

# NATIONAL ASSEMBLY

OFFICIAL REPORT

**Wednesday, 11th May, 2005**

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

**PAPER LAID**

The following Paper was laid on the Table:-

The Report of the Parliamentary Select Committee investigating the circumstances leading to the death of the late, the hon. Dr. Robert John Ouko.

*(By the Chairman of the Parliamentary  
Select Committee Inquiring Into the  
Death of Dr. Robert Ouko (Mr. Sungu)*

*(Applause)*

## QUESTIONS BY PRIVATE NOTICE

**Mr. Deputy Speaker:** Hon. Members, we will begin with the first Question by the Member for Baringo North.

Proceed, Mr. Boit.

### MEASURES TO AVERT STARVATION IN BARINGO NORTH

**Mr. Boit:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that 120,000 people in Baringo North are starving due to lack of food?

(b) If the answer to "a" above is in the affirmative, what plans does the Minister have to ensure that these people do not starve to death?

**The Assistant Minister, Office Of the President (Dr. Machage):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that there were 120,000 people facing starvation in Baringo North due to lack of food. I am, however, aware that Baringo District is affected by drought like many other districts in the country from last year.

(b) Baringo District is one of the districts in the country that was affected by drought in the year, 2004. The drought was declared a national disaster by the Government in July last year and consequently, emergency operations were launched by the Government and World Food Programme,

to assist those affected across the country. Baringo District has a total population of 298,339 people. Out of this number, 34,846 people were targeted for relief food aid during the first phase of emergency operation that started in September, 2004 and ended in February, 2005.

After the onset of the short rains, an assessment was carried out in January this year and the emergency operation was extended to cater for districts that have not recovered from the effects of drought. Baringo District is also covered in the second phase of emergency food programme and 126,501 people are targeted for food aid. The second phase of emergency food programme will continue for the next six months after which the situation will be reviewed again.

**Mr. Boit:** Mr. Deputy Speaker, Sir, I beg to disagree with the Assistant Minister. Baringo North borders Baringo East and right now, food is being given to people of Baringo East, along a road where my constituents are just watching and dying.

As I speak on the Floor of this House, two old mothers have died in Bartum Location due to lack of food. Many other people are on the verge of death. I am surprised if the Minister is not communicating with the area District Commissioner, who is fully aware about this situation. The situation is very serious and I want the Assistant Minister to give me an answer. This is not what I expected from him.

**Dr. Machage:** Mr. Deputy Speaker, Sir, regrettably, I will take the report the hon. Member has given to me. He is a member of the District Steering Committee which is supposed to submit reports to my office about the situation on the ground. I wish to encourage him to participate fully in the activities of that committee. However, it is not true that I have not given food to the people of Baringo District. My records show that in March, this year, I gave out about 27,855,000 metric tonnes of food to Baringo District. I have also given out seeds for planting this season. The seeds I gave out are as follows: 10 metric tonnes of maize, five metric tonnes of beans, five metric tonnes of sorghum, four metric tonnes of cowpeas, one metric tonne of millet and three metric tonnes of green beans.

**Mr. Owino:** Mr. Deputy Speaker, Sir, there have been several warnings that the entire Kenyan population will face starvation because of the poor rains. How prepared is the Government to handle the looming catastrophe?

**Dr. Machage:** Mr. Deputy Speaker, Sir, the Government and, indeed, my own Ministry, is very prepared. We have reports coming in from every corner of this country. Actually, apart from the assessment report that I got in February, my Ministry is now working on another assessment whose report I will have by 1st June, 2005. That will give me a projection on how much food I need to feed this country. Let it be known that the production of food is not a docket in my Ministry, rather it is in the Ministry of Agriculture. However, we are liaising together to ensure that Kenyans get food.

**Mr. Mwandawiro:** Bw. Naibu Spika, taarifa inayosema kwamba watu wamekufa na wengine wako hali mahututi si taarifa ya kuchezea. Je, Waziri Msaidizi anaweza kuchukuwa hatua ya kwenda huko mara moja ili kuzuia vifo zaidi vya watu? Ikiwa watu wamekufa inampasa kwenda huko kuthibitisha hali hiyo ya maafa kwa sababu hili si jambo la kuchezea.

**Dr. Machage:** Mr. Deputy Speaker, Sir, I agree entirely with the sentiments of the hon. Member. However, we have machinery on the ground that gives me information and especially if the people who died were subjected to any autopsy to determine whether the cause of their death was, indeed, due to famine or other related diseases. However, I will endeavour to visit the place, if necessity arises.

**Mr. Boit:** Mr. Deputy Speaker, Sir, the Assistant Minister has not answered my Question. He has only talked about Baringo District and seeds that he gave out for planting. We are talking about people who are dying as a result of starvation! I talked about Baringo North Constituency and I want the Assistant Minister to tell me what he has done about the situation in that constituency. I am the Member for Baringo North and not the whole of Baringo District. Could the Assistant Minister,

please, answer my Question?

**Dr. Machage:** Mr. Deputy Speaker, Sir, I have been talking exactly about Baringo North and I have even shown my sympathy towards the loss of two Kenyans as a result of famine in Baringo North. I have also indicated that I will follow up the situation and, if need be, visit Baringo North. What else can I tell the hon. Member?

REFUND OF VAT DEDUCTIONS  
ON CDF PROJECTS

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

(a) Is the Minister aware that contrary to his position on the matter, District Accountants continue to recover money as VAT on CDF projects?

(b) Could he direct that the money which has been recovered so far as VAT on CDF be refunded immediately to the respective Constituencies Development Fund?

**Mr. Deputy Speaker:** The Minister for Finance is not present. Could I inquire from the Leader of Government Business what the problem is?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I am really hoping that the Minister is on his way. It is quite likely that he may not have realised that the Questions by Private Notice will take precedence over the Ordinary Questions. However, I am sure that before we finish the Questions by Private Notice, he is likely to have come.

**Mr. Deputy Speaker:** Dr. Khalwale, I think, to be fair to you, I should defer this Question. Is that okay with you? I think we have no stand off on that matter.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, we could still give him a short while to come to the House. He is still a young man.

**Mr. Deputy Speaker:** I am sorry it is not our practice to go back to Questions. So, the Question is deferred until tomorrow. I also ask the Leader of Government Business to ensure that the Minister is here tomorrow to answer this Question.

*(Question deferred)*

**Mr. Kingi:** Bw. Naibu Spika, kabla ya kuuliza Swali langu, ningependa kukujulisha kwamba sijapata jawabu kutoka kwa Waziri anayehusika.

REHABILITATION OF  
ELECTRICITY DISTRIBUTION  
EQUIPMENT IN MARIAKANI

**Mr. Kingi:** Bw. Naibu Spika, ningependa kumuuliza Waziri wa Kawi Swali Maalum lifuatalo.

(a) Je, Waziri anafahamu kwamba baadhi ya nguzo za stima zinazopeleka umeme Bamba kutoka Mariakani zimeoza na ziko karibu kuanguka na hivyo kuhatarisha maisha ya wananchi katika sehemu hiyo?

(b) Ni jambo gani Wizara inafanya kurekebisha jambo hili kabla ya janga kutokea?

**Mr. Deputy Speaker:** The Minister for Energy is not present too. Your Excellency the Vice-President and Minister for Home Affairs, again, we have a problem with the Minister for Energy.

Mr. Kingi, we shall defer this Question until tomorrow and, again, ask the Leader of Government Business to ensure that the Question is answered tomorrow.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.092*

### RELOCATION OF BUSIA DISTRICT HEADQUARTERS

**Mr. Deputy Speaker:** Is Mr. Ojaamong present? He is not there, therefore, I cannot defer this Question because the Questioner has to be present to ask his Question. The Question is dropped.

*(Question dropped)*

*Question No.314*

### UPGRADING OF ISIOLO-MODOGASHE ROAD

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

- (a) what works have been carried out on Road B9 between Isiolo and Modogashe in the Financial Year 2004/2005;
- (b) what plans are in place to improve the situation of this road; and,
- (c) when the Ministry will upgrade this road to bitumen standards.

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

(a) Some 60 kilometres of grading works was contracted out and executed to completion during the current financial year, whereby the road between Boji and Isiolo was upgraded.

(b) The District Works Officer, Isiolo, has been issued with Kshs1.5 million for maintenance of Road B9. With these funds, a stretch of 10 kilometres of the road has been graded. The remaining 90 kilometres between Garbatulla and Modogashe will be done before the end of this financial year. Bush clearing of some three kilometres will also be done during the same period. The District Works Officer, Meru North District, has also received Kshs1.9 million this financial year to carry out improvement works on 30 kilometres on the same road.

(c) As regards the upgrading of this road to bitumen standards, a contract for preliminary and field engineering designs has been awarded.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for his answer. However, this is a 200-kilometres road. What the Assistant Minister has allocated is less than Kshs4 million. I would like to request him to allocate funds that can do some substantial work on this road in the next financial year?

**Eng. Toro:** Mr. Deputy Speaker, Sir, we are considering increasing the amount of money allocated to Road B9 since this is a very important road. It is 220 kilometres long, and the House will agree with me that this is a very long stretch; and any amount of money we allocate, we have to try to distribute so that we can do improvements along the entire road.

Mr. Deputy Speaker, Sir, as I have also said, we have already contracted Otieno Odongo and Partners who are going to do the engineering designs to upgrade this road to bitumen standards at a cost of Kshs29,586,551. The letter of award to Otieno Odongo and Partners Engineers is dated 3rd March, 2005, and I am sure they are now preparing to go on the ground.

**Mr. Billow:** Mr. Deputy Speaker, Sir, it appears that whenever this Ministry wants to deal

with roads in North Eastern Province or the northern parts of this country, it gives resources in small doses like medicine; Kshs3 million, Kshs1 million, rendering the roads in that region completely impassable. Of the billions of shillings published last week for the construction of roads in the country, not a single stretch of road in northern Kenya is included at all. Could the Assistant Minister be serious and undertake to make the roads in that part of the country, at least, all-weather so that they are passable whether there is a small shower of rain or not, in the long term?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the long-term solution to roads in North Eastern Province is to upgrade them to bitumen standards. We are trying our best this time round. As the Members know, the Isiolo-Moyale Road is also being upgraded to bitumen standards. As for the Isiolo-Merille Road, we already have money from African Development Bank (ADB) which we will use to construct the road as soon as is practicably possible. The agreement has already been signed between the ADB and the Government of Kenya and all that is remaining now is to tender. As soon as we get the contractors who will have won the tender, we will go on the ground.

On the roads in North Eastern Province generally, we are considering them, under Regional Roads Network, for final upgrading to bitumen standards. That is the long-term solution. Otherwise, currently, because of the long stretch, it is very hard to maintain those roads because the allocation for the roads is little.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for his answer, as he rightly put it, this road was once very popular with motorists. Since the condition of the road has badly deteriorated, lives along the road have been disrupted and the standard of living of the people has actually declined and thus increase in poverty. Part of my concern was when this road would be upgraded to bitumen standards and the Assistant Minister has told us about engineering design works. Could he now confirm when the actual construction works to bitumen standard will begin?

**Eng. Toro:** Mr. Deputy Speaker, Sir, if Otieno Odongo and Partners work properly and address themselves to giving proper engineering designs, we expect them to take about six months, after which we will give details for going to tender. So, I expect that we should be able to be tendering for the civil works in the next financial year.

*Question No.097*

UPGRADING OF IPALI HEALTH CENTRE

**Mr. Marende** asked the Minister for Health:-

- (a) if she could confirm that Emuhaya Constituency which comprises two administrative divisions and a population of close to 200,000 people deserve a sub-district hospital;
- (b) when she will upgrade Ipali Health Centre to a sub-district hospital to supplement Vihiga District Hospital; and
- (c) if she could undertake to have the said Ipali Health Centre supplied with electricity, to improve the provision of medical services.

**The Assistant Minister for Health (Dr. Kuti):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Emuhaya Constituency has two divisions with a population of 182,393. The Constituency has six Government health facilities. With such a population, there is need for more health units in the Constituency. My Ministry's main focus is on primary health care and more resources are being channelled to lower level health units and minimal creation of new hospitals.

(b) My Ministry has no intention of upgrading Ipali Health Centre to a sub-district hospital. As for now, no development proposal has been submitted to me by the District Development Committee (DDC). The facility has no adequate space to put up extra buildings and, therefore, the upgrading is

not feasible.

