

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 13th 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:-

Annual Report and Accounts of Kenya Trypanosomiasis Research Institute for the year ended 30th June, 1995, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Industrial Research and Development Institute for the year ended 30th June, 1994, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Industrial Research and Development Institute for the year ended 30th June, 1995, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenyatta University for the year ended 30th June, 1996, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Higher Education Loans Board for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Jomo Kenyatta Foundation for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Literature Bureau for the year ended 30th June, 1998, and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education,  
Science and Technology (Mr. Awori)  
on behalf of the Minister for Education,  
Science and Technology)*

### NOTICE OF MOTION

CONSTITUTION REVIEW COMMISSION  
STAKEHOLDERS' MEETING

**Mr. Raila:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, while noting that the Constitution of Kenya Review Commission (Amendment) Bill, 1998, received the Presidential assent on 24th December, 1998, with a commencement date of 30th December, 1998, and cognisant of the fact that the implementation of the Act has been hampered by the disagreement of the nomination of commissioners among some stakeholders; concerned that the review process is now behind schedule as a result of the impasse; this House urges the Attorney-General to reconvene the meeting of all stakeholders not later than seven days on approval of this Motion; and further that each stakeholder listed in the Act be represented by two persons at the said meeting.

## ORAL ANSWERS TO QUESTIONS

### *Question No.450*

#### COLLECTION OF FUNDS BY KITUI DC

**Mrs. Ngilu** asked the Minister of State, Office of the President:-

(a) if he is aware that the DC, Kitui, has been authorising chiefs and assistant chiefs from various locations in the district to collect funds for such programmes as the Bomb Blast, Presidential and Provincial Commissioner's visits

Mutomo, and more recently in Mutito, Madaraka Day Celebrations, Eastern and Southern Kenya Agricultural Show;

(b) how much money the DC has collected for the aforementioned programmes between 1998 and 1999; and,

(c) under what authority/law the DC has continued to enforce these collections.

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, there was an answer which was ready, but I am not satisfied with it. I am requesting this House to give me time until tomorrow, to give a comprehensive answer to that Question.

**Mrs. Ngilu:** That is alright, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. The Question is deferred.

*(Question deferred)*

**Mrs. Ngilu:** Thanks a lot.

**Mr. Speaker:** Thank you. Next Question, Mrs. Kittony.

### *Question No.366*

#### COMPLETION OF SITATUNGA/SINYERERE/ SIBANGA WATER PROJECTS

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

**The Assistant Minister for Water Development** (Mr. Kofa): Mr. Speaker, Sir, I wish to be given more time until next week, because the answer is not yet ready.

**Mrs. Kittony:** Mr. Speaker, Sir, this Question was not answered during the last Session. I am very disappointed that the Assistant Minister is not in a position to answer it, because next week I will not be in the House. I will be very happy if the Question is answered tomorrow.

**The Assistant Minister for Water Development** (Mr. Kofa): Mr. Speaker, Sir, the Question is fairly detailed, so we need a very comprehensive reply. I request that it be pushed two weeks ahead.

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. We should find a solution to this issue because it is becoming too frequent that Ministers come to this House, with the excuse that the answer is not ready, or that they are not happy with the answer they have received. Could the Chair make a ruling that Ministers be compelled to give comprehensive reasons why the answer is not ready, or why they are not satisfied with the answer so that we put a stop to this practice?

*(Loud Consultations)*

**Mr. Speaker:** Order, Mr. J. Nyagah! That is why you are not answering Questions; because, you are not even listening to the Chair! It was just last week that I said it is the duty of Ministers to answer Questions. I went further and said that every hon. Member's first duty, including Ministers, is to Parliament, and everything else is second. We have the Leader of Government Business in the House. What is your reaction to all this?

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I am very much in concurrence with what you have said. There is no doubt that our first priority is to this House, because this House is what has made us. However, where there have been certain instances where difficulties have arisen as a result of the Ministers having not been in a position to answer Questions, may I promise this House that I will definitely look into that issue, to ensure that the Questions

are addressed.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that he does not have an answer for this simple Question, which seeks to find out whether money has been voted for this project or not? What is he going to find out?

**Mr. Speaker:** Mr. Angwenyi, I am only sitting here; I can assure you, I do not know anything about that Ministry. I will defer the Question to the week after next week, when Mrs. Kittony will be here. Get in touch with the Clerk of the National Assembly and inform him of the date suitable for you. Is that alright with you?

**Mrs. Kittony:** Mr. Speaker, Sir, I have requested the Minister to give me the answer tomorrow. Even when you called my name, I was taken by surprise because I had even forgotten about it. It is a long time since I put the Question to the Ministry.

**Mr. Speaker:** Well, I am trying to avoid a situation where tomorrow, again, it will not be ready. So, could we give them a week? Get in touch with the Clerk for a date convenient to you.

*(Question deferred)*

*Question No.543*

MISUSE OF FUNDS BY NYABOMITE  
FCS MANAGEMENT COMMITTEE

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

(a) if he is aware that in accordance with the report on the inspection on Nyabomite FCS Ltd., Ref CS/394/Vol.VIII/40 dated 24th March, 1999, by the District Co-operative Officer and two co-operative officers from Nyamira District, the management committee of Nyabomite FCS Ltd. misused Kshs8,201,673.70 without authority or justification, between 1st October, 1997 and 28th February, 1999;

(b) if he is further aware that the management committee of Nyabomite FCS Ltd. colluded with M/S Oriental Hardware of Kisii, M/S Rhamba General Supplies, M/S Floba Traders, M/S Kenlove Insurance Agency, the General Manager of Kisii FCU Ltd., and the Kisii branch of the Co-operative Bank of Kenya to defraud the farmers of Nyabomite F.C.S Ltd; and,

(c) what measures he has taken against the management committee.

**The Assistant Minister for Agriculture** (Mr. Ruto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the District Co-operative Officer and his two officers from Nyamira District carried out an inspection at Nyabomite Farmers Co-operative Society Ltd., in February, 1999. The findings of the inspection indicated that there were some irregularities at the society. However, these initial findings did not go deep enough into the financial transactions of the society. Subsequently, I sent the Commissioner for Co-operative Development to the society to assess the situation. At a meeting held at the society offices on 23rd September, 1999, and attended by my officers and the society general members, it was found necessary that a detailed report on the operations of the society be prepared. Pursuant to this recommendation, I have directed the Registrar of Co-operative Societies to conduct an inquiry into the affairs of the society with immediate effect. The findings of the inquiry report shall be tabled at the society's general meeting, which shall determine the next course of action as required by Section 58(3) of the Co-operative Societies Act No.12 of 1997.

(b) The preliminary report points to a possible collusion between the then management committee members and the various parties mentioned. However, the inquiry already set up will determine the involvement or otherwise, in the improprieties alleged.

(c) Following several complaints from the members of the society, my Ministry requested the management committee to convene a special general meeting at which the members could air their grievances. At the meeting, the members made several allegations pointing to mismanagement of their society. As a result, the Ministry appointed a team of officers in February, 1999, to carry out an inspection of the society. On 7th April, 1999, the report was presented to the members in a special general meeting and adopted. At this meeting, the entire management committee was voted out and a new one elected. Based on this preliminary report, and taking into account the gravity of the allegations, the Ministry reported the matter to the police, who arrested the former Executive Committee members and subsequently bonded them. I believe police investigations are still going on, while I am also conducting the inquiry.

**Mr. Anyona:** Mr. Speaker, Sir, that is a long tale that really does not tell us very much. This is a very serious matter, which has taken a long time, and the Assistant Minister tells us that he and the police are still investigating. Could the Assistant Minister tell this House what he is going to do about the role of Oriental Hardware, who are the

centre pin of this corruption, and the role of the police who have been told to take action, and have even defied the Commissioner of Police and the role of the courts? When these people were removed, the court reinstated them. Are we fighting corruption, or are we building corruption in this country?

**Mr. Ruto:** Mr. Speaker, Sir, indeed, a few other parties mentioned--- And, particularly, Oriental Hardware is apparently a very notorious organization that does not seem to bother much about the farmers' interests. As I mentioned, the inquiry will indicate the actual extent of these frauds if there were any. As regards the police, they are doing their investigations, and we believe they will take action. I do not think I am able to comment on the court action.

**Mr. Obwocha:** Mr. Speaker, Sir, this issue of Nyabomite Farmers Co-operative Society is in my constituency. Even the hon. Member who raised this Question should have had the courtesy to consult me in the normal way in which we operate in this House. However, I would like to ask the Assistant Minister to assure this House that the new management committee that was recently elected by the members is in place while the investigations to get into the root cause of the misappropriation of this money by the former management committee are continuing.

**Mr. Ruto:** Mr. Speaker, Sir, as I mentioned earlier, the members elected a new management

**[Mr. Ruto]**

committee, but the old management committee went to court and obtained an injunction maintaining the old position. The matter is still pending in court, and I cannot determine when the case will be over.

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Assistant Minister confirm whether this amount of Kshs8,201,673.70 was actually determined by this committee as being misappropriated?

**Mr. Ruto:** Mr. Speaker, Sir, as I mentioned earlier on, the preliminary report indicated that the figure of Kshs8.2 million was actually misappropriated by the management committee, but we cannot use that conclusively in court until the full inquiry conducted by the Commissioner of Co-operatives has been finalised.

**Mr. Anyona:** Mr. Speaker, Sir, the coffee industry in Kisii, as in other parts of the country, has collapsed and that is why there are wars in some parts of the country. We do not want that war to engulf Kisii as well. The only fair way to clean up the coffee sector is to allow the farmers to run their own business, and that is why the Co-operative Act was changed. Could the Assistant Minister assure us that from now on, he is going to order elections for co-operative societies up to the union, on the basis of the new law so that we have managements in these societies that have the confidence of the farmers?

**Mr. Ruto:** Mr. Speaker, Sir, I wish to confirm that the District Co-operative Officer, Kisii, has been instructed to ensure that fresh elections are held throughout Kisii in coffee co-operative societies.

**Mr. Speaker:** Next Question, Mr. Ndicho!

*Question No.530*

EVICTON OF OLD TENANTS BY RUIRU MUNICIPALITY

**Mr. Speaker:** Mr. Ndicho is not here? That Question will be stood over for now. Next Question, Mr. Sungu!

*Question No.094*

ALLOCATION OF KIBOS PRIMARY SCHOOL LAND

**Mr. Sungu** asked the Minister for Lands and Settlement:-

- (a) whether he is aware that all the land belonging to Kibos Primary School has been allocated to private developers;
- (b) under what circumstance the land belonging to this school was allocated to the Homa Group; and,
- (c) whether he will consider returning the land to the school, which has a registered student population of 320, with eight classrooms, and serves the people of Kajulu, Kolwa as well as Kondele.

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

(a) I am aware that Plot No. LR 14263 in Kibos on which Kibos Primary School stands was allocated to Messrs. Homa Group Limited for the purposes of developing a sulphuric acid plant.

(b) The allocation of the land was done in 1985 after it was established from our records that the plot was uncommitted Government land. It was, however, later on, established that a primary school existed on the ground.

(c) On learning of the existence of the primary school, the Government registered a caveat on 3rd February, 1998, against the title deed to protect the interests of the school.

The Ministry is considering allocating the Homa Group an alternative piece of land so that it can register the land in favour of the primary school. In the meantime, the school should submit a formal application for the land for consideration by the Ministry.

**Mr. Sungu:** Mr. Speaker, Sir, may I thank the Assistant Minister for the very good answer he has given. But the question that begs for an answer is how the Ministry could have allocated land belonging to a primary school which had existed since 1963, in 1985? Why are they asking the school to apply for a fresh allocation of the plot because of a mistake which was made by the Ministry?

**Mr. J. Nyagah:** Mr. Speaker, Sir, for sometime, the Government has been appealing to public institutions and schools to ensure that they have title deeds for their pieces of land. I would like to appeal once more to all schools in this country to apply for title deeds so that they can be sure that they own the plots on which they stand. To answer the other question, it was established that when the plot was allocated to the Homa Group, our officers did make a mistake because they did not physically visit the particular plot. It was only after the complication arose that we visited the site and established the same. That is why we are now correcting the situation.

**Mr. Raila:** Mr. Speaker, Sir, if Government land exists in urban areas, it must be subjected to urban planning. Kibos is an urban area which is part and parcel of the greater Kisumu Town. A sulphuric acid plant and a primary school are two very incompatible projects. Can the Assistant Minister tell this House how a sulphuric acid plant was allocated land on which a primary school was standing? Can he also give an assurance that Government land in urban centres will be subject to urban planning?

**Mr. J. Nyagah:** Mr. Speaker, Sir, I wish to confirm that our Physical Planning Department is actively trying to plan all the towns in this country. In this particular case, it was, in fact, as a result of zoning an industrial area that Kibos Primary School found itself there. But there has been an understanding with the Kisumu Municipality that they would move the school out of the site as this area had been zoned as an industrial area. Now that, this has not happened, and in the interest of the 320 students in that particular school, it was found necessary to keep the school there and find an alternative site for the Homa Group.

**Mr. Sungu:** Mr. Speaker, Sir, I want to take issue with the hon. Minister in one particular aspect. Why must the school apply afresh for the land which actually belonged to them? This land originally belonged to the people of Kisumu. Why do you not give alternative land to the industrialists instead of allocating them the school land?

**Mr. J. Nyagah:** Mr. Speaker, Sir, my grandfather owned 3,000 acres and until he got a title deed, it was not his land. What we are saying is that the school should apply for a title deed, so that in future nobody will be in a position to take the plot from the school. We want to ensure that the school keeps this land for ever.

#### *Question No.376*

#### ISSUANCE OF TITLE DEEDS IN LONGONOT LOCATION

**Mr. Kihara** asked the Minister for Lands and Settlement when title deeds will be issued to plot owners who were allocated land in the Eleri area of Longonot Location in 1976.

**The Assistant Minister for Lands and Settlement (Mr. Tarar):** Mr. Speaker, Sir, I would like to request for more time so that I can answer this Question. The Question which has been put by the hon. Member concerns Eleri area in Longonot, but the answer that we got in the Ministry is for Eleri Company. So, confusion arose because of the two Eleris. I am requesting to be given more time, and I have seen the hon. Member about the same and he is in agreement.

**Mr. Speaker:** Are you okay, Mr. Kihara?

**Mr. Kihara:** Mr. Speaker, Sir, I am okay, except that I would like to know when to expect an answer. As you can see from the Question, these people have been there since 1976 without title deeds. We need title deeds to be able to claim ownership of this land.

**Mr. Speaker:** Hon. Members, when I defer Questions, they come back to the administration of Parliament. We are the ones who put them on the Order Paper. Hon. Members have no role in fixing the business of the House. So, take it from me that when I defer a Question, it will appear on the Order Paper within a very good time. I want every hon. Member to understand that so that we do not take any further time asking Ministers when they will come back to the House to answer Questions that have been deferred by the Chair. I will always make them come back to answer

those Questions.

*(Question deferred)*

*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 the *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, my understanding is that we have already answered this Question and I have got a copy of the answer which is proof to show that we answered it.

**Mr. Githiomi:** Mr. Speaker, Sir, we want to know the progress because we were told by the Assistant Minister that he is going to do the road that is impassable. Can he then tell us how far he has gone in trying to patch up what we call the impassable portions of the road?

