthwhile project for Nairobi. Maybe that could be the only way we could deal with the high rate of traffic on our roads. If you were to travel from the City Centre to Kenyatta National Hospital, you can take a maximum of one hour. That is all wasted time, energy and resources! That is happening on our roads every morning and every lunch time, and it is going to happen this evening when these hon. Members will be going home. But they do not think about how we are going to change this order.

Mr. Temporary Deputy Speaker, Sir, the PAC Report is a litany of illegal construction projects. It is a litany of how much money has been used on the Defence Forces of this country. The defence of this country can be very easy if we have the support of our people. There is no one who can defend this country if he does not have the support of the people. But how much money has been spent, so that the Army can be equipped properly? I am not suggesting in any way that the Army should not be properly equipped. It should be properly equipped for it to be an efficient fighting machine. But even the Kenya Army has also been a conduit for stealing public money. If you go through this Report, you will find import duties that have not been collected because somebody is gaining out of it. If you go through this Report, you will find that even money that is being paid as debt by the Government, and which has been redeemed, continues to be shown as money that is owed by members of the public in this country. Kshs5 billion which had been redeemed by 1995/96 is still being shown here as outstanding loans to the people of this country, and it is being redeemed every year. Why should that be happening? It is because bogus contracts abound in the name of the people

of this country, using money that we know is hard-earned. When we go through the reports of the PAC for every year, you will be surprised to see the amount of money being plundered.

Mr. Temporary Deputy Speaker, Sir, I have indicated that it has not been possible to complete this Report because one issue that continues to nag this country is the Goldenberg International saga. I do not intend to discuss that one because it is a miasma of theft but the *sub judice* rule even prevents the PAC from getting into the bottom of that issue. That is clearly indicated in the Report; that, the Committee could not go into the issue of Goldenberg because of the *sub judice* rule. How much money is hidden behind the *sub judice* rule as far as Goldenberg is concerned? It is Kshs68 billion! I am not discussing that issue anyway.

Let me now turn to the question of the need to reform the Government in this country. I know that we have gone through the reshuffles and the consolidation of the Ministries. Essentially, this country started with 18 Ministries at Independence in 1963. We have seen a record of 27 Ministries, but now we have gone back to 15 Ministries.

Mr. Temporary Deputy Speaker, Sir, what is going to be involved in all these forces about Government reform? It is important to have an objective because, eventually, it is the people of this country who pay for these experiments in the Government, 35 years after Independence. We want to be told, how much are we going to save so that the necessary services that should come from the Government can be given to the members of the public? That is what is lacking in terms of indication on how much saving we are going to make from the just concluded changes in the Government. But it is important that, that becomes an objective to say that the Government has been reduced in size. We have reduced the size of the Government by 40 per cent and, therefore, we are saving so much of public funds, and that money will be made available during the next Budget. That has not happened! I can say that failure to do so means that we are only going to pass on the problem, and later on you will find that it was not even worthwhile.

Mr. Temporary Deputy Speaker, Sir, if only the money that has been lost through mismanagement was available, we could have been talking about what hon. Tonny Ndilinge was talking about; we could have been involved in irrigation projects in this country; irrigation projects in areas where we have prime land but there is no water. We could have made our people self-sufficient in food. We would not have relied on relief food year in, year out. That is money that would have been there in the coffers. That money could be used to dam the 16 rivers that we have in Ukambani. It has happened in Egypt and I do not see why it cannot happen in Kenya. They have the Aswan Dam in Egypt. It has happened in Volta and in Ghana. It has happened in Nigeria. Why can it not happen in this country? We always talk about shortage of funds. If you go through this Report, this is not a poor country. There is a lot of money in this country and that is what we should have involved ourselves in. I can see that the Minister in the former Ministry of Environmental Conservation is smiling when I talk about Ukambani. I will continue speaking about Ukambani because it continues being an embarrassment; to feed people year in, year out, and yet they are hard-working people.

Hon. Ndilinge told us that the Akamba people work day in, day out. They work 16 hours a day, and yet they cannot feed themselves. What is wrong if you are working 16 hours a day and you cannot feed yourself? That is what we should be investigating. What is enumerated in this Report are projects that do not benefit anybody. Corruption has become just an industry in this country. It is no longer an on-and-off random event that happened somewhere. It is not just one thing that happened sometime in 1966 when a Permanent Secretary was imprisoned because of corrupting the Central Medical Stores. I still remember that one. Now, corruption in this country, is a big industry and money could have been better spent not only in Ukambani, but in North Eastern Province.

We have talked about there not being a single kilometre--

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members, it is time for the interruption of the business of the House. The House, is therefore, adjourned until tomorrow, Thursday, 7th October, 1999, at 2.30 p.m.

The House rose at 6.30 p.m.