(c) Ipali Health Centre has all electrical works done, but currently power is supplied from a functional generator. However, I take this opportunity to request the hon. Minister for Energy to look into the issue of extending rural electrification services so that health centres and dispensaries can access electricity.

**Mr. Marende:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. But he has gone off completely at a tangent in respect to the specific question that I have asked. Could the Assistant Minister, for instance, in respect of part "a" of the Question, give a simple straightforward answer to the people of Emuhaya Constituency, given their population? I am not asking the Assistant Minister to create a new hospital. I am asking whether or not these people deserve a sub-district hospital?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, we have six Government health units serving the population in Emuhaya, which are adequate to provide curative services. As I had stated earlier, my Ministry's focus now is on primary health care, and that is preventive and promotive services. Therefore, the issue of upgrading does not arise.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, the condition of the facility, especially the maternity wing, is very pathetic. Could the Assistant Minister assure us that he will provide the health centre with a delivery bed and two other beds for post-delivery use?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, I know that a maternity unit is a very essential component. I would, therefore, ask the hon. Member to come forth and we will discuss the issue of beds.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, it is good that the Assistant Minister is a doctor. I am sure that he understands this issue. This issue also affects my constituents directly. The people of Emuhaya Constituency are accessing the medical facilities at Yala Sub-district Hospital thus creating tremendous congestion at that facility. We are not asking the Assistant Minister to build a new hospital but to, at least, upgrade and equip the existing one so that our people can access quality health care.

**Dr. Kuti:** Mr. Deputy Speaker, Sir, I appreciate that in such densely populated areas, congestion, poor healthcare compounded with shortage of staff, is the main problem. Maybe, I will talk with the hon. Member with a view to visiting the facility so as to appreciate the actual situation on the ground, for me to decide on the possible way forward.

**Mr. Marende:** Mr. Deputy Speaker, Sir, I am happy that the Assistant Minister has now undertaken to discuss with me and visit the facility. However, he has indicated that the question of upgrading the facility does not arise and yet in his answer he says that the hospital cannot be upgraded to a sub-district hospital because the area District Development Committee (DDC) has not made a proposal to that effect. I have information from the DDC that it made a proposal for the hospital to be upgraded in financial year 2003/2004, and that this was reiterated in a DDC meeting held last month, for financial year 2004/2005. Could he, therefore, confirm that, given that the DDC has made that proposal, he will take action?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, we do not have copies of the said DDC minutes as at now. Should the hon. Member avail copies, we will be able to discuss the matter further.

*Question No.102*

AMBULANCE FOR BUNGASI  
HEALTH CENTRE

**Mr. Osundwa** asked the Minister for Health:-

(a) when she will provide an ambulance to Bungasi Health Centre in South Wanga

Division,  
Butere/Mumias District; and,

(b) whether she could further consider supplying new hospital beds and linen to this facility.

**The Assistant Minister for Health (Dr. Kuti):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Bungasi Health Centre in South Wanga Division, Butere/Mumias District has no ambulance. We will consider providing an ambulance to the health centre when funds become available. There is an ambulance at Butere/Mumias District Hospital, which can be used to transport patients from Bungasi Health Centre whenever there is need.

(b) The buildings are limited and only accommodate four beds, which are adequate for maternity services at the moment. Should additional buildings be required, the Ministry will provide them.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, in June this year, this House will appropriate funds to this Ministry. That means the funds will be available immediately after the Budget. Could he undertake to supply the ambulance immediately he gets money in the coming financial year?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, as you are aware, ambulances are very expensive. We usually rely on our donor partners. We already have promises from about 16 donor partners. So, once those promises are honoured, we will consider passing on one ambulance to the health centre.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, the Assistant Minister said that the ambulance at Butere/Mumias District Hospital can be used by this health centre in South Wanga. The ambulance at Butere District Hospital is more than seven years old. The said district hospital is within my constituency. In addition to that hospital, we have Manyala Sub-district Hospital and other four health centres without ambulances. We have been told that ambulances were bought during the last two years, when the NARC Government came to power. We were promised that we would have ambulances in our constituencies. We have had none up to this moment. What criteria is used to distribute the ambulances?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, resources like ambulances are always in short supply. Their need is always great. Therefore, I would like to assure the hon. Member that we are going round, and soon, we will have more ambulances to supply to health facilities.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, the Assistant Minister has told this House that he expects 16 ambulances. Could he also assure this House that when he receives those ambulances, one of them will be availed to Vipingo Health Centre, which is in desperate need of an ambulance?

**Mr. Deputy Speaker:** Dr. Kuti, could you also provide one to Migwani Hospital?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, we will dispense those ambulances in accordance with the most needy health facilities.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I would like the Assistant Minister to carefully read Part "b" of my Question, with regard to new beds and yet he is talking about buildings. I did not ask any question relating to buildings. I want to know when the Ministry is going to replace the old beds in that hospital. I am aware that there are beds there.

**Dr. Kuti:** Mr. Deputy Speaker, Sir, I mentioned buildings because the current building can only accommodate four beds. So, if the hon. Member is talking about replacing the four beds, we could talk. However, right now, the available space is so limited that additional beds can only be provided when the buildings are expanded to accommodate more beds.

**Mr. Osundwa:** On a point of order, Mr. Deputy Speaker, Sir. I want the Assistant Minister to commit himself to replace those old beds, which were supplied over 20 years ago. I did not ask anything about buildings. The buildings are there.

**Mr. Deputy Speaker:** Dr. Kuti, the hon. Member is talking about the replacement of the existing four beds.

**Dr. Kuti:** Mr. Deputy Speaker, Sir, I will consider replacing the four beds, should we get more information about their state. I do not have any information about the state of those beds as of now.

**Mr. Osundwa:** I have told you about the state of those beds!

**Mr. Deputy Speaker:** Order, Mr. Osundwa! Next Question!

*Question No.274*

LACK OF TELEPHONE FACILITIES  
IN KALAMA DIVISION

**Mr. Mwanzia** asked the Minister for Information and Communications:-

(a) whether he is aware that Kalama Divisional Headquarters has no telephone facilities; and,

(b) if the answer to "a" above is in the affirmative, what urgent plans he has put in place to provide this essential service.

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

(a) I am aware that Kalama Divisional Headquarters, which is 25 kilometres from Machakos, has no telephone facilities.

(b) The Government is currently negotiating with our development partners to secure funds to implement the Rural Telecommunication Development Project (RTDP). It is expected that the project will cost Kshs5 billion and will involve the use of appropriate technology to provide telephone services in the rural areas. I am delighted to inform the House that many divisional headquarters will benefit from this project, and that Kalama Divisional Headquarters will be one of them.

**Mr. Mwanzia:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for accepting that Kalama Divisional Headquarters has no telephone facilities. I appreciate that the Government is negotiating for funding to provide telephone facilities in all divisional headquarters. Could he tell us when this project will be implemented? There are lots of problems. People in Kalama Division are unable to communicate with the district headquarters. When will the project commence?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, as negotiations are going on, there are already plans to privatise some of the telephone facilities. At the moment, Kalama Division is covered by mobile telephone services. The only problem is that this is a divisional headquarters and Government officers cannot run on mobile telephone services only. So, we are taking it very seriously. I hope that by the time these negotiations are over, we shall give him an appropriate answer.

**Mr. Billow:** Mr. Deputy Speaker, Sir, it is true that many divisions in this country do not have telephone facilities. In this era of information technology, people are on the computer yet we do not have telephones in a majority of our divisions. However, the Assistant Minister said that the Government is considering privatising telephone installation in rural areas. Could he confirm that and indicate when the Government will privatise these services? Privatising would enable us provide telephone facilities in many parts of our divisions in this country. When will it be?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, at the moment, some areas are already privatised. Anybody who is interested in specific areas can make an application to Telkom Kenya and it will be considered.

**Mr. Mwanzia:** Mr. Deputy Speaker, Sir, the Assistant Minister did not give a timeframe within which this project is going to start. Telephone facilities are less than 10 kilometres from Kalama Market. Kalama Division is covered by Celtel and Safaricom, but civil servants cannot use their private cellphones to call the headquarters. While they are waiting to implement these projects, could the



Assistant Minister consider extending the existing lines to the divisional headquarters or provide air-time to the civil servants?

**Mr. Gumo:** Mr. Deputy speaker, Sir, I will find out that. It is also possible that the equipment that is there cannot facilitate an extension from where it is to Kalama Division. However, I will find out. If the hon. Member could see me later, I will give him an answer.

**Mr. Deputy Speaker:** Next Question, Mr. Sasura! Before Mr. Sasura asks this Question, there is communication from the Minister that both the Minister and the Assistant Minister are out of the country on official duty. Therefore, there is a request that this Question be deferred. The Chair has no option but to do that.

Mr. Sasura, do you have any objection to that?

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I agree with you. However, I will request that it be not deferred to tomorrow.

**Mr. Deputy Speaker:** It is not possible to defer it to tomorrow because both the Minister and the Assistant Minister are out of the country.

**Mr. Sasura:** They could come back tonight!

**Mr. Deputy Speaker:** It will be deferred to an appropriate time. I assure you that it will be brought here as soon as possible!

*Question No.277*

PROMOTION OF SOCCER  
IN SAKU CONSTITUENCY

*(Question deferred)*

Next Question, Mr. Kagwima!

*Question No.268*

TRANSFER OF PUBLIC PLOT NO.56  
IN NKONDI "B" TO PRIVATE USE

Mr. Kagwima not here? The Question is dropped!

*(Question dropped)*

Next Question, Mr. Mukiri!

*Question No.252*

LIST OF KFA DEBTORS

**Mr. Mukiri** asked the Minister for Co-operative Development and Marketing:-

(a) whether he could table the list of people who owe money to the Kenya Farmers Association (KFA); and,

(b) what efforts the Government is making to restructure the Association.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Co-operative Development and Marketing? He is not there! Would the Leader of Government Business respond to that?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I have no information. However, I will pass on the information that this Question will come up tomorrow afternoon so that it can be answered.

**Mr. Deputy Speaker:** Mr. Mukiri, your Question will be deferred to tomorrow afternoon. Is that okay?

**Mr. Mukiri:** It is okay, Mr. Deputy Speaker, Sir.

*(Question deferred)*

**Mr. Deputy Speaker:** Very well! That is the end of Question Time.

### COMMUNICATION FROM THE CHAIR

#### DOCUMENTS LAID BY MR. SUNGU

**Mr. Deputy Speaker:** Hon. Members, earlier on, Mr. Sungu laid a document on the Table of this House. However, on examination, this report is only Volume 1. We asked him to provide other volumes but he disappeared. I have also enquired through the Clerk, but he had not even made arrangements to lay this document on the Table. Therefore, I now require that he comes in the afternoon with the other volumes and lays the document properly, including providing sufficient copies to hon. Members. As it is now, this document has not been properly laid on the Table of the House.

Next Order!

### MOTIONS

#### ESTABLISHMENT OF SELECT COMMITTEE ON ANTI-CORRUPTION INSTITUTIONS

THAT, noting with concern the misappropriation of funds and the endemic corruption that has pervaded both public and the private sector; and in view of the commitment of Kenyans to curb this vice; and considering that a number of agencies have been put in place to investigate and collate evidence on the rampant misuse of public resources; this House resolves to establish a Select Committee to report on the performance and limitations of the Anti-Corruption Institutions, so far, established by law and make such recommendations as necessary to create an environment that will facilitate zero tolerance to corruption and related economic crimes; and that the following be appointed as Members of the Committee:-

The Hon. Kembi-Gitura, MP  
The Hon. Kenneth Marende, MP  
The Hon. (Dr) Sammy Ruto, MP  
The Hon. Ekwee Ethuro, MP  
The Hon. Wafula Wamunyinyi, MP  
The Hon. (Prof) Ruth Oniang'o  
The Hon. G.G. Kariuki, EGH., MP  
The Hon. Kiema Kilonzo, MP  
The Hon. Hassan Abdirahman, MP  
The Hon. Mganga Mwandawiro, MP

The Hon. (Dr) Adhu Awiti, MP

*(Mr. G.G. Kariuki on 4.5.2005)*  
*(Resumption of Debate interrupted*  
*on 4.5.2005)*

**Mr. Deputy Speaker:** Mr. G.G. Kariuki, you have ten minutes to move your Motion.

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, last week, I introduced this Motion to the House but I was caught up with time before I explained exactly what the intentions were.