**Eng. Rotich:** Mr. Speaker, Sir, I do not know how to react to that because I thought the Question was over.

**Mr. Speaker:** What is happening, actually? Sorry, I did not follow. Can I know what happened?

**Eng. Rotich:** Mr. Speaker, Sir, the same Question was answered last week here. I have the records to prove that.

**Mr. Raila:** Mr. Speaker, Sir, if my memory serves me right, this Question was not satisfactorily answered, and the Assistant Minister was, therefore, asked to go back, do more research and bring a satisfactory answer. That is the reason why this Question is coming back.

**Mr. Speaker:** What was the position, Eng. Rotich, as far as you are concerned?

**Eng. Rotich:** Mr. Speaker, Sir, as far as I am concerned, I answered the Question. It is recorded here that: "Question No.531 was answered by the Assistant Minister for Roads and Public Works." I have it here.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. I remember very clearly because I also contributed with a supplementary question, and the Speaker finally ruled that the Assistant Minister should come up with a proper answer since the answer was not satisfactory. We thought that is why it is back on the Order Paper.

**Mr. Speaker:** I will have a look at the HANSARD because it speaks the truth. Allright! So, it remains that way. Next Question!

*(Question deferred)*

*(Loud Consultations)*

**Mr. Speaker:** Order! Order there! We are not doing anything at all. Proceed Dr. Ali!

*Question No.321*

GRADING OF WAJIR-MOYALE AND BUNA-BUTE ROADS

**Dr. Ali** asked the Minister for Roads and Public Works:-

- (a) when he will grade the following roads and make them all-weather roads:-
  - (i) Wajir-Moyale Road (C80)
  - (ii) Buna-Bute Road; and,
- (b) whether he could consider providing culverts to Buna-Bute Road as a matter of urgency.

**The Assistant Minister for Roads and Public Works** (Eng. Rotich): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry's programme on routine maintenance of the roads in question is as follows:

The Ministry will undertake spot improvement on Wajir-Moyale Road (C80) and Buna-Bute Road during this financial year.

(b) 32 kilometres of the road has been graded on the Achewa-Bute Road. This work started in June, 1999, using the funds allocated in the financial year 1998/99. However, the grader broke down at Achewa and

grading is expected to resume in November, 1999, after repairs of the said grader are completed. The road has 11 lines of culverts and one drift, which are required on various locations on the road. However, due to the inadequacy of fuel levy funds, it will not be possible to install all these drainage structures immediately. We plan to install two lines of culverts, which were washed out at Achewa. To this end, 60 metres length of culverts have already been casted and 20 tonnes of aggregate have also been purchased. If funds allow, we shall complete the structures.

**Dr. Ali:** Mr. Speaker, Sir, while appreciating what the Assistant Minister is talking about, there is rain in the area right now and as he says, the culverts which had been washed away have again been washed away again. There is no hope of reaching this area. I was there was over the weekend and I could not even travel. Now, the issue here is: The tractor broke down more than a year ago and it is in the bush. It has been fenced off and left there. There is no money for the repair of that tractor. When will the tractor be repaired and what funds are available for that road?

**Eng. Rotich:** Mr. Speaker, Sir, we have already allocated money for repair of the grader, and if I am correct, which I am, somebody from North Eastern Province is in Nairobi now collecting AIEs, and the amount of money allocated for this machine is approximately Kshs1 million.

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is actually contradicting himself. This is because in answer to part "a" of the Question, he says that these roads will be done this financial year. At the same time, he is contradicting himself under part "b" of the Question by saying: "When funds will be available." If he is going to do Buna-Bute Road in this financial year, it means, therefore, that money is there to do the culverts. If there is no money to do the culverts, then there is no money to do this road in this financial year. Which is which?

**Eng. Rotich:** Mr. Speaker, Sir, I do not think I am contradicting myself. What I am saying is that the money available for structures along the road is not enough to do everything. However, in our own plans, we have proposed a figure of Kshs11.2 million, which is sufficient but the money available now is Kshs3 million.

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Assistant Minister tell this House how much of the Kshs7 billion in fuel levy will be used in this district, and for which roads?

**Eng. Rotich:** Mr. Speaker, Sir, may I request for a repeat of the question, please?

**Mr. Speaker:** You want him to repeat?

**Mr. Rotich:** Yes, I did not understand his question.

**Mr. Speaker:** Order! Mr. Angwenyi, what did you say?

**Mr. Angwenyi:** Mr. Speaker, Sir, I asked: Could the Assistant Minister tell the House how much of the fuel levy money amounting to Kshs7 billion will be used in that district, and for which roads?

**Eng. Rotich:** Mr. Speaker, Sir, I wish to correct hon. Angwenyi. We do not have Kshs7 billion under the fuel levy. We expect Kshs6.5 billion and not Kshs7 billion, and I do not understand that question.

**Mr. Speaker:** For the second time, Mr. Ndicho!

#### *Question No.530*

#### EVICTON OF STAFF BY RUIRU MUNICIPALITY

**Mr. Ndicho** asked the Minister for Local Government:-

(a) whether he is aware that the tenants of Houses Nos.83 and 120 in Ruiru Municipality have paid their monthly rent to the council up to December, 1999;

(b) whether he is further aware that the Town Clerk, despite this pre-payment, evicted the old tenants on 17th May, 1999, and allocated these houses to new tenants; and,

(c) if he could order the Town Clerk to ensure these houses revert back to the old tenants.

**Mr. Speaker:** Order! We are experiencing a lot of communication problems in relation to our microphones. Is there anything we can do about it? I hope, of course, that Mr. Okemo will be very kind to us so that we can overhaul the whole lot of these microphones in order to hear and understand one another. Therefore, will you try to speak to the microphone. I realise there is a communication problem on both sides of the House.

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

(a) Yes, I am aware.

(b) Yes, I am aware.

(c) The people who were evicted by the Ruiru Municipal Council from houses Nos.83 and 120 were illegal occupants of council property. They had gained entry into the houses by breaking the doors, after remaining vacant for two years under lock. Since they were not genuine tenants of the council, I have no intention of interfering with the council in the performance of its legitimate duties.

**Mr. Ndicho:** Mr. Speaker, Sir, what the hon. Assistant Minister had given as an answer to this House is not

correct. This is because in his reply to part (a), he says that these people had paid rent to Ruiru Municipal Council, which rent the council received and has been receiving for years.

The truth of the matter is that the Ruiru Municipal Council wanted to evict these people from these houses so that they could sell the council houses to private people.

Now, in view of that information, could the Assistant Minister promise to make further investigations and order that these houses should not be sold to outsiders because they are Government property?

**Mr. Affey:** Mr. Speaker, Sir, the occupants of these two houses were evicted by the Council on 17th May, 1999. They had gained entry into the two houses after breaking the doors. Without the knowledge of Ruiru Municipal Council, they went to their lawyers, M/s J.A.B. Orengo and Company Advocates, and paid one year's rent amounting to Kshs45 per month. The two houses are apart of the about 200 houses owned by the council. The tenants have been paying a rent of Kshs45 per month. When the council tried to raise the rent, the tenants went to court and the dispute has been the subject of a court case,; Civil Suit No.3676. Due to the court case, the tenants have been paying their rent through the lawyer.

On 22nd April, 1999, M/s J.A.B Orengo and Company Advocates issued a cheque of Kshs38,725 to the council. The cheque has since been dishonoured and returned to the drawer and to date, it has not been replaced. At the time of receiving the cheque, the council did not know that it also included the rent for house No.83 and house No.120 from the occupants. If the council knew that, they would have rejected it. The council's policy of occupation of houses is by tenancy agreement with the council, where the houses are available. So, I think the hon. Member is misleading the House.

**Mr. Ndicho:** Mr. Speaker, Sir, I am not misleading the House. The bone of contention was the sale of the entire estate to private people by the former Town Clerk of Ruiru Municipal Council. Fortunately, this did not happen because the Town Clerk was involved in other matters of murdering the councillor there, and since he was taken to Kamiti Prison, the truth of this matter is that, this estate will not be sold. So, the Assistant Minister is not telling us the truth of the matter. We wanted the sale of this estate to be stopped, and since the Town Clerk is not there, the estate will not be sold.

Mr. Speaker, Sir, I am requesting the Assistant Minister to assure this House that this estate will not be sold because the issue of payment or non-payment is neither here nor there. Could the Assistant Minister assure this House that that estate will not be sold? I am giving the Assistant Minister further information.

**Mr. Affey:** Mr. Speaker, Sir, I am not aware that there is an intention to sell the estate.

**Mr. Speaker:** Very well.

Next Order!

## MINISTERIAL STATEMENTS

### RE-ORGANISATION OF GOVERNMENT MINISTRIES AND DEPARTMENTS

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I do wish to make the following statement:-

On the 6th of September, 1999, His Excellency the President, in exercise of his powers under Sections 16, 18 and 22 of the Constitution, reorganised Government Ministries and Departments as reflected in Circular No.2 of 1999, which I hereby lay on the Table.

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

Section 16 of the Constitution empowers the President to appoint Government Ministers; Section 18 confers upon the President power to assign and, where necessary, to re-assign Ministerial responsibilities, while Section 22 confers upon the President the power to appoint Permanent Secretaries. The object of the re-organisation, which saw the merger of several Government Ministries and a reduction of their total number from 25 to 15, was to enhance the efficiency and productivity of Government in the delivery of services to the Republic.

Mr. Speaker, Sir, prior to the reorganisation, the then Minister for Finance had, in accordance with Standing Order No.133, laid before the House Annual Estimates of Government expenditure for the current financial year. As hon. Members will note, those Estimates reflect the previous organisational structure of the Government. However, following the reorganisation, it has become necessary to revise the said Estimates to reflect the new organisational structure.

Accordingly, the Treasury has prepared Revised Estimates to reflect these changes, and the Minister for Finance will, in due course, be making a Ministerial Statement in this regard. It is important to point out, at this early

stage, that the global figure requested on 11th June, 1999, during the Financial Statement remains unchanged.

This House will be afforded an opportunity, within the rules of procedure, to consider the Recurrent Estimates during the remainder of the Days in the Committee of Supply and thereafter join the debate on the Appropriation Bill.

**Mr. Kapten:** On a point of order, Mr. Speaker, Sir. Is the hon. Vice-President in order to tell this House that the President has the power to appoint Ministers or establish Ministries under Section 16 when, in fact, Section 16 empowers Parliament to establish Ministries and appoint Ministers?

*(Applause)*

Mr. Speaker, Sir, if I may just read what Section 16, subsection---

**Mr. Speaker:** Well, we have got your point of order!

**Mr. Kapten:** Mr. Speaker, Sir, this is important because we have been talking about very important Constitutional Reforms and we have always said that the President has been contravening the Constitution of this country. So, it is important for me to read what the Constitutional provision is all about.

**Mr. Speaker:** Mr. Kapten, this is not something we have to argue about. Listen, he has his opinion and you have yours, which one of you---

**Mr. Kapten:** Mr. Speaker, Sir, it is not an opinion; it is the Constitution of this country!

**Mr. Speaker:** Order! Order! To the best of my knowledge, I think that matter has gone to the right place for interpretation. If you look at the Constitution, the only authority authorised to make an authoritative interpretation of the Constitution, is of course, as you know, the High Court of Kenya, and it has been doing that. So, I do not want to deal with that matter in Parliament.

Mr. Okemo!

#### RE-CASTING OF BUDGET ESTIMATES

**The Minister for Finance** (Mr. Okemo): Mr. Speaker, Sir, the leader of Government Business has appraised the House of the recent reorganisation of Government by His Excellency, through Presidential Circular No.2 of September, 1999. The import of this reorganisation is that certain services had to be merged, and others moved to new Ministerial portfolios, together with their financial allocations.

Mr. Speaker, Sir, in order to afford accountability of the budgeted funds, and for ease of distribution of both Recurrent and Development Expenditures, which were laid before this House on 11th June, 1999, to conform to the new structure of the Government---Since the accounting units have changed, it would not be tenable for the Votes to continue being discussed in their original structure. The Committee of Supply will, therefore, need to discuss and approve the Estimates on the basis of the new structure of the Government. Therefore, in order to ensure the accountability of public funds, I have re-cast the budgeted Estimates under new Votes, which strictly conform to the 15 Ministries and existing independent accounting units.

After the necessary adjustments to conform to the new structure of the Government, hon. Members will note that the overall financial allocations of Ministries taken in aggregate remain as at printed level. I also wish to confirm that the only adjustment that the original Estimates have undergone is to merge some Votes and transfer some Sub-Votes and Head Items to the new Votes. It is against this background that I wish to lay on the Table, the new Estimates of Expenditure for the Year 1999/2000, in order to enable the House to continue with the debate in the Committee of Supply.

*(The Minister laid the re-cast  
Estimates on the Table)*

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Indeed, one would welcome the reflection of Government. However, is it in order that a Cabinet that has been re-organised on the basis of austerity and reduction in expenditure should continue to carry the running of that Government at the same Expenditure as before? Is the Government not contradicting itself? From the point of view of re-organisation of the Government, and what we are being told, do we expect---

**Mr. Speaker:** Mr. Michuki, I would like to ask you a very simple question because yours is a political question and not a procedural one. When you stand on a matter like this one; unless you require clarification from the Minister, if you really have to be on a point of order on a question of procedure, I will allow you. So, do you have any procedural question to ask?

**Mr. Michuki:** Mr. Speaker, Sir, procedurally, of course, what the Minister is doing is correct in the sense that he is placing services within the accounting units because it is the services for which we vote money here, and not named Ministries; we vote specific services. Therefore, to the extent that the Minister himself is now re-allocating these services, that is perfectly in order. However, by the same token, I am saying that the reduction of those services was envisaged in the re-organised Government, which now we do not see. I am trying to find out from the Minister and the Leader of Government Business whether we shall, again, during the year, go through a process of reducing expenditure in order to reflect a trimmed Government and reduced expenditure.

**Mr. Speaker:** Mr. Michuki, if I may give some guidance, maybe, there is time for that to be done. You should ask the relevant Ministers that question when the Committee of Supply resumes. By then, you will have looked at the documents they have tabled.

Mr. Anyona, what do you have to say?

**Mr. Anyona:** Mr. Speaker, Sir, as you know, some consultations have been going on, particularly between me and the Chair, on this very particular issue. I would like to indicate to both you and the Minister that in considering the revised Estimates, we may have to deal with the procedural question of what to do with Votes that have already been passed in this House, for which resolutions of the House exist but which have now changed. I have done some study and found that there is some kind of question mark about the Votes that have been passed. For those Votes which have not been passed, there is no problem in presenting revised Estimates. There may well be procedural issues in the case of those Votes which have been passed. I think, if we all apply our thoughts to this, we will be able to resolve the matter amicably when it comes to this House.

**Mr. Speaker:** Very well. The advice I can give from the Chair is that I am informed that copies of the revised, or re-cast Estimates, to use the Minister's words, are obtainable in Room No.8, upstairs. So, all those hon. Members who are interested in looking at those Estimates are most welcome to pick up their copies from there.

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. I do not know what procedural aspects hon. Anyona is raising because the important thing is the service and the appointed Accounting Officer. Therefore, if the issue has been debated, and as long as that service has been allocated to a given department, and the Permanent Secretary, Treasury, has appointed an Accounting Officer for that service, everything is in order as far as I can imagine.

**Mr. Speaker:** Very well.

### POINTS OF ORDER

#### MISREPORTING OF PARLIAMENTARY DEBATES BY NEWS REPORTERS

**The Vice-President** (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. I rise to make a personal statement on matters which occurred in the course of debate yesterday. I wish to refer to today's edition of *The People Daily* newspaper, whose banner headline proudly says: "Hang Saitoti, says Orengo".

