

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 24th October, 1996

The House met at 2.30.p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

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

Annual Report and Accounts of Kenya Tea Development Authority for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Agricultural Development Corporation and Lands Ltd. for the year ended 31st March, 1995 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Agricultural Development Corporation (Garissa Irrigation Project) for the year ended 31st March, 1995 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Agricultural Development Corporation (Kulalu Ranch Project) for the year ended 31st March, 1995 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Agricultural Development Corporation (Kulalu Ranch Project) for the year ended 31st June, 1995 and the Certificate thereon by the Auditor-General (Corporations)

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

Annual Report and Accounts of Coffee Research Foundation for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi) on behalf of the Minister for Agriculture, Livestock Development and Marketing)

ORAL ANSWERS TO QUESTIONS

Question No.974

TRANSFER OF NAMANJALALA LOCATION

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

(a) whether he is aware that Namanjalala Location of Kwanza Constituency in Trans Nzoia District has been unilaterally transferred to Central Division of Saboti Constituency; and,

(b) if the answer to "a" above is in the affirmative, why the views of the residents were not sought before such a transfer was effected.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Namanjalala Location of Kwanza Constituency was moved to Central Administration Division of Kwanza, but not Saboti Constituency.

(b) On 6th April, 1995, during a sub-DDC and the leaders meeting in Kwanza, the members proposed that Namanjalala which was then a sub-location be moved to Central Division.

Mr. Kapten: Mr. Deputy Speaker, Sir, I am very perturbed by that answer from the Assistant Minister. I

have attended all the sub-DDC meetings of the Kwanza Constituency and Kwanza Division. We have never had a sub-DDC which proposed that Namanjalala Location be moved to Central Division. Can the Assistant Minister lay on the Table the minutes of the sub-DDC that proposed that move?

Mr. Awori: Mr. Deputy Speaker, Sir, I will call for the minutes, come and lay them on the Table. I cannot say when, but some time next week.

Mr. Kapten: Mr. Deputy Speaker, Sir, the Assistant Minister is fond of saying that he is going to lay documents on the table, but he does not. I have told him that I have attended all the sub-DDC meetings and we have never asked that this sub-location be moved to Namanjalala. Since I am the Member of that area, can the Assistant Minister assure us that the views of the residents of this location are going to be sought to find out whether they want to move to Central Division or remain in Kwanza.

Mr. Awori: Yes, Mr. Deputy Speaker, Sir. I can give that assurance.

Mr. Otieno: Mr. Deputy Speaker, Sir, would the Minister tell us the policy with regard to these divisions particularly where a division falls in a different constituency? Now, constituencies are created under the Constitution by the Electoral Commission. Where there is a difference, what is the policy? Would the division then change so that one MP does not have an overlap with another division?

Mr. Awori: Yes, Mr. Deputy Speaker, Sir. I do agree with the hon. Member that the Government will see that there is no overlap.

Mr. Kapten: Mr. Deputy Speaker, Sir, with this movement now I have to attend three sub-DDC meeting at Kwanza, Endeless and Central Divisions. Can I have an assurance that the Minister is going to direct the District Commissioner to come to Namanjalala and get the views of the people and if so, when is he going to give that directive?

Mr. Awori: Mr. Deputy Speaker, Sir, how many times do I have to give that assurance? I have already given the hon. Member the assurance that the views of the people are paramount and should be sought and I will make sure that is done.

Question No.1020

ELIMINATION OF CORRUPTION

Mr. Achieng' Oneko asked the Minister of State, Office of the President:-

(a) whether he is aware that public servants in various Government departments charged with the issuance of motor vehicle licences, passports, log books and processing of taxes have the habit of heaping the documents in their offices in an attempt to induce favour from the desperate public who will mill around their offices; and

(b) what the Government policy on the elimination of corruption in public offices is.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) The Government does not condone corrupt practices perpetrated by public servants and the law is very clear on any officer who is caught engaging in corruption.

Mr. Achieng' Oneko: Mr. Deputy Speaker, Sir, under part "b" of my Question I am asking what is the Government policy on elimination of corruption in public offices. If you visit land offices and offices that handle passports, you will find that they have become beehives for corruption because the files sometimes get lost and cannot be traced unless some money is paid under the table.

Mr. Awori: Mr. Deputy Speaker, Sir, may I request the hon. Member to give me a specific case and I will follow it to the end.

Mr. Ruhiu: Mr. Deputy Speaker, Sir, it is a well known fact that this Department is one of the places where corruption in Kenya is endemic. It is true that to get a driving licence, log book and other licences within the Department, you have to pay something. What is the Government doing to eradicate corruption in these departments?

This is because the public is paying money to the officers of the Government and yet they are earning salaries and wages, according to the policy of the Government.

Mr. Awori: Mr. Deputy Speaker, Sir, the policy of the Government is very clear. The civil servants are employed to serve the public. They get a salary and they should not solicit any inducements, in order to give that service. If any member of the public can give me a case, I personally will follow up the matter to the letter.

Mr. Obwocha: Mr. Deputy Speaker, Sir, in view of the seriousness of this issue of corruption, could the Assistant Minister consider positioning security officers at the lands office to be able to curb this menace?