Before I proceed, I will ask hon. Members to carefully look at this Motion. There could be some misunderstanding that its intentions are to replace some of the Committees of the House. However, the idea is for this House to find ways of involving all Kenyans to fight corruption. It should not be left only to the Government. As you can remember, this House passed similar laws, especially the Anti-Corruption and Economic Crimes Act. When these laws were being debated in this House, we were pressurised to pass them. We were told that they were going to be the answer to the war against corruption. However, we have realised that we passed that law very hurriedly. We are aware that the Government intends to bring an amendment to this House to make that law stiffer than it is.

Mr. Deputy Speaker, Sir, the Kenya Anti-Corruption Commission Act does not give the Kenya Anti-Corruption Commission (KACC) powers to prosecute or even to conduct certain investigations. We have learnt from available records that out of the 90 cases which were reported to the KACC, the Commission had the mandate to deal with only 1 per cent of them. The greater part of the investigations are done by the Criminal Investigations Department (CID). Therefore, time has come for this House to ask itself whether all the establishments which are fighting against corruption have enough powers to enable them deal with corruption effectively.

For the information of the House, we have about 17 organisations which are involved in the war against corruption. For example, we have the KACC, the Anti-Corruption Police Squad, the Kenya Anti-Corruption Authority and the Kenya Anti-Corruption Police Unit (ACPU). Further to that, we have the Kenya Anti-Corruption Advisory Board and the National Anti-Corruption Steering Committee. We also have the Attorney-General's office and the office of the Director of Public Prosecutions, which plays the prosecution role in the war against corruption. The Ministry of Justice and Constitutional Affairs, which is headed by hon. Murungi, is also involved in the fight against corruption. The CID and the Kenya Police Force are also mandated to deal with corruption through the ACPU.

Mr. Deputy Speaker, Sir, we also have the Presidential Advisor on Corruption and Policy Issues, the Government Property Investigations Committee and the Procurement Protection on Treasury Bills under the Ministry of Roads and Public Works. The office of the Permanent Secretary, Governance and Ethics, was created when NARC Government assumed power. However, according to media reports, the office is not functioning because it has no head. We also have the Controller and Auditor-General, who looks at the books of all public institutions to ensure that public funds are not embezzled. We have the Public Accounts Committee (PAC) which examines the reports of the Controller and Auditor-General and makes recommendations. We also have the Public Investments Committee (PIC), which examines the reports and accounts of public investments. We also have the Efficiency Monitoring Unit based in the Office of the President, but it has no powers to prosecute or conduct investigations. The other bodies are the National Anti-Corruption Campaign Steering Committee and the Anti-Corruption Court with special magistrates to try corruption suspects.

If you look at Kenya Anti-Corruption Commission Act, you will see that this law was enacted because of the pressure from the donor countries and also in agreement with the Convention of the

United Nations on Corruption. This Parliament is charged with the responsibility of making sure that all the money that is collected in this country is spent properly. For example, a lot of money is being spent by all the institutions that I have just mentioned. If this House is not careful, there is a likelihood that it will be used by very clever and intelligent men and women, who will sneak in laws to support their intentions without considering whether those laws will help the country or not. We, as hon. Members, should ask ourselves whether we have the facilities to deal with corruption, and whether there is a way of empowering the institutions which are charged with the responsibility of fighting against corruption. We should find out whether the Attorney-General has a strong team to deal with prosecutions because all crimes, under the Constitution, are supposed to be prosecuted through the Attorney-General's Chambers.

Mr. Deputy Speaker, Sir, there is no point of creating special bodies to deal with corruption if the Attorney-General is still there, unless we definitely need to have such bodies. If we create such a body, we should supervise it to make sure that what it is trying to do is possible. When we were dealing with the Bills relating to anti-corruption, we were rushed as if corruption was going to end by appointing Justice Ringera and the others. If this Select Committee is established, Justice Ringera and the others will have an opportunity to appear before it and explain whether they need more powers or whether the laws which are already there need to be amended for the benefit of the war against corruption. We are trying to establish a Committee where all the people who are involved in the war against corruption can explain why they cannot go ahead. Let us understand their problems. We should give them teeth to bite. We should not just pretend that we passed laws for such and such people and within a very short time, they are back here seeking for amendments.

Mr. Deputy Speaker, Sir, right now, we are waiting for the Public Officer Ethics Act, the Kenya Anti-Corruption Commission Act and the Economic Crimes Act to be amended. All these laws are going to be amended very soon.

With those few remarks, I beg to move.

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I beg to second the Motion. I second the Motion not because my name is on the proposed Committee, but because this is a very important Motion and needs to be seconded.

There are very many anti-corruption bodies in this country at the moment. Looking at those bodies, one does not seem to realise exactly what the duties of each one of them are. Some of those bodies appear to be overseeing others. There is no co-ordination and one does not know where they are joined and what exactly they are supposed to do. I am happy that hon G.G. Kariuki came up with this Motion because, for the first time in this Parliament, we are going to have an oversight committee to oversee all the other several bodies that deal with corruption. The committee should as much as possible, co-ordinate all those bodies and know exactly what has been achieved.

It must be realised that some of the 17 bodies which Mr. G.G. Kariuki mentioned were formed through Acts of Parliament. However, we note that in each one of them, a lot of public finances are involved. Only recently, we saw one of those committees, headed by a respectable citizen of this country, almost disintegrating when some Members resigned, and also because the Government was kind of put into a situation where it had to dish out money to that committee, for it to go on. But the trouble is that the normal citizen looking at that committee may not know exactly what it does. It is not even possible for hon. Members of Parliament to know what contribution those bodies are making. It is for this reason, and very nobly so, that this Motion has been brought before this House.

Mr. Deputy Speaker, Sir, we have two main committees in this Parliament; that is, the Public Accounts Committee (PAC), and the Public Investments Committee (PIC). They deal with Government Ministries and parastatals respectively. However, we need to give them more power, strength and teeth, so that they deal with issues as they happen. Today, they deal with issues that happened two, three or four years ago. In other words, they conduct a kind of a forensic study to see

what happened and what can be done in the future to save the country from going through the same thing. However, the net effect is that, at the end of the day, nothing seems to happen even when those reports are tabled in this House. They are tabled long after things happen. So, what is the best way of seeing how these things happened? A Parliamentary Committee, like the one proposed now, be formed to be able to co-ordinate and deal with current issues, to be able to summon each of those other bodies at short notice for them to say, like Mr. G.G. Kariuki said, what is your mandate; how are you fulfilling it? What have you done at the moment?

Mr. Deputy Speaker, Sir, I am on record many times in this House and outside as having said that the biggest enemy of our country today and in the future, is corruption. Maybe that is why this Government, with the intention of having zero-tolerance to corruption, has started so many bodies to deal with corruption. But the question is: Are they effective? How has the zero-tolerance to corruption worked? How well has it helped us in the fight against corruption in the two-and-a-half years that the NARC Government has been in power? With respect, I must say that however much we may pretend that there is no corruption in this country, or that corruption has gone down to a great extent, everybody knows that corruption is either actual or it is perceived. Whether corruption is perceived or actual, it is a great danger to society and to a country. Why has our country and several other African countries remained behind? Why do we seem not to be moving an inch from where we were 42 years ago? It is for the very simple reason that corruption has been allowed to thrive in our midst. Corruption is sometimes from the highest level, so that it becomes almost impossible to control it. However, in a state of democracy, where people can say what they feel they can say, at least, they should say it with responsibility.

I think committees like these will help this country a great deal. This is because the reason this vice has thrived throughout the years is that there has been a stamp-down on people's rights to speak against this kind of thing. However, watching and seeing what is happening in our country, nobody can deny, at least, that there is a lot of freedom of speech and association. There is freedom to say, within the law and with responsibility, what ails our country. So, my view is that as long as we have committees like these, we shall be able to curb corruption. Whereas zero-tolerance to corruption is a good starting point, but in effect, the idea is to curb it as much as possible. At the moment, one does not seem to know exactly where we are.

Mr. Deputy Speaker, Sir, the other important issue I would like to mention is that the bodies we have now, at least, in Parliament, like I mentioned PIC and PAC, are bodies that only deal with Government parastatals and Ministries respectively. We do not have a body in Parliament that deals with corruption in private institutions. Corruption in these institutions eats up the resources of this nation as much as corruption in the public sector. This also needs to be dealt with by this committee. If this committee is properly constituted and mandated; and that mandate can only come from this august House; then it is my considered opinion that we will find that it has also gone a long way and helped us in a very big way in combating corruption. Corruption is the bane of this nation. It is the bane of every nation that hopes to prosper. Therefore, it must be dealt with very firmly without fear or favour. Corruption is one area that does not know boundaries of parties, tribes or ethnic associations. It is one area that will eat into the fabric of society and, therefore, finish this country forever. So, we need to co-ordinate all those bodies that have been formed, and even to propose to the Government, through this House, that if some of those bodies are found to be moribund, or to be of no effect in the fight against corruption; and because they are still relying on public funds, they should and ought to be disbanded as soon as possible. This will allow us to concentrate only on those bodies that do not just appear to be fighting corruption, but actually are seen to be fighting it.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to second.

*(Question proposed)*

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Billow:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I rise to oppose this Motion.

Some of the hon. Members on the Government side are not serious at all. They are taking Kenyans for granted. This Motion is intended to hoodwink Kenyans into thinking that this Government is serious about fighting corruption. If, indeed, the concern of the hon. Member who moved this Motion is to fight corruption, he is in a position, more than any one of us on this side, to make sure that this Government, in fact, fights corruption. As he said, there are 17 institutions already in place to fight corruption. Indeed, they are more than 17, if you add the many other NGOs which are involved in fighting corruption. However, fighting corruption is not about quantity; it is not about having many institutions, but it is about effectiveness of the institutions in place. A single institution like the Kenya Anti-Corruption Commission (KACC) is enough to fight corruption if there is commitment from the Government.

In this Parliament alone, there are two Sessional Committees; the Public Accounts and the Public Investments committees, whose responsibility at the end of the day is to fight corruption in the Government. In terms of institutions, we have enough of them to fight corruption. Our legislative framework is enough to fight corruption, including the two Bills we approved in the year 2003; the Anti-Corruption and Economic Crimes Act, and the Public Officer Ethics Act. Our problem is simple; it has to do with action. Does the Government have the guts to fight corruption? When the NARC Government was in the Opposition, it argued that KANU was not interested in fighting corruption. Today, it has an opportunity to do it. Two-and-a-half years down the road, if anything, corruption is more entrenched in this country than it has ever been.

If you look at the bribery index by the Transparency International that was released in April this year, you will find that the amount of bribes being given out in this country have significantly gone up. So, if there is a policeman who used to ask for Kshs200, they are now asking for Kshs2,000 as bribe. That is what we are told. If you come to the grand corruption where big guys like Ministers used to steal a billion, that has now gone up to Kshs2 or 3 billion. We have seen the number of cases which have been published in this country.

The culture of corruption is entrenched in our country. It is that culture that we need to fight. The fight must start from where the President said, when he opened the first Session of this House. He said that the fight would start from the top. The top means the Ministers, among others. We cannot sacrifice Permanent Secretaries at the expense of Ministers who are, indeed, the ones who give instructions.

We have sat in this House. The famous Public Accounts Committee investigated the infamous Anglo Leasing scandal and released its report. The same members who now want to set up a committee of the House are the ones who voted to reject the recommendations of the Public Accounts Committee on the Anglo Leasing scandal. Are they really serious? Whom do they want to cheat and mislead in this country, that we can have another committee in this House which can fight corruption? If, indeed, you were serious, you had an opportunity to say no to this. If a Minister was implicated in corruption, he should have resigned and we should have supported the reports submitted by Members the Public Accounts Committee in that case. Who is interested in investigating other cases of corruption? If another report was brought to this House, the same hon. Members who rejected the Anglo Leasing and Finance Company scandal report are the same ones who would shoot it down

trying to protect their party Ministers. We cannot fight corruption in this House, but we can fight corruption through the institutions we have set up. Those institutions can only work if they are independent.

I will give an example of another institution, the Efficiency Monitoring Unit (EMU), which is under the Office of the President. This institution was strategically placed there so that it can have absolute power to go into any Government Ministry offices and carry out investigations. But when they submit reports, except where there is political interest by a senior person in the Government, there is no action which is taken.

In the last one month, the institution has published several reports which we have read about in the local newspapers. I read about a Minister who dismissed the report as bull shit, saying that those who wrote the report are working for an individual in the Office of the President. A Government Minister, indeed, said so. He said that they are agents of the Head of Public Service, therefore, their reports are not acceptable. That is the Government that is expected to fight corruption! Where is the commitment that was promised by the President to fight corruption?