Mr. Speaker, Sir, of course, this is a very serious allegation because in no way does this House hang people. This House is not a court of law, and has never done that before. People are sentenced to hang by courts of law. I took great trouble to go through the relevant parts of yesterday's HANSARD, but I did not come across a sentence which says: "Hang Saitoti, says Orengo". Indeed, hon. Orengo may have said quite a number of unkind words, attention of which was drawn to the Chair, and matters were put in order. The question of "hanging Saitoti" as published by *The People Daily* did not arise. However, I would like to say very clearly here that I am not afraid of death. I am one man who has seen death.

**Hon. Members:** Where did you see death?

**The Vice-President** (Prof. Saitoti): Mr.

Speaker, Sir, the fact that I can refer to an incident with great charm is an indication of the fact that I do not care about death. However, let me say that, of late, I have noticed that for some reasons best known to *The People Daily*, it has embarked on a campaign to slander my name.

Mr. Speaker, Sir, I felt that this particular case must be brought to the House for the very simple reason that, by alleging that this House hangs people, the writer of the particular news story, one Mr. Peter Leftie, has gone too far in trying to lower the dignity of this House. I believe that the accredited reporters who cover the proceedings of this House are required to report correctly on what transpires in this House; they are not supposed to report what they have on their minds.

**Mr. Speaker:** Very well, hon. Saitoti.

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I will finish quickly.

I think it is important to draw the attention of the accredited reporters who cover the proceedings of this

House to report clearly on matters that transpire on the Floor of this House. If the particular writer of this news item has reasons to believe that I should be hanged, that is a different matter. However, he should also know that some people who have believed that somebody else should go into a certain ditch have ended up in that ditch themselves.

**Mr. Speaker:** I have had the occasion of going through the HANSARD on the matter the Vice-President and Leader of Government Business is complaining about and, indeed, he has merit to what he is saying; that there was not, as a matter of fact, a specific request by the hon. Member for Ugenya that he be hanged. Therefore, where the newspaper reporter got that story is completely unknown to this House. May I just say that we need the Press, but the much more important aspect is that reporting of Parliament must be done accurately and fairly. As to the other issues I may also wish to address to hon. Members, when we address this House, let us do it in a civil way. I have said it a thousand times and I will not tire. In the meantime, all those who have the privilege and the honour to report from the precincts of this House, please, do it fairly and accurately.

#### TABLING OF THE DEVIL WORSHIP REPORT

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Speaker, Sir, on two occasions now, the House has requested that we table the Report of the Presidential Commission of Inquiry into the Cult of Devil Worship in Kenya. I take this opportunity to table this document.

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

#### MINISTERIAL STATEMENT SOUGHT: VIOLENCE BY POLICE

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir. Before we went on Recess on 28th July, this year, I sought a Ministerial Statement from the Minister of State, Office of the President, in charge of Internal Security with regard to police conduct at an authorised peaceful rally at Gathwariga, Kamae Location, in Lari Constituency. The meeting was dispersed by the police very violently and I wanted the Minister to issue a Ministerial Statement to that effect. May I request the Minister to do so because he has not done that so far?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, the Ministerial Statement will be ready tomorrow.

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

**Mr. Speaker:** On what now?

**Mr. Sifuna:** On the Chair's ruling, Mr. Speaker, Sir. It was last week that the Chair ruled upon the hon. Minister in the Office of the President, and I can quote the ruling from the Chair on the Devil Worship Report. The Chair said:

"We should find out from the Minister the specific dates when he is going to lay the Report on the Table. I will then give hon. Members an opportunity to ask him questions after they have read that Report."

Now, since the Minister has laid the Report on the Table, may we know when the Chair will give us time to ask questions relating to the Devil Worship Report as per your ruling.

**Mr. Speaker:** Are you asking a question or seeking a clarification?

**Mr. Sifuna:** Mr. Speaker, Sir, I am seeking a clarification.

**Mr. Speaker:** Anyway, I think you are putting the cart before the horse. First of all, read the report. You may not require to ask any clarification if it is self-explanatory. So, read the report first! Let us move on to the next Order!

**Mr. Sifuna:** Mr. Speaker, Sir, is it tomorrow or next week?

**Mr. Speaker:** Order, Mr. Sifuna! We do not behave that way in this House, Mr. Sifuna. Every time you behave that way, a little respect of this House goes away. So, please, do "hit" in an honourable version. I have told you to first of all read the report and then come to me. Let us move on to the next Order.

**Mr. Nyanja:** On a point of order, Mr.

Speaker, Sir. Justice must not only be done, but be seen to have been done.

**Mr. Speaker:** Mr. Nyanja, what are you---

WARNING TO THE PRESS  
FOR MISREPORTING

**Mr. Nyanja:** Mr. Speaker, Sir, please, allow me to finish what I want to say and then condemn or praise me. My observation on the report about the Vice-President is that the Chair has not reprimanded *The People Daily* newspaper, which has formed a habit of---

**Hon. Members:** No! Sit down!

**Mr. Nyanja:** We have only one Speaker! If you can suspend two hon. Members of Parliament for three months so as to sustain the dignity of this House, this particular newspaper--- It is Saitoti today and tomorrow it will be you, me or hon. Biwott.

(Laughter)

The Vice-President is the number two person in this nation and you have not even asked the newspaper to apologise to the House, or to hon. Orenge for putting words into his mouth. You have done this in the past; you have thrown out reporters of the *Daily Nation* for three days. This is because justice must not only be done, but be seen to have been done. That was a very passive and light judgement.

(Applause)

**Mr. Speaker:** Order! Order! I think I have already made it absolutely clear that I have warned that particular newspaper and all newspapers in general. If I recall on Thursday, last week, when Mr. Deputy Speaker was on the Chair, he had the occasion to generally warn the Press and, in particular, a certain newspaper about reporting from this House. I would like to say that Parliament is here as an institution, and the Press serves it. There are procedures within our rules to exclude any reporter or reporters who perpetually do not heed the warnings of this House. I hope it will not come to that. I truly hope that the particular newspaper concerned will not repeat what it has done on this particular person. I also hope that the Press will generally treat hon. Members of this House with due dignity and honour. May I also add that it is hon. Members who provide the powder for the destruction of their own integrity and that of this House by not treating each other honourably. First of all, can we set a good example, and *The People Daily* newspaper and everybody else, please, take note of that. You do not expect me to tell them how to write their reports.; do you?

**Mr. Nyanja:** They should apologise!

**An hon. Member:** No!

**The Assistant Minister, Office of the President** (Mr. Samoei): On a point of order, Mr. Speaker, Sir. I think the remarks made by *The People Daily* newspaper are very serious.

**Mr. Speaker:** Are we still on this matter?

**The Assistant Minister, Office of the President** (Mr. Ruto): Yes, Mr. Speaker, Sir. The remarks are very serious. It is a matter of life and death. This newspaper is notorious for these kind of remarks. This House requests the Chair to be firm and to be seen to be firm. In the interest of the dignity of this House, I think asking the newspaper to apologise is not asking for too much.

**Mr. Speaker:** Order! Hon. Members, I think when I speak on your behalf, and I have issued a particular warning, I would and do expect, and also through the very visible displeasure shown by the House, that *The People Daily* newspaper will do the honourable thing, which is to point out its mistake and apologise. I do not think that you expect more of me. Let me also tell you that I have already issued a warning, and I think the House has expressed its displeasure. Let us leave the matter there and see how they behave. By the way, may everybody who is a stranger be warned that if he or she misuses the privilege given to him or her by this House, it can be taken away. I hope it does not come to that. I think everybody should be responsible. I hope that even the management of that newspaper will understand this. I am very serious on this matter!

**MOTION**

ADOPTION OF PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the Financial Year 1995/1996 laid on the Table of the House on 8th June, 1999.

(*Mr. Obwocha on 5.10.99*)

(*Resumption of Debate interrupted on 12.10.99*)

**Mr. Speaker:** Mr. Munyao was contributing last time.

**Mr. Munyao:** Mr. Speaker, Sir, thank you very much for giving me time to continue with my contribution. Before I continue with my remarks, I hope the Front Bench will be serious in warning another media institution called "*Kenya Bila Chakula*," that is KBC, when the management actually refuses to even cover some hon. Members' functions. This is because that institution has been very notorious in giving news blackout to selected individuals on the Opposition side. So, I hope the Leader of Government Business will take that issue very seriously, because we are all taxpayers and every time we are out on harambees, or even here in Parliament, we are given total news blackout. They never respect us and yet, we pay taxes. We pay nothing to the *East African Standard*, or the *Daily Nation*, but they do give us some coverage. But regarding the "*Kenya Bila Chakula*," I hope the Leader of Government Business and the entire Cabinet will take serious action against it, particularly the Minister for Finance and Planning. At least, let our faces appear on the TV, because we all belong to this country. Let that be taken seriously, and let them do whatever they can.

Before we adjourned yesterday, I spoke for ten minutes, and talked about the inefficiency of the Traffic Department of the Kenya Police Force. This department is supposed to oversee law and order on our roads, but nothing ever happens. Yesterday, I said that in Kenya today, we are about 30 million people. Out of these 30 million people, the corrupt individuals we have been talking about year in, year out, since 1963, are hardly a thousand. Maybe, they are 100 or 200. These individuals have painted Kenya's name black. In fact, I thought that I would be the first one to be quoted by the Press, because I used the word "hang." I did say: "These individuals who have mismanaged Kenya's economy must be hanged." I even suggested that they should be hanged at Uhuru Park, so that we can all see for ourselves. They can be kept there for a week or two. I did not suggest an individual's name; I just talked about some people, because I said that the individuals who have mismanaged the economy are hardly a hundred.

This economy has been mismanaged since 1963, because the PAC Reports did not begin to emerge in 1995/1996. They were there even before, and they have been brought to Parliament. What we need is an effective major system to control and instil ethics. I am saying that because this House has been a toothless bulldog, because whatever we say, nothing is ever done. I think, maybe, because these people are not arrested, we are not taken seriously. But, at least, the Minister for Finance and Planning and the entire Government must take real action on the recommendations made in the PAC Report. The Attorney-General and the Office of the President must recover all the money recommended by the PAC as being mismanaged. We need a total overhaul of both our mental thinking and our actions. We need a dip to dip our people so that transparency is achieved, because without that, nothing will happen. I will give an example. At one time, France had a revolution, because people had gone to a point where you could not even reconcile, rebuild or cleanse them. We need that kind of revolution in Kenya. We must be able to disown some people so that at least a serious change can be seen. If it happened, and it gave some meaning in France, why not here?

Earlier on, I wanted to find out from the Minister for Finance and Planning what he is actually supposed to do about the Finance Bill, because as I see, the reshuffle of the Government in September this year, disrupted many other issues to an extent that it is going to affect even our Financial Bill. It is procedural that every year, we at least have a minimum of 12 Ministries to be discussed in the Committee of Supply. As at the time when we broke for recess, we had discussed about five Ministries. Procedurally, we guillotine on the 28th of October. What is the Minister for Finance and Planning going to do, although he has told us something here? Are we going to have enough time to discuss a considerable number of Ministries?

**Mr. Speaker:** Order! You are now out of order.

**Mr. Munyao:** Mr. Speaker, Sir, I have not gone out of order. The Finance Bill is before the House and it concerns finances.

**Mr. Speaker:** Order! The House will go into the Committee of Supply tomorrow.

**Mr. Munyao:** Okay, thank you, Mr. Speaker, Sir. The issue has been in my notes, because it has been disturbing me. I did not know what was happening. I knew that it was in your mind. I am not going to discuss that issue now.

**Mr. Speaker:** Very well.

**Mr. Munyao:** Mr. Speaker, Sir, I knew the House Business Committee is also aware of it, because if we are discussing about finances, we must also give advice to each Ministry and, if need be, let the time be extended this time round so that we cover many more Ministries as we usually do in the Committee of Supply.

Our current Government is rotten. We have mismanaged a lot of our resources. I am not talking about the Minister for Finance and Planning, because I have got a lot of respect for him. Mr. Minister, as a person, I do respect

you, because I know your integrity and I know your commitment to this country. But when I talk about mismanagement in the country, it is the truth, and it has been happening for the last 30 years. The figure of Kshs580 billion is really shocking. No wonder the Head of State had to talk about it the last time, because it appears as if we are talking about one financial year. But this is an accumulated figure over the years. This money and if you imagine the amount of services that the country needs, and it cannot get them now, could be used for other purposes. And this money has gone into the pockets of some individuals. It is really terrible. Take, for example, the Government mismanages money by furnishing just simple Government offices. Today, just walk into any Ministers', Permanent Secretaries', or Deputy Permanent Secretaries' offices, and you will get into well-furnished offices, and you will wonder whether you are in Kenya or Geneva. The normal offices have got plastics, another soft wall there and a ten-inch carpet which you walk on and; you do not know where you are going to. Then, you wonder what has the dressing of an office got to do with the delivery of services? These are two different things. We must go back to where we were, although I see we have already gone back. We must go back to the colonial period where you found that an agricultural officer wore shorts, a DO with short-sleeved jackets and trousers, and he offered the services. What is all this business of having well-furnished Government offices? Even those who give us this money do not furnish their offices like that.

Mr. Speaker, Sir, we spend more money furnishing our offices than in improving our services. The former Finance Minister when he was introducing the Finance Bill a year ago, promised this House that Government vehicles and direct telephone lines would be reduced. Instead of the Government vehicles being reduced, they only changed parkings from where they were being parked to elsewhere because the number is still the same. I am challenging the new Minister for Finance, whom we respect very much, at least, to assist the District Treasuries. There is not a single District or Divisional Headquarters without a minimum of ten or twenty boarded vehicles. What are we doing? Even a Government vehicle with a small problem is dumped somewhere and another new one is bought. We would like the Minister for Finance now to tell this House how many vehicles have been withdrawn from Ministries since that directive was given. Although it was given by the former Minister for Finance, he was talking on behalf of the Government and the Ministry of Finance. We need to know how many vehicles have been withdrawn and how many have remained.

Also, we need the size of these vehicles to be trimmed. It is not everybody in the Ministry who should be driving a Mercedes Benz, a Trooper, a Range Rover and all the others. Let us buy little Nissans or even Volks Wagons because the purpose of a car is to take you from point "a" to point "b". You will find that everybody in the Ministry, even a messenger is now driving Range Rovers to collect mails. This is a shame for a country like ours. Even the donor countries do not do this. I wonder what the donor agencies think about us when they come here because even in their own countries, Ministers do not drive expensive vehicles. We should become a little bit cheaper. The donor communities wonder how when we go to beg, we fly in concorde aeroplanes. I remember that at one time I was in Washington and a Washington newspaper had a headline saying: "Beggars Jetted in a Concorde". We were going to beg money and we jetted in, in a concorde!

Mr. Speaker, Sir, this is the same thing that would happen here. We borrow money and when we come here, we buy everybody a Mercedes Benz, Pajeros, Range Rovers and all the other vehicles. The money is actually spent in that way. This is what most of the project officers who come to work here in our areas particularly with borrowed money do. I saw it with the recent MLDP pay in Machakos District, where those people who were contracted to come and work here, would come and each person would have a Range Rover, a dish-washer machine and even a drier in an area like Machakos, where you cannot hang a jacket for five minutes because it will be already dry. These are issues to be noticed because although we borrow, this money is ours and we have to pay it back.