The other area where there is massive corruption is that of patronage, where people abuse their offices. We have seen that happening in the top offices; being done by Ministers. Ministers appoint their relatives when it comes to appointing people to senior jobs in this Government. Recently, we had new ambassadors being appointed. Every Minister appoints somebody from their tribe, relatives or friends to these jobs. This is the kind of corruption that we have. We are experiencing nepotism, favouritism and tribalism. These are things which have now become more entrenched than it was in the past regime. We cannot expect to fight corruption if the President and his Cabinet tolerate that kind of corruption.

In addition, I also want to talk about our requirements. In my opinion, we have to get a commitment from the President and Cabinet to fight corruption. If Cabinet Members and the President have to protect their people, there is no way we can fight corruption in this country, even if we set up 100 select committees of this House. This will be a waste of time and public resources, and a way of hoodwinking Kenyans. Secondly, we have to be in a position to replace those people who are not performing well. One office which needs to have its officers replaced, because it has invariably been accused of non-performance, is that of the Attorney-General. That is the office we expect action from. When the Public Accounts Committee does its report, we expect action from the Attorney-General's Office. When the Kenya Anti-Corruption Commission sends files to the Attorney-General, it is because they expect action from that office. In the last few years, even when anti-corruption cases have been filed, the Attorney-General goes to court and files a *nolle prosequi* to withdraw the case. The latest report was the private prosecution against the Vice-President and Minister for Home Affairs, which the Attorney-General ordered for its withdrawal. A case was taken to court against the Attorney-General himself and he said it must be withdrawn. We cannot continue having an institution that cannot perform. That is one action that the President must take if he wants to succeed in fighting corruption.

Mr. Temporary Deputy Speaker, Sir, the third point has to do with the courts. There was a fundamental restructuring of the courts and many people were fired; these included judges and magistrates. Today, lawyers who practice in this country will tell you that corruption is now much higher in courts than it was two or three years ago. In fact, it is among the new members of the Judiciary, who were appointed two or three years ago. What action is being taken against them? Why did we have to fire dozens of judges only to appoint others to continue in the same trend?

Let me talk about Parliament. If the hon. Member's intention is to empower this House, he needs to concentrate on two institutions. These are the Public Accounts and the Public Investments Committees. We have to empower these two institutions. Every year, we produce dozens of reports which show massive looting which is going on in the Public Service and huge misappropriations of

funds. Those reports are sent to the Treasury, which in turn is supposed to send a copy of the same to the Attorney-General for action, although there is no action taken at all. The reports we produce are completely worthless.

Recently, the House set a precedent when it rejected a report which was submitted to it, for the first time, in its history. We must do something to empower the Public Accounts Committee. First, I suggest that as happens in a country like Uganda, we must have officers from the Criminal Investigations Department (CID) and Attorney-General's Office, sit in the Public Accounts and Public Investments Committees so that if there are any cases of misappropriation of funds which are reported, action is taken on the spot. This happens in other countries. These officers sit in these committees. We should expose the proceedings of the Public Accounts and Public Investments Committees to public scrutiny, by allowing the media to participate. That is the only way we can expose those who have been stealing and misleading this nation about what they are doing in their offices. We also have to allow these committees to forward a copy of their reports straight to KACC and also amend our our Standing Orders. We have have to amend our Standing Orders to give hon. Members more powers to expose corruption and take action.

With those few remarks, I oppose the Motion.

**Mr. ole Metito:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I would like to join my colleague, Mr. Billow, in opposing this Motion.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, we are all talking about misuse of public resources. I think the creation of that Committee will cause misuse of public resources. The Mover of this Motion has ably said that there are more than 17 institutions in this country that are charged with fighting corruption. I want to agree with hon. Billow that the fight against corruption is not determined by the number of institutions that we put in place. The fight against corruption is all about determination, commitment and the will to eradicate that vice. That work can be done by a single institution if there is a social and behavioral change by Kenyans.

We have put in place so many commissions and committees that are even contributing to the misuse of public resources in this country. For example, we have the Goldernberg Commission of Inquiry which is spending more than what it is inquiring about. We have the Ndung'u Commission whose recommendations we do not know whether they will be implemented. We should ask ourselves why the recommendations of all those commissions are not being implemented.

Mr. Temporary Deputy Speaker, Sir, on the fight against corruption, this House has, at least, three committees that are charged with that work. For example, we have the Parliamentary Committee on Legal Affairs which can investigate some of those allegations. We have the Public Investments Committee (PIC) and the Public Accounts Committee (PAC). It is like we are saying that we want to create another Parliamentary Committee that will oversee the work of other Committees. I do not agree with the Mover of the Motion because I think all Parliamentary Committees are equal and none of them can supervise the other.

Mr. Temporary Deputy Speaker, Sir, we have the Kenya Anti-Corruption Commission (KACC) which has many sub-committees under it. It has the National Steering Committee headed by Rev. Mutava Musyimi. The question we should ask ourselves is: Why are there mass resignations in those committees? It is because Kenyans are not given a free hand to do their work.

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



*[Mr. Deputy Speaker resumed the Chair]*

Mr. Deputy Speaker, Sir, when KANU was in power, I saw a cartoon in the *Nation* Newspaper depicting Kenyans who were asking the then Head of State why various recommendations by various commissions were not implemented. A character in the cartoon depicting the then Head of State replied: "I am going to form another commission of inquiry to investigate why those recommendations have not been implemented". I think that is what we are doing right now. We are all in agreement that the recommendations by all the institutions that are charged with the fight against corruption have not been implemented. Instead of asking ourselves why no action has been taken, we are creating another committee.

Mr. Deputy Speaker, Sir, if you read the Motion very clearly, the purpose of that committee is to report on the performance and limitations only. I think that can be done by the Efficiency Monitoring Unit in the Office of the President. If we are serious and would like to save Kenyans from rampant misuse of public resources, this august House should set an example by stopping the duplication of roles and duties by other institutions.

Mr. Deputy Speaker, Sir, I do not want to repeat what Mr. Billow has said, but it is very clear that we have enough institutions in this country to deal with corruption. If they are given their independence, capacity and resources that they require, they can achieve their goals in the fight against corruption.

In conclusion, I would like to say that, if the law as it is currently, is not sufficient to tackle corruption, we call upon the Government to bring an amendment to the Kenya Anti-Corruption Commission Act to make it more responsible and answerable to this House. We should not create more committees that are going to get themselves in the same mud that the current ones are.

Mr. Deputy Speaker, Sir, I agree with the vision of the Mover of this Motion. He is also more concerned with the misuse of public resources in this country, but creating another committee is not the solution. We should act on the recommendations and findings of various committees and institutions. Let us stop duplicating roles. By doing so, we will stop the misuse of public resources in this country.

With those few remarks, I beg to oppose.

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, I stand to oppose the Motion. But, first and foremost, let me say that the Mover has very bright ideas and goodwill for Kenyans. I am sure he wants Kenyans to live in heaven and in a country free of corruption. He wants Kenyans to live in a country which can invite investors to do business very freely. However, let me remind the Mover that we can achieve those goals without creating another committee. For record purposes, this country has the highest number of commissions and select committees. All those committees and commissions, needless to say, are just money guzzlers. We are sort of stealing from the taxpayers.

Mr. Deputy Speaker, Sir, if we are serious about fighting corruption, we should strengthen the existing institutions which are in place. So, instead of creating another money guzzler, we need to strengthen the institutions that are in existence. Once in a while, we tend to believe that hon. Members have a lot of integrity and are angels. I do not believe that. If you look at the number of Select Committees that this Parliament has formed--- There is one which has been investigating the death of Dr. Robert Ouko. Up to now, they cannot even agree on the writing of the final report. That is because, needless to say again, that Committee has been infiltrated, induced and bribed to a level that some Members are very divided! Who can say that, at the end of the day, it is only Members of Parliament who have integrity? That is not very right.

Mr. Deputy Speaker, Sir, the other areas that we need to address in the fight against corruption are the Executive and the Constitution. Corruption thrives in Kenya simply because we

have vested so much authority and power in one office. For example, in Kenya today, it is only the Executive that allocates all Government resources. The Executive also makes all top appointments in parastatals and Government Ministries. That is the reason why, today, we have Ministries whose employees come from one particular community and definitely that is what encourages corruption.

The NARC Government, or if I give it the right name at this particular time, which is the Government of national unity or the "Government of national disunity; when it came to power, had very many promises to us; for example it was going to be of zero tolerant to corruption. Kenyans are wondering because it is the very Government which actually sacked the Director of Transparency International, a lady who was actually trying to pinpoint corruption cases in institutions and systems. Why did it do this? Simply because all the board members are cronies of the Executive and, therefore, they have to actually get rid of people like her.

I think it is high time that the Executive actually set free two institutions which are the courts and the Kenya Anti-Corruption Authority (KACA). If we can make these institutions free from interference by the Executive, I am sure Kenyans are going to be free of corruption. So, in that situation, therefore, I am sure we do not need to have another select committee to duplicate the roles and responsibilities of other institutions.

Mr. Deputy Speaker, Sir, in Parliament we have the Public Investments Committee (PIC) and the Public Accounts Committee (PAC) and these committees have done their work well, but where are their reports? Every other day, they go an extra mile in trying to investigate and unearth the corruption within parastatals and other institutions. None of those reports has been acted on. Therefore, I do not actually think the Mover of this Motion has any good intention for Kenyans. To conclude, I will say that the Mover of this Motion wants to create jobs for himself and other hon. Members and in the process earn extra money.

Thank you, Mr. Deputy Speaker, Sir.

**The Assistant Minister for Education, Science and Technology (Dr. Mwiria):** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute, and I stand to say I oppose this Motion. First, I think we need to ask questions like: What is it that we have not done to deal with corruption, as opposed to beginning to form additional structures? We probably need to realise that---

**Mr. Muturi:** On a point of order, Mr. Deputy Speaker, Sir. I want to request for your intervention on this matter. Notwithstanding the sympathy we have for the Mover of this Motion, who is absent, and you can hear sentiments like he is trying to look for jobs for himself and others, is it possible that you direct that the Mover be present to listen to the contributions being made?

**Mr. Deputy Speaker:** Order, Mr. Muturi! You know that the Chair does not police hon. Members as to who is in and who is out and, therefore, continue, Mr. Mwiria.

**The Assistant Minister for Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Deputy Speaker, Sir.

I was just about to say that if you looked at the situation in our country now, it would not be an exaggeration to say that corruption is more or less democratised. Sometimes we just talk about corruption as if it is happening up there in the Government, but it is happening in the police force, schools, magistrates at the local levels and all institutions. If you were dealing with chiefs and so on, you will find that most people more or less believe that they have to pay for even small favours. If you quantified that amount of corruption that is taking place at that point, it is probably a lot more than what we are talking about. So, the first thing we should do when dealing with corruption issues is that we need to go down and deal with those factors that have led to that kind of situation, and insist that every Kenyan is directly or indirectly affected by corruption and that all of us have to do something about it.

Mr. Deputy Speaker, Sir, secondly, instead of establishing other committees and commissions, I think the existing structures of Government need to be strengthened. For example, I think there

should be invitations to institutions of learning and training, the administration police and any other institution that if you applied for a passport, it should be quite clear that if you followed certain procedures, you will get it. So, until we strengthen our institutions of Government to ensure that merit is rewarded and we follow procedures, then we cannot expect to get that far.

Mr. Deputy Speaker, Sir, thirdly, and the point has been made already by other hon. Members, we have too many commissions and committees, and the problem is not that we do not have committees but corruption is still rampant. We need to be careful that we do not make the formation of commissions and committees an industry, whereby the moment you talk about any business, you now have to come up with a committee even though there are already other committees. I hope that Kenyans do not get frustrated by the amount of money we are spending on committees and commissions from which we get no reports, and when we get the reports, we do not act on those reports. Therefore, I would like to propose that, maybe, it is high time we put a limit or decided not to support the formation of any more committees until we got reports and acted on the reports of existing committees.

Mr. Deputy Speaker, Sir, again, I would like to emphasise the point that has already been made by other hon. Members now and before, that also we have to be careful on the kind of people we have in the Government and their records. Some hon. Members have said that our Government is an unhealthy mixed grill. For example, if you take the accounting officers, I think we have many of them in this country who have been mentioned adversely by previous auditors' reports. If we do not act on those people, I think it is going to be very difficult to convince anybody else to believe that we can fight corruption effectively if the people that benefitted from it are up and about and continue to benefit even more.