I would like the Minister, later when he will be replying, to tell us about direct private telephone lines in offices. These direct lines have caused a lot of inefficiency in Government offices. The rank of a Minister, Assistant Minister, Permanent Secretary and even a Deputy Secretary, almost everybody has two or three direct lines. I have been in Government offices and with the officers. One will go in with an appointment which would take him 15 minutes and it will take him maybe, one or two hours. This is because every time a call is coming in. The secretary will be controlling the general line and the other three direct lines will all be ringing. Most of the time, whatever is discussed in these direct lines is all private and has nothing to do with the Government work. The Government has employed a secretary to an officer, so let us keep a single line and a secretary so that we can control the use of the telephone lines. This is terrible and the Minister for Finance must tell us exactly what he has done.

Mr. Speaker, Sir, we are happy that, at least, now we have got a new Minister in the Ministry of Lands and Settlement. A lot of corruption has taken place in this Ministry. It is the high time that this House resolved that most of the houses and title deeds given out for the last twenty years, must completely be suspended. One might prove that: "This is my land which I bought", but all the other pieces of land, which might be 50 or 60 per cent of land allocated in the last twenty years, must be resolved because that is land whose origin is misappropriation.

I have got in mind one area in Machakos which we used to call Livestock Marketing Division

(LMD). LMD was a livestock area just before you get to Machakos Town which is about 2,000 acres. That area now has completely been plundered and every DC who has ever been in Machakos District all the time has been re-allocating whatever had been allocated, new title deeds have been issued and the confusion has been continuing. Recently, we all saw what was happening near the Office of the President here. Farmers from Katelembo, who are elderly ladies and men, trekked from Machakos District all the way to this place because they are suffering. They had come here and cry for about two weeks because that confusion had been created by our DC. It is up to the Minister to find out who has caused that confusion. He should also find out what to do. Almost every DC who has ever come to Machakos, because most of them do not come from the area and they do not even have any interest in the area, their interest has been land. That has created a lot of confusion in the area.

Mr. Speaker, Sir, it is naive and we are cheating ourselves when talking about poverty eradication which we have taken all the years to create. This Government has caused the poverty in this country. Every day that we are living and that the KANU Government is in control, is causing further poverty. Every hour and every second, KANU Government is impoverishing somebody somewhere. It is a total shame that this country could talk about famine relief food to be given to some areas like Ukambani where land is very fertile. What those areas need is water. With water, we can be exporters of food. Land is available in Ukambani and North-Eastern Province, but we need a serious Minister for Finance to borrow money from elsewhere, control useless spending on some projects and supply those people with water. With enough water, we will export every type of food. Time is gone when we must wait year in year out, so that the Kambas will be crying out of famine, so that we give them famine relief food and we control them.

It is also disappointing to see the number of health centres which are going without a single drug to cure headache, yet, the money is being squandered all over. The state of roads all over the country is pathetic. When I am talking about this, I know every hon. Member of Parliament here has got the same concern as I have. We would like the Office of the President, particularly now when they are talking about the effects of the *El Nino* rains, to consider recommendations which have come from every other zone in this country. Money is available and it should be used equitably to repair roads in some areas.

In some parts of this country there are people who have gone for thirty years without seeing a tarmac road because roads in those areas have never been tarmacked. We are not even asking for that real tarmac, but we are asking for a passable all-weather road. Money has been spent, re-allocated and plundered. We want services in this country.

With those few remarks, I beg to support.

**Mr. Michuki:** Thank you, Mr. Speaker, for giving me the opportunity to contribute to this debate on the Report of the Public Accounts Committee. It is sometimes difficult to identify the point at which one would start a debate like this where essentially, it will amount to this House repeating itself. This is because we have talked about misuse of funds year in, year out, and yet there appears no intention on the part of the Government to listen to this House. As I stand here, I still wonder whether I am really here speaking because I will be repeating what I said in the Seventh Parliament and last year. We will all repeat ourselves because this Government to which these issues are being addressed is led by Daniel arap Moi, and a party which is completely insensitive even to its own organs. One wonders whether there is any point in standing here and discussing the PAC Report because it is a repetition.

Mismanaging Kshs580 billion since 1991 is a lot of money. In fact, based on the revenues for last financial year, it would mean that if the money was there, Kenyans can be exempt from all forms of taxes for the next three years. Whether one were working for Bill Gates or for the American Government which has the highest budget in the world, the loss of this kind of money from which the public did not benefit, is a very serious issue indeed. I was listening to the radio when the new Minister for Finance was being interviewed by the BBC. In response to a question, he said that corruption is everywhere, which perhaps is true. I was impressed by the next question that followed because the interviewer asked the Minister who is before us here: "Corruption may be everywhere including Kenya, but the difference is that in America, Britain and other countries, the rule of law is applied. Woe to whoever will be charged with corruption because he will have to pay for it." This makes all the difference between us and those other countries. It is not a justification to argue about other countries because we are comparing things which are not the same.

I am looking at these figures in relation to the fact that the public has no service and the Government is not even remorseful. If it were remorseful and accountable to the people, at least this level of misuse of public funds would have been alleviated because it is now six years since we started this debate. One cannot, but conclude that this Government is contemptuous of the people; it has no intention of listening to any opinions from people or being accountable to them. Therefore, the people ought to think of how to remove it. If it cannot listen to the cries of the whole of this country about resources, then it has no moral authority to govern or to pretend that it can be a government. I personally think that this country now requires a revolution to get people to understand that these matters are serious.

I appeal to other people of similar opinion because we have talked and talked. Even if it were a little child who is asked to stop doing something, he will be conscious and will not continue repeating the same mistake despite being warned by the seniors. Therefore, in these matters, we are at a loss as to what to do next because year in, year out, we are talking to a Government that is oblivious to opinion and it just does not care. Therefore, it must be faced on that basis. I did not intend to address myself to any particular theft or part of corruption. I wanted to address the principles of having to be in this Parliament, talking about the same issue, year in, year out, when there is a Government that should listen and take corrective measures which so far it has failed to do. It is for this House now to think of how to deal with this Government other than the traditional way of standing here, arguing, presenting cases regarding misuse of public funds.

For a lot of people, particularly my constituents, it is even very difficult today to buy salt which is an essential ingredient in any food that has to be consumed by human beings. It is difficult to provide even kerosene for children to study in the evening and here we are with a Budget that the Minister brought here increasing the price of kerosene as if education does not matter. This is why I am saying that we have been talking to "stones". This is a Government that has no intention whatsoever of listening to the voice of the people. People are entitled to take other measures that are available to them.

**Mr. Speaker:** You mean unlawful measures?

**Mr. Michuki:** Mr. Speaker, I am saying that whatever choice they take will be up to them. This might be any action they can take to solve a persistent source of problem which is prevalent and is making them poorer and poorer. Forty nine per cent of our people are now poor because of this kind of misuse of funds. We saw in the newspapers the other day, children in Limuru who cannot step on the ground because of jiggers. I think this is almost happening everywhere else. Their parents cannot even afford G.V. to wash their feet in a country which is being praised by the Vice-President to have been led in a very magnanimous manner of progress that has no limit.

Mr. Speaker, Sir, if monies of this magnitude can be lost, then we must be very rich. I do not know why the Minister for Finance was in Washington DC. Who can agree that we can misuse our money to this extent? Who can agree to give us money outside our budget, when we cannot take care of what we have? How can we convince other people that we are serious, when we treat our own revenue in this manner? We have stolen our revenue right, left and centre. The Constitution of this country is being abused; we take money straight from the Consolidated Fund, even without the authority of this Parliament; and all, in the name of development; development of certain individuals, not Kenyans. These beneficiaries are individuals who happen to be advantageously placed in the Government that has failed to perform. This means that, we have no way of preventing this Government from misusing public funds. Therefore, this House must come up with new measures.

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

**The Assistant Minister for Roads and Public Works (Mr. Mwakalu):** Mr. Speaker, Sir, I rise to contribute very briefly on the Report of the PAC.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I promise to be very brief. I will start off by making an observation that, indeed, the work of the PAC has been realised in the sense that, it has served as the window, through which we can view some of the financial activities endeared to specific Government institutions to make good, the work of the public. The PAC, as the watchdog of public funds, has revealed a diary of embezzlement, misuse and theft of public funds. In its testimony, it is quite easy to identify who is who among persons that should be in jail. The Report by the PAC is an undeniable diatribe and a commentary, as well as the litany of crimes against the people of Kenya.

*(Applause)*

Without fear or favour, Mr. Temporary Deputy Speaker, Sir, I want to put it right here, that much of this blame rests squarely on the back of the Government. We fall short in that respect, by wholesale synonymising the Government with the Executive branch. Government is beyond and much larger than the Executive branch alone, because, believe me or not, the embezzlers, misusers and thieves of public funds reside not only in the Civil Service, but are found in other various functional arms of the State. If the final count comes, I am wondering how many among hon. Members of Parliament here, would pass the test of "Mr. Clean." The skeletons that we pull out of the cupboards of the civil servants who cannot protect and defend themselves, are similarly in our own cupboards.

Mr. Temporary Deputy Speaker, Sir, but speaking as an institution besides the individual, the Civil Service is not above the rule of law or beyond the hand of this august House, which is the supreme organ of the Government. The supremacy of this Parliament has not been seen in action; to act on these criminals over the years. Instead, we have taken the role of the complainer. If Parliament, the supreme institution, is where we come to complain, then who else is going to hold accountable those embezzlers, misusers and thieves of public funds? I think, the original sin that was committed in this House, rests in this House and belongs to this House. This House has the power to put the Executive Arm of Government on its toes, exercise its full authority and oversee the work of the Judiciary in this country. As a legislative branch of this Government, this House has the power and the authority to alter what has to be changed, in order to introduce the Office of the "Special Prosecutor".

*(Applause)*

Parliament has power to write in its Standing Orders and in its operational rules, the establishment of the Office of Special Prosecutor with powers derived from Parliament, to subpoena witness, try and prosecute and punish the guilty. Henceforth, Parliament must move away from the rhetoric of complaining and act. Structurally and institutionally, Parliament must enhance its role and from now onwards, act supreme and stop complaining. Parliament gave away its powers and its teeth to her cousin, the Executive branch of Government. It is now toothless. It cannot bite even the leanest meat in a T-bone steak.

Mr. Temporary Deputy Speaker, Sir, I submit that we will not do any good to this nation, when that Parliament comes to complain. Come and do the necessary or the needful. Come before this House in your supremacy and exercise the muscles that the constitutional powers give you to enact the laws and bring all those who are accountable before this august House and have them challenged, prosecuted and punished as the guilty.

It will not help the Kenyan people today or tomorrow, that each time we come here, we complain that Kshs580 billion was misused. If it was misused, let us turn to the misuser! We have the power to turn to the misusers, hold them aloft and high, and reduce them to nothing! As hon. Michuki said, if we fail to act, the revolution will not only touch those in the Executive branch of the Government, but it will exit you into exile, if you are lucky to cross the borders very quickly, through the "panya" routes.

But let us not float the concept of revolution, when it is in our power to pre-empt a revolutionary uprising by acting right, and within our powers in this supreme august House of the nation.

Mr. Temporary Deputy Speaker, Sir, my contribution was as brief as that. With those few remarks, I support the Motion.

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am baffled like anybody on this side of the House! Is the Assistant Minister requesting His Excellency the President to take this chance, and use this golden opportunity to go through the Public Accounts Committee (PAC) Report, take all the crooks mentioned and fire them? Is that what he is saying? Is that what he is asking the President to do? Is he asking the President: "Mr. President, you are not acting! You are preaching! The time to act is now."

**The Temporary Deputy Speaker** (Mr. Poghisiso): I do not think he put his point that way. That is not a point of order!

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Report of the PAC. If we had the Kshs580 billion that is in everybody's mouth, my good friend, hon. Okemo would not have to bother with the donors. The Kshs580 billion would go way beyond the kind of money that we expect to get from the donor community.

I am a bit saddened that the person holding the highest office on this land, questioned the research and findings of this august House! I also would like to take issue with leaders who try to muzzle the freedom of the Press by criticising the media. We have had a good amount of criticism today with regard to one newspaper. There are other institutions and organs of the Government that have contested reports given by the media. I would want to put it clear that no amount of effort will rewind the wheels of time, that brought together the freedom of the Press that we enjoy today. We hope that, that freedom will continue to roll even further.

But I must say that the Controller and Auditor-General is appointed by the highest office on the land. The Controller and Auditor-General went through the records that were discussed and tabled by the PAC. It is a bit saddening to hear such claims. It cannot be claimed that no research was done to establish that the Kshs580 billion was lost. I think it is a misdemeanour to the institution and authority of Parliament that, a select Committee of Parliament, having spent so much time scrutinising and going through the Controller and Auditor-General's Report, and brought to this very House the facts and data to show that the Kshs580 billion had not been satisfactorily accounted for by the Government, and then the Government tries to deny that the money was not misused, is a very unfortunate realisation.

Mr. Temporary Deputy Speaker, Sir, I would like to address the issue of illegal charging to the Consolidated Fund Services (CFS). On many occasions, the Government has spent money from the CFS ranging from the Kshs6.5 billion that was given as an advance to the National Bank of Kenya (NBK) under different explanations, to the recent Kshs400 million that was given for the purchase of maize, without the approval and authority of Parliament. I am saddened to understand that the Government plans to spend a further Kshs2 billion to purchase maize without approval by this House. I do not see anything that could be more criminal than spending public funds without the authority of Parliament, which should vote for the expenditure of that money.

I would also like to take this opportunity to react to the rationalisation of Ministries that has taken place, and the attendant failure to revise the Budget that this House approved. I think we are setting a very bad precedence for the future. I wait for another day when there will be restructuring after certain Votes of certain Ministries have been passed. Then, we go ahead to just gloss over them. My understanding of rationalising the Government and reducing Ministries was to cut down on expenditure. If the cutting down on expenditure cannot be reflected in this House as we discuss the various budgets, I wonder if we will achieve the real purpose of rationalising the Government.

Mr. Temporary Deputy Speaker, Sir, I would like to express my concern with regard to delayed court cases. A lot has been said in this country about the Goldenberg issue. The courts seem to have been turned into instruments that are being used to delay delivery of justice. My understanding is that courts should expedite the delivery of justice. I urge the Government that pending court cases, especially those of economic criminal nature, be expedited so that we could know where the truth lies. People, whose heads lie in shadows of guilt should be cleared. Those who are actually found guilty should be tried and guillotined as suggested by previous speakers.

I would like to address the issue of mismanagement of public resources. Last year, this Parliament approved Kshs9 billion for the construction of new roads. I am not talking about the money that was to be used to repair roads. I am talking about money that this Parliament put aside for purposes of constructing new roads across the country. It was saddening that, when Parliament convened again last June to discuss the Budget, that is a year later, no single kilometre of road had been constructed anywhere in the country, and yet, the entire Kshs9 billion has been spent! I would like to agree with my colleague hon. Mwakalu that the entire Parliament should take blame. This year, Parliament went ahead and allocated another Kshs7 billion for roads construction. I will not be surprised when we meet again next year, to hear that the Kshs7 billion will have been spent one way or the other, but no single kilometre of road will have been constructed anywhere in the Republic, be it in North-Eastern Province, Western Province, Coast Province or Central Province. It is very unfortunate that Parliament keeps on playing with figures. These figures mean actual money. We should remember that this is money that is supposed to provide our hospitals with resources that they lack. The money is supposed to provide education for our children in schools that are not well endowed with resources and several other vital services that are supposed to be provided by the Government. But the money to provide such services is mismanaged and Parliament does not do much about it.