Mr. Deputy Speaker, Sir, corruption could also be fought if the powers of those in authority, especially Ministers, were limited with regard to their authority to appoint heads of parastatals, senior administrators, directors of organisations and others. The problem is that when there is too much delegation, it can also be abused. Therefore, there is an extent to which there should be an oversight body that limits the extent to which individuals in the Government have the authority to appoint people because that could be subject to abuse.

Mr. Deputy Speaker, Sir, finally, I would like to say that what is required, therefore, in view of what has been said, is really the political will to fight corruption. That political will would depend on the extent to which even the President will deal very strongly with those that have been mentioned adversely in corruption, and that whatever punishment that has to be meted out on the corrupt has to be strict and swift. This is because unless there is an example that those who have been corrupt have been dealt with, it is going to be very difficult to convince Kenyans not to continue the bad ways of engaging in corruption.

With these few remarks, I beg to oppose.

**Mr. Muturi:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

As I have indicated earlier on, I sympathise with the Mover of this Motion but unfortunately, I have to oppose it.

Like it has been pointed out by Mr. ole Metito, this Motion seeks leave for the establishment of a Select Committee to report on the performance and limitations of the anti-corruption institutions, so far, established in the country. Those institutions include, but are not limited to, the PAC and the PIC, which are Committees of this House as well as the Departmental Committees of the House established under Standing Order No.151. To the extent that the purported Select Committee hopes to report on the performance and the limitations of the anti-corruption institutions, I want to refer to our Standing Orders. The powers of Departmental Committees, which are found under Standing Order No.151(4)(a to f), include among other things, investigations and carrying out inquiries on all

matters relating to the assigned Ministries. The powers also include studying the performance and policy objectives of the various Ministries and departments and the effectiveness for the implementation to which they are assigned. Standing Order No.151(4)(f) says that those Committees will make reports and recommendations to the House as often as possible, including recommendations of proposed legislation. In the event that the proposed Select Committee finds inadequacy in the existing legislation, that is still covered by the existing Departmental Committees. It is within the mandate of those Committees to make recommendations for better legislation if they find the existing ones not suitable or sufficient.

Mr. Deputy Speaker, Sir, it has also been stated that there are too many institutions which are involved in the fight against corruption. I fully associate myself with the sentiments expressed by the earlier speakers who have spoken in opposition to this Motion. We all know that the Committees of this House file Reports. Indeed, the watchdog Committees file Reports with recommendations for adoption by the Plenary on a yearly, sub-yearly or quarterly basis. If that already exists, then the Select Committee proposed in this Motion hopes to supersede all those other Committees and in effect have the jurisdiction of the House in considering the merit or demerits and the efficiencies proposed in the recommendations of the other Committees of this House. That will be untenable.

As I said at the beginning, I sympathise with the Mover for his concerns on grand corruption in this country. However, let us look at some of the recent happenings. Some of these institutions, because the Mover has indicated that they have to do with both the private and the public sectors, include among others, Transparency International (TI). It is well within our knowledge that it is just the other day that the Executive Director of TI, Ms. Gladwell Otieno, was forced to resign in mysterious circumstances. This included her failure to agree with certain influential persons in the Government regarding the Anglo Leasing scandal. Should we really seek leave to set up a Select Committee of the House to oversee the performance and efficiency of the existing Committees? If we were to do so, in my opinion, it radically means that, that Committee will have to move out and study the entire establishment in the Judiciary. That Committee has also to study the entire establishment and the prevailing legislation governing the work of the Attorney-General and the police. It will come here and tell us that the Police Act, the Penal Code, the Anti-Corruption and Economic Crimes Act, 2003 and the Public Officer Ethics Act, 2003, are all inefficient and, indeed, recommend ways which are not in those legislations to make it possible for this country to realise zero-tolerance towards corruption. If, indeed, it is lack of legislation which is hampering the attainment of that.

Mr. Deputy Speaker, Sir, last week and even yesterday, we read about the saga involving the Report by the Efficiency Monitoring Unit (EMU) on the affairs of the Kenyatta National Hospital (KNH). I will be guided on making my comments on that matter, because I know some of those issues have reared their head into this Chamber. If, indeed, we are serious about zero-tolerance towards corruption and fighting this vice at every place, both in the public and private sector, and in our own lives--- For instance, in political parties, do we need to set up Select Committees to see that there is chaos in the NARC? For example, it is just last week we saw a lot of acrimony regarding even the composition of the membership of a Select Committee. We should not just talk about corruption in terms of money. If our morals are not right, if we are not willing to accommodate the views of others; if we are so intolerant that we are unable to sit down to discuss with one another, we are cheating ourselves that we will solve the problem by setting up a Select Committee of a few Members, some of who are already Members of other existing Committees. For instance, Mr. Ekwee Ethuro is a Member of the PAC while Mr. Wafula Wamunyinyi is an active Member of the PIC, which I have the privilege of chairing. Mr. Kenneth Marende and Mr. Kembu-Gitura are Members of the Departmental Committee on Administration of Justice and Legal Affairs, which is very critical, especially now that we are talking about inadequacies in the existing legislation.

The Mover of this Motion is a Commissioner of the Parliamentary Service Commission (PSC),

which is a very important body in terms of regulating the affairs of Committees of this House. He is the Chairman of the Liaison Committee. He is also the Chairman of the Departmental Committee on Defence and Foreign Relations, which is also a very critical Committee.

*(Applause)*

**An hon. Member:** It deals with procurement!

**Mr. Muturi:** Mr. Deputy Speaker, Sir, indeed, I am being reminded that it deals with procurement.

The PAC examines the Reports of the Controller and Auditor-General even regarding the operations of the PSC, of which the Mover is a Member and yet, we are lamenting here of insufficient legislation or bodies to report on the performance and limitation of the existing anti-corruption institutions.

I agree with the hon. Members who have spoken before me that we should not look for avenues of creating jobs for people. Sometimes when people retire, they want to keep reinventing themselves. Let us not create jobs for people who already have too much on their hands.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, this House already has too much on its hands with regards to investigations, making reports and evaluating the performance of existing institutions as to really want to go to the route of setting up another Select Committee to do the same functions.

Mr. Temporary Deputy Speaker, Sir, with those very few remarks, I beg to oppose this Motion.

**The Assistant Minister for Local Government** (Mr. Tarus): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contribution to this Motion. Whereas I want to thank the Mover for coming up with this Motion, there are a number of issues which I think are very pertinent in consideration of our effectiveness in fighting corruption. The Motion envisions to look at the effectiveness of organs that this House has established. Some of these are the organs that we established very recently. They are two or so, years old. Going by the legislation that we have been able to establish, it is important that we ask ourselves: Why are those organisations not performing up to the level they are required? We should find ways to ensure that they are able to perform. For that matter, I oppose this Motion.

Mr. Temporary Deputy Speaker, Sir, when you look at corruption, we all know the kind of damage it has done to this country. That is the very reason why we should lay our emphasis in asking ourselves how to make those institutions effective. However, we have far so many organisations that Kenyans have began to ask themselves whether it is viable for us to continue establishing new organs to look at the same subject. My view is that we concentrate on, for example, how to make the Kenya Anti-Corruption Commission (KACC) perform. We should also concentrate on how to make various organs of Government to perform up to their level. We should concentrate on how to make the Judiciary conclude the cases that have been brought up effectively. We should ask ourselves the following questions: How does the Legislature become the supreme organ which will oversee the performance of the Executive? How do we ensure that those who are sitting in positions in the Executive are able to perform their duties? If we find answers to these questions, we will have done this country a good service.

The other issue I want to raise is the experience of the select Committees which we have had in the past. This very House, since Independence, has had several Committees. The last one, although I do not want to comment so much about it, is the Select Committee Investigating the Death of the late Dr. Ouko. What we saw was not what we expected. It was a terrible shame! So, we are beginning to ask ourselves: What is the best way we can keep our image as Parliament? I think we need to look at how to make the already existing organs effective.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to oppose.

**Mr. Wario:** Asante sana, Bw. Naibu Spika wa Muda. Namshukuru Mwenyezi Mungu kwa kunipa fursa hii ili niweze kuchangia Hoja hii. Kwa bahati mbaya au nzuri, Wakenya hawajafahamu wajibu na kazi ya Bunge. Iwapo Hoja hii itapita, kesho gazeti la *The Daily Nation* litaandika, "Bunge limepitisha Hoja kukashifu Jaji Ringera". Nalo gazeti la *The Standard* litaandika: "Bunge limepitisha Hoja, Wabunge kujilinda." Tuko na tume aina mbalimbali zinazohusika na mambo ya kupigana na ufisadi. Ikiwa tutateua kamati nyingi kupigana na ufisadi, basi Bunge litakuwa na picha mbaya mbele ya Wakenya. Inafaa tujiuleze: Je, tumewahi kuwa na Kamati kama hii? Ndio, tulikuwa nayo. Je, ilifanya kazi gani? Ilizunguka karibu kila kata ya Kenya kutafuta habari na baada ya kuleta ripoti Bungeni, walisimama wima Wabunge na kuyaondoa majina ya viongozi fulani waliohusiswa na ufisadi nchini. Kwa nini tutumie pesa za umma vibaya? Kwa nini tuwe na kamati ambayo itazuru katika kila mkoa kuchunguza ufisadi, kisha ilete ripoti itakayotupiliwa mbali na Bunge hili? Kwa nini unajichokeshwa, Bw. G.G. Kariuki? Ninakuheshimu lakini Hoja hii haina maudhui mazuri kwa sababu kuna tume nyingi ambazo zinashughulikia ufisadi hapa nchini.

Bw. Naibu Spika wa Muda, hivi majuzi niliuliza Swali hapa Bungeni nikitaka kujua Tume ya kuchunguza kashfa ya Goldenberg ilitumia pesa ngapi. Pesa hizo zilizotumiwa na tume hiyo, kama zingetumiwa katika Bura, basi tungepinguza umaskini wetu. Leo tunaulizwa kutenga pesa zingine ili kamati hii izuru kila pembe ya nchi hii kusikiliza maoni ya wananchi kuhusu ufisadi, na ilhali tuna Kamati mbili muhimu; Public Investment Committee (PIC) na Public Accounts Committee (PAC). Iwapo Bunge inataka kupambana na ufisadi, kwa nini kamati hizi mbili hazipewi nguvu ya kutosha? Mbona tunaamka kila asubuhi na kila mmoja wetu analeta Hoja hapa. Tusilete Hoja itakayokandamiza wananchi na kuleta kuwapa picha mbaya waheshimiwa Wabunge.

Bw. Naibu Spika wa Muda, wahenga walisema, "Paka hashibi kwa wali, masilaba yake ni panya." Leo nasimama hapa kuzungumza na Wakenya sababu juzi kulikuwa na porojo iliyoandikwa kwamba Wabunge fulani ni wafisadi. Ningependa kuwaambia Wakenya kwa sababu ya imani yangu nilikataa Kshs8 milioni. Pesa hizo zingetosha ninunue nyumba. Hii ni kwa sababu Mwenyezi Mungu katika Suratul Baqara anatukataza tusihusike na riba. Leo, baada ya kukataa Kshs8 milioni, naambiwa nimehusika na kashfa ya madai ya marupurupu ya usafiri, yaani, *milleage claim* ya Kshs4 milioni. Hebu wale wanaoeneza madai haya waende kwa Katibu wa Bunge wahakikishe. Nilikataa Kshs8 milioni kwa ajili ya Mwenyezi Mungu, Mungu yule hajahama bali yuko nasi, vipi Mungu huyu ataniruhusu kufanya ufisadi? Hili haliwezekani! Ni wale wasiomjua Mungu ndio hutumia majina ya watu wengine vibaya. Nampa Jaji Ringera fursa afanye uchunguzi wake kuhusu madai haya. Ni vizuri hadhi na heshima ya kila mmoja wetu ijulikane. Wengine wetu kabla ya Kuingia hapa Bungeni, tulikuwa na wajibu muhimu kwa watu wetu. Leo magazeti yanaandika mambo hawajui chanzo chake. Iwapo kuna matatizo, ningependa wahusika wachimbue chanzo chake badala ya kuandika mambo ya kuwaharibia watu wengine majina.

Bw. Naibu Spika wa Muda, ili tumpe Jaji Ringera fursa na nafasi ya kutosha afanye kazi yake vizuri, Bunge hili halistahili kuunda kamati nyingine ya kushughulikia ufisadi. Tunafaa kumpa fursa afanye kazi yake ili tusiambiwe tunajificha chini ya Kamati ya Bunge. Hoja hii ni mbaya na itatumia pesa ya umma vibaya.

Kwa hayo machache, ninaipinga Hoja hii.

**The Temporary Deputy Speaker** (Mr. Khamasi): The hon. Member for Sirisia, you have

only five minutes before I call upon the Government Responder.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this Motion. This Motion does not add any value at all to the performance of this House in its oversight role and as a legislative organ of the Government. We already have the following institutions that have something to do with the fight against corruption: The Judiciary, the Kenya Anti-Corruption Commission (KACC), the Office of the Director of Public Prosecutions, the Public Accounts Committee (PAC), the Public Investments Committee (PIC), the Police Force, the Criminal Investigations Department (CID), the wealth declaration process, the Controller and Auditor-General, the Efficiency Monitoring Unit (EMU) and so on. There are more than enough in this country.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion purports to say that there are a number of agencies that have been put in place to investigate and collect evidence on rampant corruption. Then, he says that he wants a Committee to oversee that. This Parliament already has Committees that could do that. It has PAC and PIC. The Committee on Administration of Justice and Legal Affairs can, at any time, summon Mr. Ringera to come before it and give details of what he is doing, if it so wishes. The problem we have in this House is not lack of committees, but the lack of will by Members of this House to work. Every time a Committee meets, they look for trips abroad - excluding PAC and PIC because they are not involved in reckless overseas travelling. They do not do their duties as designed by the Standing Orders of this House. I have yet to see any oversight departmental Committee summon any Minister of the Government to ask him or her to justify the appointment of their relatives, brothers, friends and all manner of people to public boards and yet, they have the duty to do that. Why are they not doing that? Do we need any other committee to add on to what we already have?

Mr. Temporary Deputy Speaker, Sir, I do not want this Parliament to fall into the trap that I am now seeing at the Judiciary. They are setting up endless Committees to investigate things that other organs can do. For instance, we had the Ringera Committee that investigated the Judiciary. We now have another committee going round the country. As a lawyer in this country for the last 24 years, I know that every time you go to court, the loser will always allege that the Judge or the magistrate was bribed, even when there was no such thing. Now, the Judiciary has set up a committee to go to various stations and invite the public to come and say whether they lost their cases fairly or not. In the process, that is instilling fear in members of the Judiciary, making it impossible for them to act impartially, fairly and without fear. I am happy my learned friend, Mr. Githae, is here. That kind of thing has to be brought to an end. We cannot put an institution like the Judiciary, that is so critical to the administration of justice, and which is a constitutional institution with total independence, under endless, reckless and unhelpful probes that only undermine the institution. That is what the Mover of this Motion is trying to do here. We do not want committees that are going to bring shame to this House. We do not want to see what happened in one Committee happen again; where it spent all the time intimidating and bullying everybody who appeared before it, instead of looking for evidence.

Mr. Temporary Deputy Speaker, Sir, I would like to join the very good submission by my learned friend, Mr. Muturi, who had the privilege of being my classmate. I want to say that all he said was very good and I support it.

With those few remarks, I vehemently and strongly oppose this Motion, as it adds absolutely no value to the fight against corruption in this country.

**The Temporary Deputy Speaker** (Mr. Khamasi): It is time for the Government Responder.

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I would like to donate five minutes to my learned friend and teacher, Prof. Kibwana.

**The Assistant Minister, Office of the Vice-President and Minister for Home Affairs**

(Prof. Kibwana): Thank you very much, Mr. Githae, for giving me five minutes to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, at the outset, I would like to say that I have tremendous respect for Mr. G.G. Kariuki. I am sure the intention of this Motion is to assist in the war against corruption. But, as other hon. Members who have contributed said, it would not be judicious to inflate the relevant committees that work on the corruption issues in Parliament. If you do that, they can even trip on each other. There is even a possibility that they would impede each others work.

A more fundamental point is when we eventually conclude the constitutional review process in this country. We are going to have a constitutional independent body charged with fighting corruption. That is the Kenya Anti-Corruption Authority. But because of the separation of powers, if you have another parliamentary oversight committee to co-ordinate all the activities of the anti-corruption work, that would jeopardise the independence and vigour of the constitutionally-mandated body to take care of corruption in the country.

I believe that, what Mr. G.G. Kariuki needs to consider is to go to the Office of the Speaker and find informal ways through which all the relevant Committees in Parliament which work on corruption issues could meet frequently and compare notes. That way, they can strengthen their separate efforts to fight corruption. I believe that the Motion will not be successful, but Mr. G.G. Kariuki should be commended for trying to focus the efforts of Parliament in fighting corruption. But it is necessary to find a better mechanism to do that. I am glad Mr. Muturi and Mr. Wetangula have spoken very eloquently on this Motion. I am sure Mr. Githae will do the same when he responds. I had the privilege of teaching them at the University of Nairobi. I must say that I have taught them well, if I can be allowed to congratulate myself.

Thank you for the donation of five minutes.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Well done, Mwalimu! You taught well!

*(Applause)*

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity. I would like to confirm to the Professor that, indeed, he taught us well and, that is why we are in this House.

I rise to oppose this Motion in the strongest possible words! This Motion is completely unnecessary and should not have come before this House. Why am I saying that?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! You cannot say that! Withdraw immediately!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I withdraw the last sentence. That only shows the strong feelings that I have about this Motion. Very many speakers have opposed this Motion. The only thing that the Mover said is that there are too many bodies fighting corruption. I want to go through the list of the bodies that he mentioned, and show that their core purpose is not to fight corruption.

Mr. Temporary Deputy Speaker, Sir, the work of the police is not to fight corruption only. They have other duties, apart from fighting corruption. Therefore, that is not an additional body. The same applies to the CID. They may deal with matters concerning corruption, but that is not their core business. The same applies to the Judiciary. Is this Select Committee going to recommend that we abolish the CID and the police force, because they are fighting corruption? Is it going to recommend that we abolish the Judiciary because they are fighting corruption?

Mr. Temporary Deputy Speaker, Sir, we have got some Departmental Committees in this House that deal with corruption, but that is just one part of their function. For example, the Public



Investments Committee's core function is not to deal with corruption. Its core function is to deal with all investments of the Government. Corruption only happens to be one of them. So, is the Select Committee going to recommend that we abolish the PIC? I do not think so. We also have the Public Accounts Committee. Although the PAC may deal with corruption, that is not its core function. Its function is to look at the accounts of the Government and other parastatals. So, is this Select Committee going to recommend that we abolish the PIC, because it is dealing with corruption?

Mr. Temporary Deputy Speaker, Sir, the other reason why as Parliament we are a bit reluctant to recommend the appointment of select committees, is because of the Ouko murder Select Committee circus. We saw them intimidating witnesses. We saw them giving a chance to people who we thought were not clean to get the sympathy of Kenyans because they were---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Githae! Please, stick to this Motion. Let us not begin discussing a report that has not been presented to the House. Steer clear of it!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I will steer clear of it, but it has been in the Media. We need to be a little bit more cautious in appointing select committees. We have seen the damage they can do.

The only body by law, authorised and mandated to deal with corruption is the Kenya Anti-Corruption Commission. The other bodies only gloss over corruption. Although the Act of Parliament that created this body was passed in this House in 2003, it is only last year when the Director and the four assistant directors were appointed. It is only in February this year, that they were able to recruit 50 per cent of their staff. Two weeks ago, they advertised for the second lot of employees. I am saying that this body has just started working. They could not work because they did not have the staff, but now, at least, they have got about 20 per cent of the required staff. Let us give this body a chance to fight corruption. This body gives quarterly reports to this Parliament.

Mr. Temporary Deputy Speaker, Sir, among all the hon. Members who spoke on this Motion, I have not heard any of them say that the KACC has been unable to fight corruption. Let us give them a chance to fight corruption. Let us see what they can do. The formation of a select committee to supervise them is passing a message that the KACC has failed in its duties and yet we have not given them a chance. Let us give them a chance to do their job. We receive quarterly reports from them, and the Departmental Committee on Administration of Justice and Legal Affairs can summon the Director of KACC and find out from him the problems he is experiencing and whether he needs to be given more teeth to fight corruption. It can also find out whether he needs more staff to fight corruption or if there is anything we can do as Parliament to facilitate him in his fight against corruption. Let us give him a chance to fight corruption. Probably after two or three years, we can come back and say that they have failed and, therefore, we need to have another body to supervise them. But that has not happened.

Mr. Temporary Deputy Speaker, Sir, I have a feeling that if we were to appoint this Committee, Parliament will be accused of trying to stop Justice Ringera from doing his job. We do not want that accusation, because it is not necessary. If we were to pass this Motion, Parliament may be accused of trying to protect themselves from corruption issues. We do not want this Parliament to be accused of trying to hide behind this Motion.

Mr. Temporary Deputy Speaker, Sir, as a Ministry, our policy is not zero tolerance to corruption. We were told by Prof. Saitoti that even zero is a number. We now want nil tolerance to corruption, because nil has no number. That is our policy and that is how we are going to proceed with our work. We will not shy away from our responsibilities.

The Mover of the Motion also talked about the Department of Governance and Ethics. This department is an advisory body that was created by the President to advise him on issues to do with governance and ethics. Its main purpose is not to fight corruption or to arrest people as it has been

said. Its main purpose is not to investigate people. Its main purpose is basically to deal with policy issues with regard to governance and ethics.

Mr. Temporary Deputy Speaker, Sir, although the Kenya National Commission on Human Rights might deal with corruption issues, its core function is not to deal with corruption. Its core function is to deal with human rights. We have been told here that corruption may fall under human rights, but that is not their main function. So, is this Committee going to recommend that we do away with the Kenya National Commission on Human Rights, because they deal with corruption? I am not very sure.

Mr. Temporary Deputy Speaker, Sir, the other body that the Mover mentioned was the Efficiency Monitoring Unit in the Office of the President. This is a purely administrative body. It deals with a lot of issues and not necessarily corruption. It deals with efficiency, restructuring and policy issues. Corruption only happens to be a very minute part of the core function of the Efficiency Monitoring Unit. This is a purely administrative body used by the Government to investigate what is happening in certain parastatals. It has nothing to do with corruption, although in the course of investigations it may find out that corruption is involved. For example, when this body investigates an institution and finds that there is corruption, it then invites the KACC to go and do proper investigation. So, what I am wondering is whether this select committee is going to recommend that we do away with the Efficiency Monitoring Unit. I do not think that should be the case.

Mr. Temporary Deputy Speaker, Sir, the other body that the Mover mentioned was the office of the Controller and Auditor-General. The work of the Controller and Auditor-General is not to fight corruption. His work is to audit Government Ministries and parastatals. In the course of investigations, he may unearth some corruption. When it is unearthed, it is given to the KACC to investigate. Its core function is not to investigate corruption; it is to audit Government Ministries and parastatals.

We have also encouraged all Government Ministries and parastatals to establish anti-corruption units in their departments. Are we now saying that we need to do away with these units because they are too many? I do not think so, because those bodies are doing their duty which is to prevent the occurrence of corruption.

Mr. Temporary Deputy Speaker, Sir, the Mover also mentioned the National Steering Committee on Corruption. The main function of this body is not to fight corruption. Its main function is to change the views and attitudes of Kenyans on corruption. It is meant to show them the cost of corruption. It is meant to show them that when our roads have not been built, it is because of corruption. When we do not have medicines in hospitals, it is because of corruption. Their purpose is to show them that they should not even think of engaging in corruption. Its function is not to fight corruption; it is to change the minds and views of Kenyans. It is not a law enforcement body.

We also have an anti-corruption unit in the Cabinet. The function of that unit is not to fight corruption. The main function of that unit is to come up with policy guidelines on how to tackle the problem of corruption. So, it is not correct to say that all these bodies are meant to fight corruption. What could happen is that, in the course of investigations, these bodies may come up with some issues on corruption. However, that is not their core function. We have three arms of the Government, that is, the Executive, the Judiciary and the Legislature. Let us allow the Executive arm of Government to do its job and Parliament to supervise the Executive. We must allow the Executive to fight corruption and Parliament to supervise the Executive. Let us not try to tread on the core functions of other departments.