Mr. Temporary Deputy Speaker, Sir, we are also told that the Government plans to spend another Kshs4 billion to construct a pipeline from Eldoret to Kampala. Much as I have no problem with new developments, engineers have advised that, it would take less money, and would make more logical sense, to construct this pipeline between Kisumu and Kampala. But we still continue to be in the same old situation whereby political considerations far outweigh economic considerations. Yet, we keep telling Kenyans to think as one and avoid tribalism! How can this be, if we continue to favour certain sides of the country, and neglect other areas of the country? I think equitable distribution of resources is a necessity and a requirement on the part of the Government, if it wants to retain the legitimacy of ruling.

Mr. Temporary Deputy Speaker, Sir, I am also saddened to note, going through the Budget Report and the PAC Report, that for the intelligence budget under security vote, that we give them four times as much money as we provide for Parliament. Parliament is supposed to be the highest institution in the land, but that discrepancy itself shows where we put our priorities. We have so many informers that we do not need. Even in this Parliament alone, even as we are talking here today, so many of our strangers are people who are here for a specific purpose. Do we really need to spend so much money under this dubious provision of intelligence? For example, if I take the case of clearing goods at the Port, you find that sometimes the clearing process is delayed because the goods have got to be checked

by the Customs and Excise Officials, the CID, the police and the Special Branch. All the latter three, in my opinion, are one and the same thing. They are various departments of the Police Force. Why do we not just have maybe, the CID and the Special Branch checking and reporting to the police? We need to think seriously about revisiting our budget on the so-called security to the extent that, even in North-Eastern Province; I am tempted to believe that when some well-placed people in the Government want to get money; the easiest way to get it, is to claim that there is a big security problem in North Eastern so that, that money is availed and misused.

Mr. Temporary Deputy Speaker, Sir, I also want to revisit the issue of hon. Members too also sharing blame.

In the past, some hon. Members here have brought up very glaring concerns of misappropriation of resources to the extent that some of them have even gone ahead to take the concerned Government officials to court, but somehow, these cases fizzle out. One is left wondering what happens because once those glaring cases are brought here that they eventually just fizzle out and disappear. I would want to appeal to my colleagues in the House, that we should also be very serious about cases that we come up with in this House, to follow them to their logical conclusion.

Mr. Temporary Deputy Speaker, Sir, I also want to express my concern about reallocation of what may be called money minting projects to the Office of the President. You talk of *Jua-Kali* and budgets for research, they have been taken over to the Ministry. Why must we take those various votes to the Office of the President and yet, they have parent Ministries under which they should be administered? It is my contention that with the recent Kshs1 billion, that I understand the donor community has put aside for purposes of developing the *Jua-Kali* sector, that it makes all logic that, that money be administered by the relevant Ministries. Otherwise, if we are going to lump everything within one office, then there is no point of having these various Ministries.

Mr. Temporary Deputy Speaker, Sir, I also want to address myself to another serious issue that has been used to loot public funds, namely; the computerization project. Single sourcing is a major problem in this country. I want to take an opportunity to disagree with the recommendation of our PAC colleagues. They were recommending that one company called Computer Applications Limited (CAL) be exempted from a previous blacklisting. I want to confess that I have nothing whatsoever against CAL. But we must remember that this very House recommended last year that the Government should have no dealings with CAL of whatsoever nature. But it is a case of where we are saying, if you cannot beat them, join them. We said that the Government should not deal with them, but the Government still went ahead and dealt with them and we did nothing. A year later, we are coming and saying that the Government should now deal with them. Where do we stand? Where is the credibility of the House?

There is also the issue of Central Bank of Kenya being an avenue for back-door contracts such that, under the guise of some unclear exemption, even companies that have been blacklisted by the House are awarded contracts. The Central Bank of Kenya is claiming that they are exempted, so they can still go ahead and do business with them. I think that is another area that this House should look into so that even the Central Bank of Kenya itself is accountable for any tendering that it does and for any action that they take. Also, along with that, I am concerned about the National Bank of Kenya (NBK) Computerization Project. We are told that despite the warning they were given earlier and the demand that they should have been Y2K Compliant come 30th September; a lot of money has been ploughed into computerization, but we are still told that they are not anywhere near compliance. The same applies to the National Identity Card Project. STG£6 billion was spent on this project. The computers that are there were second-hand computers. We have nothing to show. How do I explain to my constituents who do not have drinking water, which is a basic requirement, that for one reason or the other, we could spend this money on goods that we ended up never utilizing and yet, we cannot provide those very basics down in the rural areas and even in town?

Mr. Temporary Deputy Speaker, Sir, while on the computerization project, Nairobi City Council had the same problem of single sourcing. The company that apparently was given this tender, I understand, recently flew out a number of councillors to Paris; the parent home of that company. What explanation would one give? We understand in the business world, they say there are no longer free lunches. I really would not want to believe that this company bought tickets for those councillors to go overseas for no good reason. I would want to think that this should be the cases that our Anti-Corruption Committee should be investigating. I would want to call upon them, if the Government is not going to create a commission, to investigate money that has been squandered in this country in computerization projects. My rough estimates puts it that, we may have over the past five years lost more than Kshs100 billion in defective computerization projects. Computerization seems to be the area whereby you can easily squander money. You tell somebody that this computer costs Kshs3 million even if it can only cost Kshs100,000. But to unsuspecting buyers, they could easily just agree that may be, that is what they need to pay for that gadget.

The Computer Society of Kenya has on many occasions offered to the Government to give their expertise when tendering is being done to ensure that we get value for money. But for obvious reasons, the Government has never taken that offer. I think, until we get serious and ensure that every penny that we spend is got for good reason; there is no way we should even be talking of poverty eradication. I do not agree that it is in the interest of this Government in particular, to eradicate poverty in this country, because, then they would not have people they can manipulate.

Mr. Temporary Deputy Speaker, Sir, I also want to address the issue of impending retrenching or restructuring of the Civil Service or whatever name you want to call it. Personally, I will be opposed to the idea of retrenchment without giving alternative livelihood to those that we are going to sack, especially at a time when the economy is doing so badly. It is in this same context that I oppose and I will continue to oppose the removal of our touts. It is not because I like the way they treat passengers, but because I do not think it is right to remove them where they get their daily bread without giving them alternative livelihood. I think, again if we are talking of job creation in a

situation whereby unemployment is a major issue that we need to address, then it is again a mockery that while on the one hand we are saying, we want to create more jobs and employ more people, on the other, we want to throw people out. I do not want to believe that it is because of a bloated Civil Service that we cannot perform. I think the main culprit which we are not addressing is corruption. When you spend Kshs580 billion on dubious things - and I do not think we can even spend this amount of money on Civil Service salaries, not even over a five year period. So, really we must grab the bull by the horns and address the issue of corruption. We should find and seal up all these loopholes. The issue we should tackle is where the Kshs580 billion has disappeared to. Let us not beat about the bush.

I also want to address the issue of the Executive usurping the powers of Parliament. In the on-going Telkom liberalisation sector, I remember when the Telkom Bill was brought before the House, it was on the understanding that 26 per cent of Telkom Kenya was going to be given out to a strategic partner. The other day, despite being a member of the Communications Committee, I was just reading in the newspapers that the Government has now decided they are going to give up to 49 per cent to a strategic partner. If we are going to give 49 per cent to a strategic partner knowing very well that another 23 per cent should have been given out to the locals, are we in a way saying that we are going to allow the Government to be a minority shareholder in such a strategic institution? But even without asking that question, who is this bigger authority than Parliament, that even after things have been discussed and agreed in this House, *ad hoc* rulings, regulations and directives come from beyond the precincts of Parliament? Are we serious that Parliament is supreme in this country?

Mr. Temporary Deputy Speaker, Sir, another case which comes to my mind while still on the issue of the liberalization of the telecommunications sector by the Telecommunications Commission of Kenya is the increase by 42 per cent of the postage charges. Going through the Act and the Government's sectoral policy for the reform in the sector, the three pillars for which we were liberalizing on, were, to enhance efficiency, availability, productivity and affordability. To me, affordability was the key issue. Kenyans were expecting that, once we liberalize and split KPTC, these services would be cheaper. How come all of a sudden we are trying to ask Kenyans to dig deeper into their pockets to pay more for them? I hear there are proposals to increase local telephone charges. What justification are we going to give to Kenyans? Why then in the first place did we even need to liberalize the sector if we knew that the services were going to be much more expensive? Is the Government serious about the so-called universal access to information; the ability to allow all Kenyans to be able to communicate with whoever they want to through whatever method, be it telephones or letters as we allege? I am opposed to the increment of tariffs in the communications sector. More so, I believe that even if there were to be increments, 42 per cent in the postal sector is a bit overstated. I think, the so-called "costs" that are being used as an excuse for increasing postal charges are overestimated. Even if there were to be small increments, the timing is not right, coming immediately at a time when we have just liberalized, with a promise to Kenyans that the services are going to be cheaper to allow universal access. Then the next thing that we do, barely two months later, is to make the services expensive. I think, certainly, the timing is wrong. If that proposal ever comes to this House, I, for one, will oppose it. I would also encourage my other colleagues to resist it. Especially, if you bear in mind that the majority of Kenyans live in the rural areas where we do not even have telephones and the only way of communication is by post. Obviously, that should be one sector that we should least consider increasing charges.

Mr. Temporary Deputy Speaker, Sir, I would finally want to address the issue of what should be the way forward. I do appreciate the work of our various Standing and Departmental House Committees. However, it is certain to me, that until we revive the Estimates Committee that looks at the budgeting and the allocation of resources, we are not going to go very far. For that reason, I would want to call for - as my other colleagues have done - the establishment of the Estimates Committee.

I also recall that, in one of our informal sessions, hon. Members of Parliament proposed that an Implementation Committee be put in place. I would like to endorse that proposal; until we have an Implementation Committee in place, Parliament will continue to be a toothless bull dog. We make resolutions, pass Motions and Bills, but they remain un-implemented.

Mr. Temporary Deputy Speaker, Sir, I think, the Departmental Committees that have started doing good work must also be given the teeth to bite. Preferably, I think, they should be allowed by this House to transact their business in public. The Media has been an important partner in the development process, and in particular, in unearthing the corruption deals in a situation where the Opposition leadership leaves so much to be desired.

With those remarks, I support.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to the Report of the Public Accounts Committee. I would like to take this opportunity to thank hon. Members of that Committee.

Mr. Temporary Deputy Speaker, Sir, there are three arms of the Government; the Legislature, the Judiciary and the Executive. It is sad to listen to people talking about "this Government", when they know that they belong to

one of these arms of Government. While I do not support the report in today's *The People* newspaper, I would like to thank the Media for exposing some bad behaviour in this House. It is shameful for us to stand here and accuse others while we do not respect ourselves. The way forward is for us to first respect one another and the House. We were elected by the people of Kenya to show them the way forward, but not to come and malign others on issues that we cannot substantiate. We should first of all start from here, then we can go to other people. Parliament is the august House of the nation and people are looking at us to show them the way forward. We should come here and address issues that affect our people. I should address issues that affect my Maasai people. For example, where we are going to get market for our cattle? Other hon. Members of Parliament should come here and tackle issues on how to improve sugar, coffee and tea factories in their areas. We should address issues that can uplift the standards of living of our people, but not to talk about individuals, because of our political differences. It is shameful for us to attack our own Government. Even if your mother is blind or silly, she remains your mother. This is our Government.

### QUORUM

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum.

**The Temporary Deputy Speaker** (Mr. Poghisio): It is true there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! We now have a quorum. Hon. Sankori, continue.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, before I was interrupted by the lack of quorum, raised by my friend hon. Munyasia, I was saying that this Government belongs to all of us and we should go full length to protect it. I was shocked to hear one hon. Member suggesting that there should be a revolution in this country in order to force the current Government out of office. It is so shameful that a person of such a social standing in society could utter such words. He should know what the consequences of a revolution are.

Mr. Temporary Deputy Speaker, Sir, the Controller and Auditor-General's Report is one which most Kenyans take as the truth, but the fact remains that it is not the truth. It is prepared by people who are just like any other ordinary mwananchi, more so, the auditors may not even be knowing the areas they audit. I am not challenging the Controller and Auditor-General as a person, but the report which emanates from his office. It is not the Controller and Auditor-General who writes those reports. He just sends some junior officers to go and carry out the auditing. I am not saying that this report is not true, but we should not take it as a Bible.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. What we are discussing here is the PAC Report, but not the report of the Controller and Auditor-General. Can he address himself to the PAC Report and not the Controller and Auditor-General's Report?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): The PAC Members look at the reports of the Controller and Auditor-General. Without the reports of the Controller and Auditor-General, the PAC will do nothing! So, I must start from the reports of the Controller and Auditor-General and then come to the PAC Report.

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, I did not want to interrupt the hon. Member but both of us have been Members of the PAC and he knows very well that the Controller and Auditor-General himself sits in the PAC; and that, that report is prepared under his supervision. Is he in order to mislead this House by saying that this Report is prepared by junior officers when he knows that it bears the certificate of the Controller and Auditor-General himself?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): I am glad he knows that I am not an amateur when it comes to PAC and the reports of the Controller and Auditor-General. I know as much as he knows. I know that what I am saying is the truth.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Sankori! If you know the truth, then that is fine. You know that we cannot have the PAC Report tabled here unless we have the basis to discuss it. So, I would rather that you confine yourself on the Motion.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): I was actually coming to the PAC Report.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Sankori had said categorically that the Report we are discussing is not true. Is it not in order to ask him to point out which areas of the PAC Report are not true?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I said that we should not take the Controller and Auditor-General's Report as a Bible. As highlighted in the PAC Report---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is true that hon. Sankori said the PAC Report is not true and the HANSARD will bear me out. Is it not in order to ask hon. Sankori to tell us which areas are not true? He must substantiate his allegations.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I said the Controller and Auditor-General's Report is not a Bible.

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

**The Temporary Deputy Speaker** (Mr. Poghio): Order, hon. Members! Whereas I would like to concur with you, it is true that sometimes an hon. Member can give an opinion. Besides that he is now discussing the tabled Report. I do not think that he even believes in what he is saying. Just proceed, Mr. Sankori.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The whole House, including the Chair, heard hon. Sankori say that the PAC Report is not true. He had been asked to substantiate the areas which are not true but he has failed to do so. He should either apologise to this House or withdraw that remark. Otherwise, he should not get away with it. The PAC Report is the truth and indeed, it is the gospel truth. He should tell us which area is not true or he withdraws that remark.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I have made myself very clear and if they want to refer to the HANSARD tomorrow, they can wait for it. If it is true that I said the PAC Report is not true, then I will apologise. But for now, I will maintain that, that Report is not a Bible.

Mr. Temporary Deputy Speaker, Sir, after the PAC receives a report from the Controller and Auditor-General, they go through it and discuss the audit queries in it.

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, nina heshima kubwa sana kwa mhe. Sankori ambaye ni rafiki yangu. Yeye ni mmoja wa wale wabunge ambao wanakaa kwa Kamati hii na ametuambia, kama mwanachama wa Kamati hiyo, kwamba Ripoti hiyo siyo kama Bibilia. Swali ni hili: Ripoti ya PAC kulingana na mhe. Sankori ni ukweli au la? Kama si ukweli, basi hakuna haja ya kuizungumzia!