Mr. Temporary Deputy Speaker, Sir, we do not need this Select Committee to supervise the body that is currently fighting corruption. There is only one body which is fighting corruption and it is the Kenya Anti Corruption Commission (KACC). The Commission only acquired staff last month. So, let us give them a chance to fight corruption.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I oppose this Motion.

**The Temporary Deputy Speaker** (Mr. Khamasi): I will now call upon the Mover to reply.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I would like to thank all the hon. Members who have contributed to this Motion even though some of them had unknown motives and others "very known" motives.

*(Laughter)*

This Motion has been deliberately and intelligently misunderstood. What this Motion is seeking to establish is simple. Are the bodies that we have in place to fight corruption really working? If they are not working, what is it that they are lacking? Is it political will or is it that they do not have powers to exercise their mandate?

Mr. Temporary Deputy Speaker, Sir, I listened to hon. Members who contributed to this Motion. Some of them, without imputing improper motive, are Members of the Public Investments Committee (PIC) and the Public Accounts Committee (PAC). In fact, some of them thought that the establishment of the Select Committee proposed in this Motion would deny them the powers they claim to have. Truly speaking, they do not have any power. It is very well known that hon. Muturi eloquently explained so many things in so many words with regard to how this should have been done and how it should not have happened. Hon. Muturi, being the Chairman of PIC, cannot explain why his Committee is not performing in terms of implementing its decisions. No Committee of this House has the power to implement its decisions.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that a Committee of this House reports to another Committee when we know that Committees of this House report to this House?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, you need to protect me from such frivolous points of order because the hon. Member had all the time to debate on this Motion and say whatever he wanted to say. I did not say that there is a Committee of this House that is created to supervise other Committees. The core function of the Committee proposed in my Motion would be merely to try and speak to Members of other Committees, in and out of this House, and to ask them whether they have any problem that does not allow them to perform their duties properly. The vision of this Motion will be seen later on by those people who are able to think critically without hiding anything in their heads.

Mr. Temporary Deputy Speaker, Sir, I wish to submit that this Motion is very well intended. I thought that hon. Members would not dare confuse the establishment of this Select Committee with other Committees which are already operating. We have been told by the Assistant Minister for Justice and Constitutional Affairs that any body that is created to advise against corruption cannot fight corruption. I cannot understand the logic in that argument. If you are advising against a certain action and then someone comes to claim that you are not against that same action, I think, that argument leaves a lot to be desired.

I personally feel great that this Motion has been brought before this House. It is the people of this country who will judge our performance and vision in this House. They will tell whether we are really here to deal with the problem of corruption. We all know the Committees and bodies that have been created to fight corruption. We even know the people who are serving in those institutions. However, let us ask ourselves--- Very soon, we are going to debate amendments to the Anti Corruption and Economic Crimes Act. The Act has not lasted even for seven months since it was enacted and yet there are amendments being proposed to it already. Why were we in a hurry? Where were the intelligent brains of the likes of hon. Muturi and hon. Wetangula? Why were we whipped around to pass a Bill that was not going to work?

Mr. Temporary Deputy Speaker, Sir, when we were debating the Public Officers Ethics Bill,

we were told that we must declare our wealth. Who in this country knows what hon. Githae or myself own? We hoodwinked the people of this country and cheated them that hon. Members were doing the business of this House.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. G.G. Kariuki!

**Mr. G.G. Kariuki:** I am sorry, Mr. Temporary Deputy Speaker, Sir, if the term "cheating" is unparliamentary. However, were we really genuine to the people of Kenya when we told them that so-and-so would declare his wealth? Now, a new law will soon be in place to amend that particular one. Why is that the case? It is because at the time of the enactment of that law, most of us had nothing to declare, but now we have too much to declare. Let us ask ourselves, where did they get all this wealth from? Why were we not clear from the word go? I want to submit that this Motion faced a lot of opposition from the time---

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to impute improper motives on the Members of this august House by saying that last year we had nothing to report in our wealth declaration forms and that this year, because we have stolen money, we have something to report? Is he in order to allege that?

**The Temporary Deputy Speaker** (Mr. Khamasi): First of all, he is out of order to say "stolen."

**Mr. G.G. Kariuki:** Mr. Speaker, Sir, I did not use the word "stolen." If the hat fits my hon. colleague, let him wear it!

Mr. Temporary Deputy Speaker, Sir, what I am trying to say is that this Motion will be remembered by Members of this House; that the idea and intention were noble. We wanted to form a Committee that will not just investigate---

**Mr. Mukiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very serious allegation against Parliamentarians. We expected the Chair to make a ruling. He is saying that Parliamentarians have now acquired wealth and they do not want it to be known. But he has not said who these Parliamentarians are. Could he substantiate?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I have been in this House long enough to understand the Standing Orders. I should be given the opportunity to say what I want to say. I did not---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! If you did say that, then I demand that you substantiate.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I did not say that some Members had stolen money. But when the declaration of wealth forms are brought for this year, we want to demand the previous declaration forms so as to scrutinise their contents so that we can satisfy ourselves that some hon. Members and other citizens of this country got their wealth fairly and without underhand businesses.

Mr. Temporary Deputy Speaker, Sir, although the hon. Members misunderstood this Motion deliberately, I would like to submit that it is still a very noble issue, and it is something that needs to be brought back. I am sure it will come very soon through another Member. The hon. Members have said that we have too many similar Committees. But how many criminal cases have been taken to court since NARC came to power two years ago? If the hon. Members are fair and genuine, they should have started by asking themselves whether these numerous anti-corruption bodies have been working or not. Instead, they concentrated on pointing out the number of existing committees and even went further to equalise the proposed committee with the current ones facing crises.

Mr. Temporary Deputy Speaker, Sir, I had no personal interest in this issue. It is what I believe in.

**Hon. Members:** Declare your interest!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. G.G. Kariuki, I give you two minutes to conclude your speech.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, when I see some Members being too happy that the Motion may not be passed, you only ask yourself: "What is in it for them?" All Members of Parliament should understand that this is a good Motion!

With those remarks, I beg to move.

*(Question put and negatived)*

REPEAL OF PYRETHRUM BOARD  
OF KENYA ACT

**Eng. Muriuki:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, aware that pyrethrum farmers are facing a lot of problems due to the huge backlog in payments for their produce delivered and; considering that the Pyrethrum Board of Kenya Act imposes a lot of restrictions on both prospective producers and marketers, and while bearing in mind the need to liberalise the industry in order to reap maximum benefits for the farmers and for the country; this House do grant leave to introduce a Bill for an Act of Parliament to repeal the Pyrethrum Board of Kenya Act and to replace the same with Pyrethrum Development Act, through which the pyrethrum sub-sector will be liberalised.

Mr. Temporary Deputy Speaker, Sir, 80 per cent of the population of this country live in the rural areas. The economy in the rural areas is highly dependent on agriculture. But, at the moment, it looks like there is very little focus by the Government in terms of adequate allocation of resources to the agricultural sector. The pyrethrum sector has been totally neglected. As I speak, there are over 200,000 metric tonnes of pyrethrin which is unsold because of non-action by the Pyrethrum Board of Kenya. As a result, we have a huge backlog of non-payments dating back many years. To add to that, the Pyrethrum Board of Kenya, recently, invested over Kshs160 million in some bogus bank.

Mr. Temporary Deputy Speaker, Sir, pyrethrum is grown in the highlands. It is rainfed. It requires very low investment as opposed to other crops. It has very high returns and it is very easy to grow. The pests which attack this crop are very few. The few pests which try to attack this plant end up dying. The major pyrethrum product is pyrethrin which is a botanical insecticide, which is used very effectively against mosquitoes in form of sprays, mosquito coils and also for killing various insects that are a nuisance. Recently, there was the use of pyrethrin for tick control and the utilization of cattle feed as a by-product.

Mr. Temporary Deputy Speaker, Sir, I do not want to pretend that pyrethrum has no competition in the market. There is synthetic pyrethrin being produced, which is much cheaper than that extracted from natural pyrethrum. However, what has emerged over the last couple of years is that natural pyrethrin is the most effective. Insects have exhibited very little resistance to pyrethrin extracted from natural pyrethrum. Also, sprays developed from natural pyrethrin are easily bio-degradable. They do not stay in the air for long after use. You would not want to use a spray that would stay in the air for sometime and cause damage to other organisms.

Mr. Temporary Deputy Speaker, Sir, following the Stockholm Convention, a few years ago to protect human beings from aerosol and other sprays, the demand for natural pyrethrin increased abundantly. Recently, I was in a delegation of the Constituency Development Fund Committee (CDF) visited foreign countries, where we were confronted by very many industrialists, particularly in India, who told us that they would like to use natural pyrethrum for the production of insecticides, but Kenya had refused to sell pyrethrin to them. When we came back, we compiled a Paper, which we presented

to the Government. I challenge the Government to tell the House what measures it is taking because we do not know them. We have hundreds of tonnes of pyrethrin which has not been sold and yet there are industrialists in other countries abroad, asking us why we are not selling the pyrethrin to them. So, the challenge goes to the Government; why it is not acting to satisfy the demand for natural pyrethrin abroad.

Mr. Temporary Deputy Speaker, Sir, the Pyrethrum Board Act is a 1964 legislation. A few amendments have been done to it since then, but Chapter 3 of that Act calls for the control of pyrethrum. It provides for control of the pyrethrum sector in terms of who would grow the crop, how much of it they should grow, and names the Pyrethrum Board of Kenya as the only body which can receive and market the produce. The end result is that nothing is happening on the ground. That is the reason why we need to revisit that Act.

Mr. Temporary Deputy Speaker, Sir, the technology in the pyrethrum sector has advanced a lot, while Kenya lags behind. For example, the pyrethrum varieties that we grow in this country yield only about 500 kilogrammes of pyrethrum leaf per hectare, whereas, in other countries, our competitors cultivate varieties which produce 3,000 kilogrammes of pyrethrum leaf per hectare. In terms of pyrethrin content, the varieties we grow in Kenya yield only about 1.2 per cent, which is by far the lowest in the world. Other countries we compete with, such as Tasmania, grow pyrethrum varieties which yield about 2.5 per cent pyrethrin content.

Mr. Temporary Deputy Speaker, Sir, all this is because the sector has been neglected. There is very little research being done. Therefore, we need to overhaul this Act, so that we can have better varieties of pyrethrum, develop better drying methods and embrace a pulping method that will enable the farmer grind the produce at the farm where the product is produced. That will also help to create some mini-industries on the farmland, so that we are even able to check the pyrethrin content of our pyrethrum before we deliver it to the central body or the buyer.

Last year, the Pyrethrum Board of Kenya, in conjunction with the Ministry of Agriculture, carried out a study. We commend them for having taken that action. However, one of the findings of that study is that, farmers have not been paid for many years. The study also established that the NARC Government is doing very well, and that it was up-to-date in payment to pyrethrum farmers. Being up-to-date meant that the Government had made payments up to September 2002. I think the Government and the farmers really need to revisit their priorities.

The study which was carried out in 2004 also indicated that the farmers required to be paid and that, because they were not being paid, they were uprooting their crops. In conclusion, the report recommended that there was need to revitalise this industry.

I would like to submit that this was a total waste of public funds. Saying that farmers have not been paid and that they are hungry is obvious. Also saying that we need to revitalise the industry is obvious. This money should have been spent better in trying to get better markets for our products, which are in the stores.

It is about time the Government focused a little bit more on the welfare of Kenyans, and particularly the pyrethrum farmers. We put in too much effort pleading with foreigners to invest in our country and establish Export Processing Zones (EPZs) and other industries. There is nothing wrong with enticing foreigners to come and invest in our country but our farmlands are by far the best export processing zones. We can focus on those agricultural products that will benefit farmers. Foreigners have their part to play. They are reaping benefits from our farmers yet they are not helping them. They are exporting the benefits because we have liberalised both the industries and the export of foreign currency which they earn. The end result is that we are getting very little benefit out of the EPZs. We are also getting very little out of tourism, where the Government is putting a lot of effort. There is nothing wrong with that but let us now focus, for once, on our Kenyans.