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, if I may correct my friend; first of all, I am no longer in that Committee. Secondly, I have not even touched about the PAC Report. I was talking about the Controller and Auditor-Generals. I now want to contribute to the PAC Report.

**Hon. Members:** You were talking about what?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): The Controller and Auditor-General's Report!

**Hon. Members:** What has that to do with the PAC Report?

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

**The Temporary Deputy Speaker** (Mr. Poghio): Order! You can be out of order, either way, first of all, by demanding that he cannot get away with it. The ruling cannot come from Mr. Mwenje. On the other hand, Mr. Sankori, you cannot minimise the work that has gone into this report and I have made a ruling to that effect. Since when did whatever Mr. Sankori says stop us from debating this report? So, I said here that he has offered an opinion that, according to him, he does not see the PAC report as a "Bible". We shall still proceed with the debate. I am going to ask him to stick to the report as tabled here.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): I will stick to the report, but I hope this time, hon. Members will not disturb me because I know they think I am going to say what is not palatable to their side.

Mr. Temporary Deputy Speaker, Sir, the PAC does a lot of research to get into the truth on these issues. I am glad to tell you that actually, civil servants give the PAC a hard time by not giving the correct information as required. When I started contributing, I said the Government is composed of three arms. When you come now to the civil servants who fall under the executive, they are just like this House. The Civil Service is also full of Opposition sympathizers. So, you do not just say: "This Government" not knowing the so called Opposition is also in the Civil Service.

**Mr. Kapten:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is saying that the Government is full of Opposition sympathizers. Can he substantiate and tell us who those opposition members are in the Government?

**An hon. Member:** You are worried! SAFINA!

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker,

Sir, then you have already substantiated that yourself. On the question of the PAC report, I think it is just fair that when its Members are reporting its findings, they should avoid naming people's names especially if they find that---

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Kapten, if it is on the same, he has already cleared the air. Mr. Kapten, when you stand on a point of order, he does not have to answer everything that you ask. In any case, your point of order is that he substantiates what opposition is in the Government. What do you really expect from Mr. Sankori?

**Mr. Kapten:** Mr. Temporary Deputy Speaker, Sir, I want him to tell us those civil servants who are in the Opposition and who are in the Government?

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Kapten, do you expect him to table a list of these people?

**Mr. Kapten:** Yes, Mr. Temporary Deputy Speaker, Sir. He said it himself. The words did not come from me but from him. So, it is up to him to tell us.

**The Temporary Deputy Speaker** (Mr. Poghisio): How would that be infringing on the Standing Orders so that he substantiates the point?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, it is my right to contribute the way I feel I should!

**Hon. Members:** No!

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Overruled!

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir. There is Standing Order No.76 and I quote: "A Member may be required to substantiate his claim." It is there and you have the Standing Orders with you. Let him substantiate or withdraw!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Mwenje! Mr. Mwenje, you cannot run the House from where you are seated and you have to desist from that. Proceed, Mr. Sankori!

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, looking at the report of the PAC, I do not think it was fair for Members to go into details of naming names. We need to look at this issue carefully. If there is any suspicion on anybody, the court is there to investigate, get that person and take the necessary action. What I am against is the circulation of people especially heads of parastatals. You find that after a managing director runs down one parastatal, he goes to head another one.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Sankori, are you on the PAC report?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Yes, on the naming of people by PAC. However, I am saying that because I know there are some parastatals which fall under some Ministries and somehow they are also mentioned in the PAC report---

**Hon. Members:** Which page?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): ICDC is one. The public spending of funds in this country---

**Mr. Khamasi:** What are you saying?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Actually, I am saying that I am against the rotation of such heads of parastatals. They should be sacked! That is what I am against. I know you are happy.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, on spending of public funds, we have 1001 authorities. We have got the Kenya Revenue Authority (KRA) which has got powers to get hold of those people who evade taxation and take them to court. We have the Kenya Anti-Corruption Authority (KACA). We have got the Anti-Corruption Committee of this House. All these bodies should be able to pin down whoever is found to have misused public funds, instead of PAC attacking very innocent individuals.

Mr. Temporary Deputy Speaker, Sir, everybody has got a responsibility to undertake in this nation. Whether you are an ordinary *mwananchi*, a Member of Parliament or a civil servant, all of us have got a role to play to make Kenya a better place to live in. Let us ask ourselves: "Are we performing as required?" "I, as an ordinary citizen, am I performing as required?" "I, as a Member of Parliament, am I performing?" What I am saying here is that if we want the Kenya we yearn for, everybody should do his or her work and do it rightly. The minute you find a sweeper not sweeping the road, a garbage collector not collecting garbage, a *matatu* driver breaking the law, then there is something wrong with those people. If you find a Member of Parliament abusing or boxing another Member, or a civil

servant stealing a few shillings, then there is something wrong with him. So, for us to be able to have a Kenya that we can all enjoy, we should be able to perform our duties to the best of our ability. For us who are in this House, let us practise politics of development. Let us avoid politics of destruction. I am saying that because for example, if you come and say: "Why should Kenya ask for money when it cannot take care of the money here?" Then what are you saying? You are just saying: "Do not give Kenya any assistance." And yet, you will come here and ask a question to the effect that: "When is such and such a road going to be tarmacked." or "When is such and such a post office going to be built" How can you eat your cake and have it? We politicians should be responsible we are the ones who contribute a lot to the problems in this nation. I pray that for us who are in this House, we should talk knowing that the people listening to us and who will read about whatever we say here will either lose or gain respect for us. They do not just take lightly whatever we say.

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori) So, even if you do not like what I have said, you cannot alter it. If you do respect him because he is the Head of State, you should respect him because he is an elder. You are like his children. We are just as young as his own sons and daughters. So, could you please make sure that you are contributing to the Motion to the benefit of the nation and not for Mr. Sankori here or Mr. Obwocha on the other side. No!

Mr. Temporary Deputy Speaker, Sir, with regard to security, we need to note that security is paramount; right from your own house to the nation. We should not play around with security because it deals with life and life is very expensive. We do not manufacture people so that we can say; if ten people are killed today, we can manufacture another ten people tomorrow. Life is very precious.

May I ask the arms of the Government that are responsible for security--- For example, I know Mr. Ketan Somaia, whom Mr. Orenge knows very well, has actually taken over Kshs400 million from this country under the pretext of supplying equipment to this country which he never did. If our security forces are not supplied with the required materials, how are they going to take care of the security of this nation? The security of this country is very important.

Mr. Temporary Deputy Speaker, Sir, concerning liberalisation, I think we have gone a bit too far on that issue. We asked for it and we are paying the price for it. I think we should have limits. Everything has got limits. The question of liberalisation has actually paralysed a lot of factories which were actually beneficial to our economy. We should enact a law, at least, to prohibit the liberalisation of a few things; like coffee, tea, sugar and other agricultural products.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, you have heard hon. Sankori talking about issues like security leaving them hanging without reference to the PAC Report. He has talked about security and he is now talking about liberalisation which is not relevant to the PAC Report? Could he be asked to be relevant? He promised to come back to PAC, but he has not come back yet.

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, hon. Munyasia wants to waste my time, but he is my friend, I excuse him for that.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Sankori says that I am wasting his time. Can an hon. Member of Parliament, especially one for Sirisia, waste his time? Could he be asked to withdraw that remark?

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, what we are talking about here is a Report which has got a lot of things covered as far as our economy is concerned. We are crying because we are not receiving what we should receive. Why are we not receiving what we should receive? This is because of what I am talking about here.

Mr. Temporary Deputy Speaker, Sir, if you look at the development of the country, you can see that a lot of development projects which had been started have stalled due to of poor planning. I know, as much as the Members of PAC know, that a lot of money has been spent on viable projects. Just to mention a few; as you go to Thika, you will see a lot of uncompleted houses at Ruaraka. A lot of money has been pumped into that project and nobody is using those houses because they were not completed. They were 90 per cent constructed or completed.

If you go to Lamu, a whole hospital was started and nothing has been done about it because somebody left the construction unfinished. The PAC Report has highlighted these issues. Why can we not finish the uncompleted projects and then we can start new projects?

**An hon. Member:** Confirm! Which ones?

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): I have mentioned them, my friend!

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Sankori, you do not have to answer questions across the Floor.

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, in order to give hon. Munyasia time to contribute, with those few remarks, I beg to support.

**Mr. Kathangu:** Ninakushukuru sana, Bw. Naibu Spika wa Muda, na pia wale ambao wamezungumza mbele yangu, hasa Bw. Michuki aliyetaja mambo machache ambayo ninakubaliana nayo.

Kwanza, ningependa kuzungumza kuhusu wakati niliposhikwa na kufungwa jela. Kabla ya kuachiliwa kutoka jela, niliwekwa katika chumba cha watu wenda wazimu. Chumba hicho kilikuwa na watu kama 20 waliokuwa wenda wazimu.

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

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

**An hon. Member:** Na wewe ulikuwa wenda wazimu!

**Mr. Kathangu:** Bw. Naibu wa Spika wa Muda, nilikuja kugundua kwamba wale watu 20 ni watu ambao wangeweza kuzungumzia mambo yanayoeleweka isipokuwa tu, utaje yale ambayo yaliwafanya kuwa wenda wazimu. Kabla hujataja yale mambo ambayo yaliwafanya kuwa wenda wazimu, wale watu wenda wazimu huzungumza kibinadamu.

Bw. Naibu Spika wa Muda, sasa tunazungumza kuhusu Ripoti ya Kamati ya PAC na mambo haya yanawahusu watu wengi sana ambao ni wezi, wadanganyifu na wale ambao wanatarajia kupora mali ya Serikali.

Bw. Naibu Spika wa Muda, mhe. Sankori amesema kwamba Serikali ni mama. Nafikiri kwamba anajipotosha kwa sababu mama katika nchi hii ni wananchi ambao wamezaa Serikali hii. Vile vile, hata nimesikia Rais wakati mwingine akisema, kwamba kama mama yako ni kipofu, kisiwi, wazimu, mwizi na kadhalika, ni mama tu. Kwa hivyo, Sankori, labda na Rais, wanakubali kwamba wao ni wezi.

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): Jambo la nidhamu Bw. Naibu Spika wa Muda. Sijiu kama mhe. Kathangu anazungumza juu yangu au kuhusu Ripoti ya PAC?

**The Temporary Deputy Speaker** (Mr. Mkalla): Anazungumza kuhusu wale waliozungumza mbele yako. Endelea!

**Mr. Kathangu:** Asante sana Bw. Naibu Spika wa Muda. Ni kusema tu ninasema kwamba; katika hii Ripoti ya PAC tumeambiwa kuhusu wizi na Bw. Sankori na Rais wa nchi hii na wamesema kwamba, hata kama mama yako ni mwizi, ni mama tu! Wanataka tujue kwamba hawa ndio mama zetu na kwa sababu ni wezi, tukubali na tuwapende kwa sababu ni wezi wetu.

**The Assistant Minister for Trade, Tourism and Industry** (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that sisi ni wajinga au wezi?

**The Temporary Deputy Speaker** (Mr. Mkalla): Nafikiri mhe. Kathangu hakusema kwamba wengine ni wajinga. Endelea!

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, Rais Moi ameunda Serikali tano tangu ashike uzukani. Na Serikali aliyenayo sasa ni ya sita.

Kila mwaka, ripoti za PAC ambazo tunazungumzia hapa, zimekuwa zikitueleza kwamba kumekuwa na wizi miaka-nenda-miaka rudi. Kinachonifanya nimuunge mkono mhe. Michuki ni kwamba, ikiwa Serikali imeambiwa, zaidi ya miaka 20 sasa--- Kila mwaka wanaambiwa kwamba kulikuwa na wizi na hakuna hatua yoyote wanayoichukuwa. Kuna kilio kingi ambacho kinaendelea katika nchi hii; kwamba kahawa, majani chai, maziwa na kila sekta ya uchumi imedhoofika.

Kila mtoto katika nchi haendi shule. Ukienda katika hospitali utakuta kwamba--- Isipokuwa watoto wa upande huo wana shida kubwa sana.

Bw. Naibu Spika wa Muda, vile ninavyosema ni hivi---

**The Minister for Finance and Planning** (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor is deliberately misleading the House. I am sure that in all honesty, he cannot tell us that his children are not going to school. When we attended a *Harambee* fund raising meeting for the hon. Member the other day, his children were going to school.

**Mr. Kathangu:** Bw. Naibu wa Spika wa Muda, hivyo ndivyo ninavyosema.

**The Temporary Deputy Speaker** (Mr. Mkalla): Wabunge waheshimiwa, ningependa kuwaomba tuwe na nidhamu ya hali ya juu tunapochangia Hoja hii; tusiwe na utovu wa nidhamu. Mhe. Kathangu amesema, kwa upande mmoja, kwamba watoto wake hawaendi shuleni; kwa upande mwingine, anasema ya kwamba watoto wake wanaenda

shuleni. Hivyo basi, matamshi hayo hayana ukweli wo wote. Kwa hivyo, Bw. Kathangu, tumia lugha ambayo itayafanya majadiliano haya yawe mazuri.

**Mr. Kathangu:** Nimeshukuru Bw. Naibu wa Spika wa Muda. Ninatumaini kwamba umesikia ikisemekana kwamba, ili niweze kuwapeleka watoto wangu shuleni, niliomba msaada kutoka upande wa Serikali. Ninashukuru kwamba wahe. Wabunge wa upande ule walinisaidia.

Labda, kwa sababu ya unyenyekevu wao, kumcha kwao Mungu, na heshima walionayo kwa viongozi wao, wananchi wa nchi hii wamenyamaza kimya kwa muda mrefu sana. Wananchi wamewaambia viongozi wao: "Tafadhalini badiilisheni mwenendo wenu", lakini mwenendo wao haubadiliki. Waliendelea kuwaambia viongozi wao: "Tafadhalini rudisheni fedha zilizoibiwa", lakini fedha hizo hazirudishwi. Wananchi waliendele kuseama: "Sasa tumewachagua mwende mkabadilishwe mwenendo Serikalini", lakini hivyo havifanyiki.

Bw. Naibu wa Spika wa Muda, Serikali iliyopewa mamlaka na wananchi imeshindwa kutekeleza wajibu wake. Yale yaliyosemwa na mhe. Mwakalu - kwamba Bunge hili lina uwezo wa kubadilisha sehemu za Katiba zinazochangia mashaka ya Wakenya, na kwamba lina uwezo wa kuwachukulia hatua wale walioiba fedha za umma - hayataatelezwa. Itakumbukwa ya kwamba tumejaribu sana kuleta mabadiliko katika Bunge hili, lakini upande wa Serikali umesimama wima kupinga jitihada hizo. Hata leo asubuhi upande wa Serikali ulipinga kujadiliwa kwa Hoja ambayo inahusiana na kuanzishwa kwa Tume ya Shuhuli za Bunge. Baadhi ya Wabunge wa upande wa Serikali walitaka Hoja ile ibadilishwe. Hii inamaanisha kwamba upande wa Serikali bado haujakuwa na imani ya kutosha na wananchi, ambao waliwateua waiongoze nchi hii. Hivyo basi, ningependa kusema ya kwamba wakati umefika Wakenya kuanzisha mfumo wa mapinduzi katika nchi hii.

**Mr. Nderitu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the hon. Member to clarify whether he is saying that the Government is not performing at all.

**Mr. Kathangu:** Bw. Naibu wa Spika wa Muda, nimefurahia sana jambo hilo la nidhamu kutoka kwa mhe. Nderitu. Bw. Nderitu amekuwa akisisitiza wakulima waendelea kulima mpunga kwa sababu njaa imezidi. Mbali na hayo, Bw. Nderitu anafahamu kwamba, kwa muda wa mwaka mmoja sasa, amekuwa akiongoza jamii iliyokumbwa na migogoro kwa sababu ya mpunga wanaolima.

**The Assistant Minister for Trade, Tourism and Industry (Mr. Sankori):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I need the guidance of the Chair on whether it is in order for hon. Members of this House to discuss revolution.

**Mr. Kathangu:** Mr. Temporary Deputy Speaker, Sir, maybe, I should respond to that in English and tell the hon. Member what a revolution is.

**The Temporary Deputy Speaker (Mr. Mkalla):** Bw. Kathangu, huruhusiwi kuongea kwa lugha ya Kiingereza, kwa sababu ulianza kuchangia Hoja hii kwa lugha ya Kiswahili. Endelea kuzungumza kwa lugha ya Kiswahili.

**Mr. Kathangu:** Ahsante, Bw. Naibu wa Spika wa Muda. Neno la Kiingereza, "revolution" lina maana ya "mabadiliko". Maana ya neno "revolution" anayojua mhe. Sankori ni ile ya kupigana vita msituni kwa bundiki ili kuleta madiliko ya kisiasa. Mimi ninazungumza juu ya mfumo; kwa lugha ya Kiingereza ni "movement", to revolutionise the Kenyan economy.

Ninasema kwamba ni lazima tuanzishe mfumo wa mapinduzi. Pia, mfumo huo unaweza kuipindua Serikali ya nchi hii. Ninasema kwamba ninamuunga mkono mhe. Michuki. Kama Serikali haitilii maanani yale yanayosemwa katika Bunge hili na yale yanayozungumzwa na wananchi kwa jumla, ni jukumu la wananchi wenyewe kutafuta mbinu za kuibadilisha Serikali hii na nyingine itakayosimamia maslahi yao kwa njia inayofaa.

**An hon. Member:** Kweli kabisa!

**Mr. Kathangu:** Viongozi wa Serikali katika Bunge hili hukashifu waandishi wa habari. Jambo tunalotakiwa tujue ni kwamba magezeti kote ulimwenguni yana jukumu la kuwaelimisha watu juu ya maswala mbali mbali. Jukumu la magazeti si kuwafahamisha watu juu ya mambo ambayo husememwa peke yake. Kama kuna mwizi katika Bunge hili, inatakiwa atambuliwe na waandishi wa habari, hata iwapo mwizi huyo ni Rais, Makamu wa Rais ama Waziri wa Fedha. Sisi tulio hapa huwategemea waandishi wa habari kuwafahamisha na kuwaelimisha wananchi jinsi nchi hii inavyopaswa kutawaliwa. Kwa hivyo, wale ambao hushutumu magazeti kama vile *The People Daily* na *Daily Nation* ni kama--

Bw. Naibu wa Spika wa Muda, mwenda wazimu huzungumza mambo ya maana ila tu utakapomtajia kile kilichomfanya awe mwenda wazimu. Wakati Rais wa zamani wa Uganda, Bw. Iddi Amin, alipokuwa mamlakani, Shirika la Utangazaji Nchini (KBC), ambalo wakati ule liliitwa *Sauti ya Kenya* (VOK), lilileta kipindi kilichokuwa kikizungumza juu ya sokwe Sebastian. Sokwe yule alikuwa akiishi katika makao ya wanyama ya Shirika la Wanyama Nchini (KWS), kule Langata, akingojea kuonwa na watu wengi ambao walipenda sana kuona wanyama wa porini; alikuwa mnene kuliko wanyama wengine wote waliokuwa katika mbuga ya wanyama, Nairobi. Sokwe Sebastian

alilinganishwa na Rais Iddi Amin kwa sababu kazi yake ilikuwa ni kula na kuchezea watu tu.

Ningependa kusema kwamba Sauti ya Kenya ilifanya kazi mzuri - ilimtukana kiongozi mmoja wa Afrika, ikiwaambia Wakenya wasingoje Iddi Amin aivamie nchi yao, bali wasimame wima waipigania. Sasa wakati umewadia kwa Wakenya kupigania nchi yao. Pia, ningependa magazeti yawaambie Wakenya wasimame wima wapigane na Serikali, ambayo kazi yake ni kuwaibia mali yao bila ya kuwasaidia.

Kwa hayo machache, ninauunga Mswada huu.

**The Temporary Deputy Speaker** (Mr. Mkalla): Mr. Kathangu, before you sit down, I would like to caution you that the language you have used is not Parliamentary. You have been talking of revolution, and many hon. Members have not understood you well. I would like to caution all hon. Members to use Parliamentary language, to foster debate on this Motion. Mr. Parpai, could you proceed.

**Mr. Kathangu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You asked me not to sit down. Can I say something?

**The Temporary Deputy Speaker** (Mr. Mkalla): Proceed.

**Mr. Kathangu:** Mr. Temporary Deputy Speaker, Sir, I would like to speak in English this time round. I said that we need to revolutionise the affairs of the country.

**The Temporary Deputy Speaker** (Mr. Mkalla): Mr. Kathangu, if you must continue, do so in Kiswahili.

**Mr. Kathangu:** Mr. Temporary Deputy Speaker, Sir, you said that some hon. Members did not understand me well when I spoke in Kiswahili.

**The Temporary Deputy Speaker** (Mr. Mkalla): No, no, no! I now assume that you have finished contributing to the Motion, in Kiswahili. So, sit down, please. Mr. Parpai, proceed!

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion. You very well know that the Report we are debating here was compiled by the Public Accounts Committee (PAC), which had more than 60 sittings during which witnesses gave evidence.

Members of the visited some areas to make sure that the kind of report they bring here is true. I get a bit worried when I hear my colleagues referring to this Report as untrue. Indeed, this is not the position. This is a Report that has been well done and I am sure that whatever is before us is the truth. It is important that this Report is debated here, because we are debating public funds in this House.

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

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

The only way an taxpayer will know how his or her money has been spent is through this House. We need to expose those who have misappropriated funds. It is important that members of the public know the person who has misappropriated funds thus denying them drugs, good roads and education for their children. That is very important.

I do not understand why some of my colleagues feel that names should not be mentioned here. What do we fear? We talk about transparency. How can you be transparent if you do not want to point out the person who has done something wrong? We need to name them! If those people who were mentioned in this Report were given a chance to defend themselves and they do not want to be mentioned, let them not misappropriate public funds. Mr. Temporary Deputy Speaker, Sir, we urge this Government to implement this Report. It is long overdue. The Members of the Committees go round, spend money, sit and are paid allowances. Its unfair to add a burden to the taxpayers in terms of collecting this information, if the Reports are not implemented. At times I ask myself: "Is it because most of the people who have been mentioned in these Reports are with us here, or have godfathers elsewhere that these Reports are not implemented?" It is high time that these Reports were implemented. It is high time that this House said that if these Reports are not implemented we should scrap these Committees that do a routine job. We need these Reports to be implemented!

From the Report, we have read that many projects get to the list of whichever Ministry is implementing them depending on how much money will be paid in terms of commission. These projects are not priorities of this country, but they are priorities of some individuals. This is why many projects are left uncompleted at the end of the day. I am sure that many hon. Members who have spoken before me have indicated that many projects have been financed before being implemented. It is high time that projects were implemented according to their priorities. It is high time that projects that were started were completed. I happened to live along Thika Road. Opposite Utalii College, there are some buildings that are decaying and even becoming hide-outs for thieves. These houses have been built and left uncompleted by this Government. If you were told the amount of money that has been used in building those houses,

you will wonder whether whoever thought that it was a priority for this country had the interest of this country at heart. It is high time we got our priorities right. It is also high time that the people of this country were involved in whatever is happening and we can only achieve that if we are transparent. We can start this from this House and the "top". There is no need of telling a civil servant, for example, a clerk to be transparent when you know that you, as a Minister, are not transparent and all you do is come up with projects that you know you stand to gain from, not necessarily in terms of votes, but much more in terms of money. This is the problem that we are facing in this country.

Mr. Temporary Deputy Speaker, Sir, much more worse is the way we keep on transferring the fellows who have messed up the economy from one station to another. Today, you are appointed the Permanent Secretary in the Ministry of Agriculture, Livestock and Rural Development, you mess up that Ministry, "eat" as much as you can and then you are transferred to a Ministry that can give you quite more. You are transferred to the Ministry of Health, you mess up things there and when people complain, you are transferred to the Ministry of Finance and Planning. You keep on being promoted depending on how much money you "eat"! This is what we should avoid. This is why we, as the House, should resolve to vet whoever will be appointed to a senior position so that we do away with those officers who are not prepared to serve the country, but instead have chosen to serve their stomachs. If we do that, I am sure that this country will get the right material in the right place one day.

It is also very shameful that a lot of money is withdrawn from the Consolidated Fund without authority and this is done by those people who are supposed to be the guardian of the Constitution. You have heard people saying in this House that something was done by somebody, or because of some pressure from "above", and yet, this "above" is never mentioned. It is high time that whoever did that kind of thing and thought that it was done out of his wish stood up like a Kenyan, resigned and told us why he resigned. In fact, it does not make any sense, if you feel that you are frustrated, to resign and go home. We need to know the pressures that have made you to go home because by doing this, you will earn some respect from Kenyans. I think it is necessary to get Kenyans who are prepared to serve this country. If you go through the detailed Report, you will realise that a lot of money has not been collected and there is evasion of taxes. In fact, this is true. When there were road toll stations, many clerks had their own printed receipts which resembled the official receipts and unknowingly, some of the Kenyans paid taxes thinking that the money was being receipted properly, only for it to end up in peoples' pockets. It is high time that the Government got to know who has which receipt book. This is because some of the money that is collected on the way does not get to the kitty of the Government.

Mr. Temporary Deputy Speaker, Sir, there is a lot of remission in terms of evasion of taxes and VAT on those items that are imported into the country. It is high time that, that kind of legislation was tightened more than it is today, because if you happen to be a politically-correct individual in this country, you can do as much as you can. Much has been said here by the Minister for Finance and Planning; that he has tightened screws on tax evasion and much more. A lot is happening in this country. So many panya routes are there in this country. Many goods get into this country without being taxed. It is high time that those panya routes were either made official, or we forget about tax collection. It is high time that we collected what is collectable for the good of this country.

Having said all that, I would like to support the Motion before us and I hope that this time round the recommendations of the PAC Report, which will be passed by this House, gets implemented for the good of this country. After all, this is the last PAC Report in this century, I am told - if the century is not beginning in the year 2001. If that is true, and if what the Government has always talked about being transparent is anything to go by, and not just aimed at getting a few shillings from the donors, this time round let us see action being taken. Let them implement what we heard at Uhuru Park. Otherwise, the donors will not take them seriously if all these Committees' Reports are discussed and resolved in this House and just kept to gather dust in the drawers.

Thank you, Mr. Temporary Deputy Speaker. **The Temporary Deputy Speaker** (Mr. Poghiso): It is now time for the Government responder.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond to the debate on the PAC Report on behalf of the Ministry. Let me first take this opportunity to thank the Mover of the Motion, who is the former Chairman of the PAC.

As we know, PAC is one of the most important watchdogs of the public funds. Its work is extremely important and the Government values it. As my Ministry is charged with the responsibility of looking after and accounting for public funds, let me emphasize, and probably re-emphasize, that we do appreciate the work of PAC and the Office of the Controller and Auditor-General. Their work together with the work of my Ministry will help this country use its resources better, and improve the well-being of Kenyans. Let me also, at this stage, take the opportunity, although I know that the former Chairman of the PAC will do the same, to thank those hon. Members who have contributed very constructively to the discussion of this Report. I can hear one hon. Member expressing his concern whether the debate is being closed. The way I understand it is that, until the Mover responds, the debate has not closed, but I think I am properly in order to respond at this stage so that other hon. Members may continue to

debate, or as the Speaker may wish to end the debate.

We have noted the contributions of those hon. Members who have already contributed and I wish to assure---

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to respond in the middle of a debate, when according to his own words, he will be expecting further comments so that he can fully respond to what has been said?

**The Temporary Deputy Speaker (Mr. Poghio):** Mr. Michuki, he is not the Mover; he is only the official Government responder.

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Thank you, Mr. Temporary Deputy Speaker, Sir. The order is that the Mover will fully respond, and those responses will be taken in totality and considered by the Government. I am merely commenting on those remarks that have been contributed already by the hon. Members. As I said, those responses are constructive criticisms that have been raised by hon. Members. Regarding those remarks that will subsequently be raised after me by any other hon. Member, let me assure the hon. Members that every effort will be made to ensure the recommendations that come out of this discussion and those that are contained in the PAC Report will be implemented. I would say that, may be, we should be judged hereafter by our actions as the adage goes: "Actions do speak louder than words." And we intend to act.

I have noted the major areas of weaknesses in the Government internal controls that have been pointed out by the Controller and Auditor-General in his Report, and repeated by the PAC in their Report and re-emphasised by many hon. Members in our discussions in this debate. As I said earlier, appropriate action will be taken as required by our laws.

I would like at this stage to dispel a very serious misunderstanding that has obviously arisen with regard to the figure of Kshs580 billion mentioned in this House, as relating to losses incurred by the Government supposedly during the year 1995/1996 which is a subject matter of the PAC Report. As I have pointed out, this figure is not, in fact, made up of losses.

Mr. Temporary Deputy Speaker, Sir, I am an accountant like my fellow accountant who was the Chairman of this Committee at the material time. He kindly availed to me the schedule referred to. Let me point out that I outlawed that schedule because quite correctly, it did not form part of the PAC Report, which was earlier tabled before this House. I would probably have left it like that, but considering the amount of praise that has been given to this figure, not only here, but I believe even outside this country, I think we should clarify what exactly this figure is made up of. The truth of the matter is that this figure does not represent losses by the Government, either by amounts spent and lost as such, or by amounts or revenue not collected. If there is such loss, it is a very miniature amount.

Mr. Temporary Deputy Speaker, Sir, I believe that hon. Obwocha may wish to clarify what this is later on, because he has even admitted in private conversations that these are not actually losses. Maybe, he will explain exactly what it is. As I said, these are not losses by any term, expression or any definition.

If I may go slightly back, I will say that this figure, if it were, in fact, losses, it would have been so important that it could have been the very first item in the Report of this Committee which was tabled before us and which is here. It would have been the very first item in the introduction of this Report because it could have been so outstanding and clear. It does not feature anywhere. The only figure that we have summarised in the introduction is an item of excesses, which is approximately K£45 million or Kshs900 million. This is a lot of money. We will admit it is a lot of money, but it is nowhere near Kshs580 billion.

Mr. Temporary Deputy Speaker, Sir, in the same Report of the Committee on page one, we have a summary of the Government financial position as of 30th June, 1996. This is paragraph three and it summarises the receipts and the expenditures of the Government under both Recurrent and Development Votes. Under the Recurrent Vote, both receipts and issues are in the order of K£140 billion, and the figure for the Development Vote is Kshs10 billion. In the whole of 1996, we are talking of Government expenditures and receipts in the order of Kshs150 billion. This is just to put into perspective the figure of Kshs580 billion.