If this Act is repealed, and we put into place an Act which can properly focus on the industry

where pyrethrum farmers are duly included as stakeholders, we will be able to develop pyrethrum plants that can compete effectively with our competitors in the rest of the world like Thailand and Tanzania. We should be able to produce plants with over 3,000 kilograms per hectare and over 2.5 per cent pyrethrin variety. At the moment, even with 1.2 per cent of pyrethrin content, we still have returns of over Kshs100,000 per hectare. I would like to submit that there are very few crops which, at the moment, can fetch better returns than pyrethrum. The Pyrethrum Board of Kenya should be revived so that it sells the pyrethrum which is lying in its stores. The rest of the world is now going for environmentally-friendly sprays and insecticides. Following the Stockholm Convention, we are sure that in the next couple years, the demand for national pyrethrum will increase ten-fold. Currently, we are the biggest producer of pyrethrum in the world and we should take full advantage of this national pyrethrin in the world.

Mr. Temporary Deputy Speaker, Sir, with the realisation of how much benefits we can reap out of pyrethrum, I would like to request the House to repeal the Pyrethrum Board Act and replace it with a well-structured Pyrethrum Development Act which can take care of both the pyrethrum farmers and Kenyans at large.

With those few remarks, I beg to move.

I would also like to ask Mr. Mukiri to second the Motion.

**Mr. Mukiri:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank Eng. Muriuki for bringing this very important Motion. I come from an area that grows pyrethrum.

Mr. Temporary Deputy Speaker, Sir, last year, we passed a Motion here to sensitise the Government to look at the pyrethrum industry as a gold mine that is lying untapped in this country. It is very unfortunate that hon. Members are the ones who are trying to push the Government to invest in its own people. During my very short time in Parliament, I have learnt that unless we have politics in development, then we cannot develop. This is an issue which we have discussed with the Government, but we are not seeing a concerted effort from the Government to invest in this industry.

About five years ago, the pyrethrum industry was earning this country over Kshs2 billion in terms of foreign exchange. Today, farmers have uprooted pyrethrum. We have a bit of a problem in the pyrethrum industry. Farmers are not being paid and the factories are derelict. The Government needs to look at pyrethrum as a key foreign exchange earner. The Government is concentrating on other crops. For example, the Government has put too much efforts on cereals and sugar-cane. I am not saying that these are not important crops, but it is a crime for the Government to forget the pyrethrum industry. If there is any industry that promises a future for this country, it is the pyrethrum industry. We know for sure that however much money we try to put into the sugar sub-sector, within another five years, we will still have a problem of competition in the sub-sector. The Government should prioritise issues and look at where we will be getting money from in the next five years.

Mr. Temporary Deputy Speaker, Sir, there is a big problem in this industry. I want to thank the Mover for moving the Motion. The main problem is the Act of Parliament that governs the Pyrethrum industry. The Act that governs this industry was enacted many years ago by the colonial farmers who were in this country. Their aim was to preserve pyrethrum as a cash crop. They did not want Africans to enter into the pyrethrum production. Today, if you want to be a pyrethrum farmer, you will have to go to the Pyrethrum Board of Kenya and get a licence. I do not know whether there is any other cash crop in this country, which one needs to seek permission to grow. Therefore, it is very important that this Act of Parliament is deleted from our statutes.

Another provision which is archaic in this Act is the one that provides for the appointment of the directors. The former Director of the Pyrethrum Board of Kenya, Eng. Owiti, was shown the door. At the moment, the Board does not have a competent person to manage the industry. Therefore, we need to enact an Act of Parliament that will remove politics from the running of the Pyrethrum Board of Kenya, so that when a director is being appointed, we can get the best qualified Kenyan or

expatriate, so that we can get the best human resource to run this industry.

Therefore, if you look at the way the Board is constituted under the Act, the Minister for Agriculture has a lot of powers. We have a problem when we have political appointees running parastatals. At times, we have this problem because, at the end of the day, politics will always carry the day, and meritocracy will be thrown out of the window. So, it is very important that this Act is repealed. We want to have another Act, so that we can have competition.

Mr. Temporary Deputy Speaker, Sir, Eng. Muriuki wants us to liberalise the pyrethrum industry. I do not openly support liberalisation. Most of the liberalisation is being pushed by forces from outside. But, at the moment, the Government has refused to invest in the pyrethrum industry. We have consortiums; people from South Africa, China and America; the Johnson and Johnson Group, who want to invest in this industry. So, how would these people come in when you have an Act of Parliament that locks out investors? The Government does not even care. So, I support the move to liberalise the pyrethrum sector. If we have foreigners coming in, most problems associated with the pyrethrum industry will be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, we have several other problems with the pyrethrum industry. At the moment, pyrethrum is being processed in Rwanda. This goes back to the issue of political appointees. I do not know why pyrethrum should be taken to the Pyrethrum Board of Kenya (PBK) in Nakuru, transported all the way to Rwanda for processing and then brought back here. That is a lot of money that is being wasted through that process. These kind of decisions are made because somebody at the Board does not want to save money. This money will go a long way in improving the pyrethrum sub-sector.

Mr. Temporary Deputy Speaker, Sir, the Government has also refused to invest in research. That is why I am saying liberalisation will help. We have a Pyrethrum Research Centre in Molo Constituency. However, if you visit some of these research institutions in this country, there are no activities going on. The reason is because, they say, they are not receiving funding from the Government. We have tried to see whether the Kenya Agricultural Research Institute (KARI) could be involved in this sub-sector, but the Government does not want KARI to involve itself in pyrethrum research. Therefore, if the Pyrethrum Act is repealed, and a new Act which will be geared towards development is enacted, we will have companies investing in research. If we do so, our farmers will grow pyrethrum with high pyrethrin yields in Nakuru and Pokot districts. This will be followed by extension services and encouraging farmers to plant and invest in the pyrethrum sub-sector.

Mr. Temporary Deputy Speaker, Sir, at the moment, if you visit the PBK headquarters at Nakuru, they have a very small laboratory. I, together with the Mover of this Motion, visited that laboratory. We noted that there is potential for development.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Mukiri, your time is up!

**Mr. Mukiri:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second.

*(Question proposed)*

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion, which was moved by an hon. Member whom we respect. This is the same hon. Member who moved the Motion which brought about the implementation of the CDF. He can be referred to as a super hon. Member or a genius. This is Eng. Muriuki. I support this Motion, not only because of its Mover, but because of its worthwhile substance.

The agricultural sector is the backbone of our country's economy. We should invest in it and make sure that it provides jobs and income that our people very badly need.

If you read newspapers this morning, you must have read about six watchmen who were killed by a group of thugs referred to as "forty thieves", in a primary school in Mombasa. This is a problem



of poverty. If forty thieves can kill six people for Kshs80,000 only, and if they divide the money among themselves, they each get Kshs2,000 each, then there is a big problem in this country. Issues to do with the agricultural sector have to be supported. The high poverty levels are the ones giving rise to the high crime rate we have. Previous generations lived in greater poverty than us, but I do not remember them committing the kind of atrocities committed today. The poverty most Kenyans are experiencing now is moral poverty and Kenyans should be taught about morality.

This should start being done in schools and churches. Agriculture has suffered in the last two decades because of our high population growth. Land is sub-divided with every new subsequent generation. When people want to inherit land, it is sub-divided even further, rendering it uneconomical.

Another big problem is that, the World Market prices have not been favouring our commodities. As a result, our chances of trading keep on getting poorer and poorer. We have also been suffering from unequal World Trade Structure. Even though we have a comparative advantage of producing the commodities we export, our products have no value added to them. We are only confined to exporting raw materials. There are tariff barriers which block entry of our products into the Developed World.

When you export coffee from Kenya to Germany, the cost of the raw coffee which arrives in Germany is received with 100 per cent tax. This tax is on the CNF value of the coffee which arrives in Germany. So, the German Government gets an equivalent value of what the Kenyan farmer, the coffee transporters and auctioneers earn. The effect of all this is that we get very little returns for our efforts.

Mr. Temporary Deputy Speaker, Sir, the Seconder of this Motion mentioned liberalisation and the World Trade Organisation (WTO), which the Minister for Trade and Industry said is an agent of imperialism a few weeks ago. I am inclined to agree with that because they are pushing for the liberation of goods and capital markets. They have a comparative advantage in producing the goods and they have the capital. We do not have the capital to move freely around the world. But their labour market is not liberalised. We are very good in producing bright children and workers in Kenya. If only they were to liberalise the goods and capital markets as well as the labour market--- That way, when our kids come out of the universities and high schools, they can seek jobs in their markets. That would be a fair arrangement. But, presently, the liberalisation is only on capital markets and goods. I would urge our negotiators in those fora to emphasize the need to liberalise their labour market. If they do that, our people can go round the world, participate in the global village and get their fair share of the spoils.

Mr. Temporary Deputy Speaker, Sir, we cannot talk about agriculture without talking about the subsidies that the developed countries offer to their farmers. That puts our farmers in a very big disadvantage. Where I come from, we produce 10 million kilogrammes of cotton every year. But our farmers realise very little profits from their crops. The prices of inputs are very high. The cost of chemicals, labour, ploughing and weeding is very high. When it comes to the market, there is a monopoly which buys the product. To add insult to injury, the cotton that we produce has to compete with second-hand clothes known as *mitumba*. There is no way a product which uses Kenyan raw material and which is not subsidised can compete with *mitumba*.

Mr. Temporary Deputy Speaker, Sir, if you go to the United States of America (USA), they have 25,000 cotton farmers who are paid US\$4 billion per year by way of subsidies. That translates to US\$160,000 per farmer who produces cotton in the USA. It is an annual gift to the 25,000 farmers. A total of US\$4 billion, if you put it into perspective, is even greater than the Kenyan Budget, which includes all the teachers, soldiers, Members of Parliament and the Civil Service. Our current Recurrent and Development Expenditure is less---

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

**Mr. Twaha:** We are talking about agriculture!

**Mr. Salat:** Mr. Temporary Deputy Speaker, Sir, would I be in order to ask the hon. Member

to concentrate on the Motion at hand because he is not talking about pyrethrum?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Salat, you are right! I was just about to remind Mr. Twaha that I was going to invoke the Standing Order on relevance! Let us talk about repealing the present Pyrethrum Act!

**Mr. Twaha:** Yes! I am coming to that, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): All right!

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, pyrethrum is a sub-sector of the agricultural sector. We need to look at the big picture before we zoom in on the salient issues. If we have a tunnel vision, we will be guilty of being a narrow-minded House which will not be productive or useful to the country.

Mr. Temporary Deputy Speaker, Sir, the subsidies are affecting the cost of production in the developed world. We go to same market and try to sell the same products, whether it is pyrethrum, cotton or sugar. There is no way a Kenyan peasant farmer can compete with a farmer in USA, who is being paid US\$160,000 free of charge. We are talking about 50 per cent of Kenyans living below the poverty line, earning US\$1 a day. At the same time, a cow in Europe receives a subsidy of US\$4 per day. That is what is given to the farmer to look after his cow. I am against the very definition of US\$1 a day being the poverty level. Even US\$5 is still a very low level of income for someone to support a family.

Mr. Temporary Deputy Speaker, Sir, I sympathise with my brother who grows cotton because there is no quorum in the House!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Twaha! You can continue so long as you will heed my advice.

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, you should not behave like hon. Gor Sungu!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! The Chair is there to advise and direct. I advise you to discuss the Motion on the Order Paper. You are talking to us about economics of a very high level but we want you to confine yourself to this Motion. Can you please do that!

**Mr. Sambu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do [**Mr. Sambu**] not know why the hon. Member talked about hon. Gor Sungu. What is the relevance of asking the Chair not to behave like hon. Gor Sungu?

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise. This House is the supreme body in this country. If you say that I am talking about high level economics and that I should lower myself to pedestrian discussions, you are not helping this country.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Now, this is an attack on the Chair and, Mr. Twaha, be advised appropriately that we are discussing a Motion brought here by Eng. Muriuki. Please, confine yourself and be relevant to that Motion.

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, I beg to support.

*(Laughter)*

**The Assistant Minister for Planning and National Development** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion. I begin by congratulating hon. Eng. Muriuki for this Motion.

I think this is the right time to bring this Motion because there is something about pyrethrum which most of us do not understand. We are told it is a crop, and I stand to be corrected, that Kenya is

the largest grower of pyrethrum in the world. I think in terms of competition, there is no other country that can compete with us in growing of pyrethrum and, therefore, this repeal of the Act has come at the right time because---

### QUORUM

**Mr. Twaha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to inform you that there is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, indeed, it is true that there is no quorum in the House. Ring the Division Bell.

*(The Division Bell was rung)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, I think in future the Chair will take very serious steps against hon. Members who raise points of order and then walk out. I do not think we are going to take that kindly and we will deal with them very firmly.

Due to lack of quorum, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.20 p.m.