I know that some dailies have been accused of commenting on debates in this House and it seems that these issues particularly from the other side---; I do not want to be partisan in this case, but I am merely stating the obvious. These comments particularly from the other side only arise when something critical is mentioned with regard to contributions from that side. If I may use some of the words that I saw in some of the reports, one of the dailies commented that: "A figure of Kshs580 billion was too much to swallow". This happens to be the right sentiment, but I think the writer might have missed the fact that this was not, in fact, reflected in the Reports of PAC as we know it. It is only fair to say that this was hon. Obwocha's figure. If I may continue, I will explain why.

**Mr. Parpai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to keep on referring to "this figure of Kshs580 billion" without in the first place, substantiating and telling us what otherwise this figure would have been represented? Worse of it all, is the Assistant Minister, who is an Accountant, in order to tell us this when he very well knows that---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Parpai, you are getting into an argument! If you want to raise a point of order, let it be so. Continue.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, thank you very much. That was not a point of order. The hon. Member has had a chance to make his presentation and I am sure there will be other hon. Members who will make presentations of their own.

As I said earlier, I was coming down and maybe look at some of the specifics because my colleague, hon. Obwocha, for whom I have a lot of respect, except that I do not agree with him completely as far as this figure is concerned, was kind enough to let me look at this document. This document was outlawed from this House, but because it has been given a lot of praise, it is only fair that I clarify the way we look at it. As I said, this figure of Kshs580 billion is not made up of losses by any stretch of the imagination. We do not deny that parts of it relate to certain losses. Let me give a few examples from the figures quoted. I will only quote two figures. The Ministry of Finance and Planning, for example, is reported to have lost Kshs515 billion. The first item on this "supposed" loss is the Government net deficit as of 30th June, 1996 of Kshs56 billion. This is what is called the loss. If it is a loss, I do not understand the meaning of that word.

**Mr. Obwocha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the figures I quoted here were pure losses when I gave him the Report? In fact, he has it there. It is written; "amounts lost or not collected" which means part of the money was money lost and part of it is money to be collected in terms of taxes and overdrafts which the Government has taken. That is the one he is referring to as "net deficit."

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Obwocha, you will have your time to explain all that.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): That, in my view; it is not a point of order. Mr. Obwocha was merely explaining what he understands about what he has given us. I am sure he will have enough time to do that. Let me be generous; if we were to say that these were amounts lost or not collected, in what way can we say a net deficit on Government accounts or on the budget is not collected or lost?

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

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, may I ask for your protection?

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to refer to this Report which was presented in this House by the Chairman and was overruled by the Chair?

**The Temporary Deputy Speaker** (Mr. Poghisio): Certainly not. In fact the Assistant Minister himself did allude to that in his presentation. He knows it has been "outlawed" and expunged from the records of this House and it is not accepted into the documents. Basically, what he is referring to and explaining is not acceptable. Mr. Assistant Minister, I think you had better now move on to things other than that.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I think I did explain why I was referring to this Report. It is only fair, considering the amount of misinformation that has arisen out of this figure. Unless---

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Arap-Kirui, I think you have really dwelt on that Report. If it is anything to refer to, it is outlawed. You have actually dwelt on it for so many times today. I think you should respond to the presentation on the Report. I would like you to proceed from there.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you Mr. Temporary Deputy Speaker, Sir. Maybe we should then agree that this so-called "report" is not a report. It does not represent any losses as we know it and it should be dismissed as such. I think we owe it to the people of this country that they understand what this is. It is not a record of losses by the Government either for 1995, 1996 or for any time.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Arap-Kirui, if it has already been ruled otherwise, I think it is only fair to realise that this House has dealt with that issue.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir. I do not wish to make this debate unduly protracted. You do appreciate my persistence considering what has happened. My colleague hon. Obwocha, was in fact interviewed by BBC one morning and he explained how these losses have drained our economy. I think it is only fair that the Government is given an opportunity to respond. Otherwise, there will always be that misunderstanding in people's minds that maybe the Government lost this Kshs580 billion. We did not lose any money!

**Mr. Munyao:** Are you saying that Kshs580 billion is not a lot of money?

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Kshs580 billion is a lot of money, but if that Member was in the House, he would have understood what I am trying to explain. The Government national debt or deficit which is here is not a lot. If I may proceed to comment further on this report and elucidate, as I said

earlier, the Government accepts genuine, constructive criticism and we do undertake to take corrective action as recommended in this Report. May I also point out that a notable feature of the PAC Report is that it cites old cases that have been brought forward from year to year. We have had cases where Members of this House have had to debate the same issues over and over. If you were to go through the debate of the PAC Report for last year, you will find that nearly 70 percent of the matters discussed are the same ones that we have been discussing. I do not blame the Members of the PAC, but I think we also need to put this thing in perspective so that we understand what actually relates to 1995/6 and what relates to the other years.

For example, the All African Games is still a problem, although this issue arose in 1986. If you look at any page we are talking of 1989, 1988, 1990 and so on. Considering the radical changes that we have had recently in the Government, which have been announced, we are very confident that many of these things will be cleared up so that, in fact, in future we shall be debating current matters. We will not have to repeat ourselves.

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Given that regardless of whatever time it started, until an issue in any Report of the PAC is resolved, it recurs every year whether it is in 1991 or 1990; is it in order for the Assistant Minister who should know this to mislead the House that these figures that the Committee has dealt with should not relate to those years when rightly they should?

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Mr. Temporary Deputy Speaker, Sir, may I just point out that I was not, in fact, misleading anybody. I am merely clarifying that this is the situation. I am not denying that. To that extent, what I am trying to emphasise is that we have a situation here where some of these matters are old. We will make every effort to clear them in future. We should not, on the other, hand give the impression that these are things that happened in 1995/95 because some of them are very old. I was also suggesting that maybe Members would have saved themselves a lot of time because some of them do not realise that some of these issues relate to 10 years ago or earlier. We can then begin to dwell on current issues.

**Mr. Kariuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is labouring on the same point about time, with regard to this Report. He is trying to mislead this House by insinuating that over time, these debts are not carried forward. These are pending bills relating to expenditure that was incurred in 1996. These pending bills have an impact on the current issues.

**The Temporary Deputy Speaker (Mr. Poghiso):** Let us have serious points of order.

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Mr. Temporary Deputy Speaker, Sir, I know most hon. Members on the other side of the House do not agree with what I am saying. But could they be patient because they had their time and they said whatever they wanted to say.

Mr. Temporary Deputy Speaker, Sir, what I would like to say is that, most of these are very old cases carried forward from the previous years. We hardly have an issue that relates to 1995/96 Financial Year. This seems to show, in my humble view, that matters are probably not as bad as they used to be. These matters could have improved much better in the subsequent financial years.

There have been remarks and complaints by hon. Members regarding the timeliness of this Report and we are very much aware of it. I think what also needs to be appreciated is that, these reports are getting more and more timely. For example, currently, we know that we are discussing the report for 1995/96 Financial Year. Hopefully, we will soon be discussing current reports. As we know and as hon. Members have been made aware, the Government has recently been investing on information technology and we hope very soon we shall be very current on these issues.

Mr. Temporary Deputy Speaker, Sir, before I conclude my remarks, I would like to touch on a matter that has raised complaints from some hon. Members to the fact that, names of certain hon. Members of this House---

*(Loud consultations)*

**The Temporary Deputy Speaker (Mr. Poghiso):** Order, hon. Members! It is probably to the best interest of both sides of this House, that you hear the Government response. I would like to ask that the Assistant Minister who is responding, be given attention, so that we can hear the Government response.

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Thank you very much, Mr. Temporary Deputy Speaker, Sir. As I said, some hon. Members on the other side of the House may not like to hear what I have to say.

As I said earlier on, there are a number of individuals named in this Report. Some of them have had the opportunity to appear and present their cases to the PAC, but others were not given the opportunity to defend themselves. I believe, it was only the other day that Mr. Speaker emphasised on the most fundamental principal in the laws of natural justice; that one be not condemned before he has been given the opportunity to defend himself. The instances of this kind have arisen in this Report and we, hope they will not recur again. The hon. Members adversely mentioned in any manner, need to be alerted, so that they can defend themselves. If they do not chose to defend

themselves before the Committee, then this matter should be reported as such. But where they have not been accorded the opportunity to defend themselves, I think, this matter should be noted and avoided.

Mr. Temporary Deputy Speaker, Sir, with those very few comments, I would like to commend the Report of the Committee to the House.

Thank you, Sir.

**The Temporary Deputy Speaker** (Mr. Poghismo): Could the Mover now reply?

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, I would like to give five minutes of my time to hon. Mwakiringo. But let me just say this: First of all, I wish to thank all hon. Members who have contributed effectively to the debate on this Report. I would like to agree with hon. Arap-Kirui---

**Mr. N. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Obwocha to start replying when he has already given some of his time to hon. Mwakiringo? Is it not in order for Mr. Mwakiringo to contribute first and then, hon. Obwocha can conclude?

**The Temporary Deputy Speaker** (Mr. Poghismo): As a matter of fact, Mr. Obwocha has taken care of that by speaking himself. So, proceed and conclude.

**Mr. Obwocha:** Let hon. Mwakiringo contribute?

**The Temporary Deputy Speaker** (Mr. Poghismo): Mr. Obwocha, you cannot do that.

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, it is does not matter where Mr. Mwakiringo comes in. But let me say this---

**The Temporary Deputy Speaker** (Mr. Poghismo): Order! Mr. Obwocha, you have very little time. Mr. Obwocha, since you began to speak, proceed and bring this debate to a conclusion. There is no more time for Mr. Mwakiringo.

**Mr. Obwocha:** Mr. Mwakiringo is a great friend of mine and he has given the green-light to continue.

Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to thank the Assistant Minister for being bold in his reply in this House. Everybody in this country and more so, those who are in Parliament, know that the PAC Report not only deals with the issues of that year, but it also deals with unresolved issues brought forward from the previous years. So, we cannot over-emphasise that fact. Therefore, when we said that Kshs580 billion was lost or not collected, we were not talking about one financial year, but we were talking of all the issues that were raised in the 1995/96 Report. I think I have clarified that.

Mr. Temporary Deputy Speaker, Sir, the amount of money we are querying---

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, the hon. Member is still misleading this House. He has the opportunity to clarify what Kshs580 billion is, but he is still talking about money not collected. The deficit is not a debt.

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order!

In this Report, you will find money that has been lost in projects. Secondly, you will find money which is uncollected revenue and taxes. Thirdly, you will find even money of cheques given by parastatals to the Treasury, but bounced. For example, on paragraph 107 by at Ministry of Finance, cheques worth Kshs400 million were given to Treasury, by KPTC but bounced. Fourthly, you will find outstanding loans. This was money given to institutions but Government failed to collect. For example, there was Kshs9 billion given to various local authorities. Do you not think that this money needs to be collected because it was money that Government had guaranteed to various parastatals? All these are audit queries and they form part of Kshs580 billion, I was talking about.

*(Applause)*

Therefore, when we talk about this figure, it is the accumulated figure of issues unresolved. For example, the Assistant Minister said that none of those were losses. Now, the Kshs1.2 billion that was paid to Mr. Ketan Somaia to deliver equipment to the Government. He delivered a small part of the equipment that were required. There is a lot of money outstanding for undelivered equipment. What do you call that? Are those not losses?

**Hon. Members:** They are!

*(Applause)*

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, let us address what is good for this country. All of us are talking in one voice; that there are issues that are unresolved. There is money that is lost. There is money not collected. Let the Government do its job by collecting the money, or get the people responsible to pay the losses that have been incurred.

(Applause)

This is the language that we are talking. That brings me to the point of implementation. It was sad that in our Standing Orders, we had an Implementation Committee. This was scrapped in the year, 1980. Therefore, all the recommendations that are carried in the Reports of this House, both the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), are not implemented. Now that we have a new recovery team, I am asking my very dear friend, Mr. Charles D.K. Arap-Kirui, a man I respect--- This is the man who should actually be the Assistant Minister for Finance and not hon. Marrirmoi!

(Laughter)

**Hon. Members:** Mali ya Moi!

(Mr. Marrirmoi stood up in his place)

**The Temporary Deputy Speaker** (Mr. Poghishio): Order! Mr. Obwocha, if I am not wrong, and if it is not reciprocal, then there is an imputation of improper motive on the Assistant Minister! Would you take care of that?

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, this was with a light touch! Hon. Marrirmoi is my friend!

(Laughter)

Let us move on to substantial issues. I want to say this: The PAC and PIC, as many of my friends have said, receive a lot of evidence from public officers and the general public. I would urge and plead with this House that: Let us amend our Standing Orders so that all the hearings of these Committees can be made public. The people of Kenya will know and see what we do. All the work that we do is on behalf of the people of this country.

My second last point is this: I was also saddened like my brother Dr. Kituyi, when I read in the *East African Standard* that the PAC over-played the issue of the Kenyatta International Conference Centre (KICC). The truth of the matter is this: In the Estimates of the 1972/73 Financial Year, money was provided by this House to build that building.

**An hon. Member:** There were provisions for two years!

**Mr. Obwocha:** That was the final provision in the 1972/73 Financial Year. That money was given by this House to put up that building for this country. Indeed, a building was put up using public funds. Now, a political party, the Kenya African National Union (KANU), comes up and says: "This is our building!" This issue is raised by the Controller and Auditor-General. This House must look at that issue and find out the truth about it. The truth about it is that the building was constructed using public funds. So, unless the political party shows the House that they paid for it, they have no business claiming ownership of the KICC.

(Applause)

The recommendation that was made by this House was that: "KANU should start paying rent immediately to the Government." This is the truth about it. So, I would like to tell the friend of mine in the *East African Standard* that: "Do not comment on issues that you do understand. Ask Obwocha for a cup of tea and I will explain to you the way we arrived at that conclusion."

Finally, when we looked at the issue of some of the members that were named here, let me just take one as an example. On the issue of the Soya Beans Plant, this is what happened.

First, a Mr. Savage was doing the consultation on behalf of the ICDC and yet, he was not appointed by the ICDC! Secondly, an Inter-Ministerial Committee was set up by the Ministry of Commerce and Industry, Ministry of Energy, Ministry of Regional Development, Ministry of Livestock Development, Ministry of Finance and Ministry of Agriculture to provide expertise advice on the project's validity. But it did not come up with any recommendations on viability. The then Minister for Energy, hon. K.N.K. Biwott and Minister for Finance, Prof. Saitoti, each wrote a letter saying: "Please, we have agreed that this project should go on." That is one of the reasons that we came to a conclusion that the two influenced---

**The Assistant Minister for Finance and Planning** (Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is misleading this House, unless he is willing to table the letters before this House. As far as we know, there were no letters!

**Mr. Obwocha:** I can even table the 1995 PIC Report, which is here, and it was passed by this House. In 1995, hon. Arap-Kirui had not come to Parliament. He was not a Member of Parliament at that time!

Finally, the evidence we got is that Mr. Savage lobbied for the support of top Government officials for the project to take off without those Committees giving the necessary recommendations.

I wish to thank everybody, and ask that you vote with your conscience. This Report is for the people of this country. You should stand to be counted!

With those few remarks, I beg the House to adopt the PAC Report.

Thank you.

*(Applause)*

*(Question put and agreed to)*

*(Applause)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time to interrupt the business of the House. The House stands adjourned until tomorrow Thursday, 14th of October, 1999, at 2.30 p.m.

The House rose at 6.30 p.m.