Mr. Awori: Mr. Deputy Speaker, Sir, the Government officials in the lands office have already got security

officers there. If you are asking for security officers from the Office of the President, then we will look into the matter.

Mr. Mathenge: Mr. Deputy Speaker, Sir, does the Assistant Minister agree or deny that the lukewarm treatment of corrupt people by the Government is encouraging criminals to take the law into their own hands, when they see that those who are corrupt are not caught by the Government officers and punished for their mistakes? What is the Assistant Minister going to do about this?

Mr. Awori: Mr. Deputy Speaker, Sir, I vehemently deny it.

Question No. 752

ERADICATION OF DRUG TRAFFICKING

Mr. Wamalwa, on behalf of **Mr. Orengo**, asked the Minister of State, Office of the President:-

- (a) why Kenya is becoming a major drug trafficking destination or transit point;
- (b) why the drug barons are not arrested and instead, concentrating all the efforts on minor offenders; and,
- (c) what action the Government is going to take to stop drug trafficking.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The problem of consumption and trafficking in narcotic drugs is a growing menace worldwide and no country is immune to this illicit organised trade. Kenya has mainly been targeted as a transit point due to its geographical location in relation to the source and consuming countries.

(b) The Government efforts are aimed at all drug offenders and traffickers and, in particular, the drug barons.

(c) The Government is enhancing continuous training of anti-narcotic officers, providing up-to-date detection and surveillance equipment, and promoting and encouraging dissemination of information to sensitise the public on the dangers posed by drugs to mankind, among many other measures.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, the most famous case of drug traffickers apprehended in Kenya involved a District Officer (DO) and other members of the provincial administration in Central Province, that is, in Thika District to be exact. Could it be that because of the involvement of members of the provincial administration and the law enforcement officers in drug trafficking, Kenya has become such a big transit point for drugs? What is the Government doing about its own employees who are involved in this?

Mr. Awori: Mr. Deputy Speaker, Sir, taking the last point first, any member of the provincial administration who is found, not only participating in this illicit trade, but encouraging it will be brought to book.

On the particular case that the hon. Member has mentioned concerning the DO, we know how long he has been incarcerated.

Dr. Kituyi: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, could he tell us by what logic of geography you can speak of proximity to source and market, if cargo from the Poppy triangle in the Far East going to Europe, does not pass through East Africa, but drugs from that region are passing through East Africa? Why should Zambia, which is only 200 from the borders of South Africa, ship mandrax tablets to South Africa through Kenya? What geographical necessity makes this an inevitability?

Mr. Awori: Mr. Deputy Speaker, Sir, the first reason is due to tourist attraction. Secondly, as I said, Kenya is very centrally situated from any part of the world.

Mr. Ndicho: Mr. Deputy Speaker, Sir, this issue is very serious, especially where the small people are involved. When they are caught, they suffer. Currently, the DO---

Mr. Deputy Speaker: We have a whole load of Questions this afternoon! We have 13 Questions for only one hour. Do not beat about the bush. Just ask your question!

Mr. Ndicho: Mr. Deputy Speaker, Sir, I want to ask the Assistant Minister to consider releasing the DO who was arrested at Gatundu because he is a small man. The people who were involved were the DC of Kiambu district and the PC of Central Province, yet a small man who was the DO was falsely accused and he is now serving 20 years in jail. Can the Assistant Minister consider releasing him and instead, arrest the big people?

Mr. Awori: Mr. Deputy Speaker, Sir, no wonder we will make sure that the parties from the other side of this House will not form the Government. How can one hon. Member of that side of the House ask what we did to the DO and, after I have explained that the DO was sent to prison for a long time, another hon. Member asks me to release him?

Question No. 829

PAYMENT OF COMPENSATION TO FARMERS

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

- (a) whether he is aware that the peasant farmers, whose land was taken for construction of Ragati Tea Factory, over 30 years ago, have not been compensated; and,
- (b) when he will ensure that justice is done and these poor farmers are compensated.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) I have issued instructions to the Provincial Commissioner (PC) to compensate the farmers immediately.

Mr. Wamae: Mr. Deputy Speaker, Sir, this is the same answer I was given two years ago. These farmers were not settled. After 30 years, many of them have become old people and some have even died. Will the Assistant Minister explain how the PC is going to get in touch with these people? Should we advise these people to go and line up at the PCs office?

Mr. Awori: Mr. Deputy Speaker, Sir, the instruction that I have given the PC is to pay compensation to the following 12 people: Weru Nduru, Githinji Nderi, Murithi Karitu, Githinji Nduru, Karweru Nduru, Nyamu Nduru, Migwi Nduru, Nyambu Nduru, Gwandaru Nduru, Gichuru Nduru, Kimani Nduru and Muriuki Nduru. As you can see, they all belong to one family.

Mr. Wamae: Mr. Deputy Speaker, Sir, what kind of compensation has the Assistant Minister directed to be given? How much are they going to be compensated, for example, per acre? It is good to know this so that when they go to the Provincial Administration they are not swindled.

Mr. Awori: Mr. Deputy Speaker, Sir, I have not brought the parameters of the compensation right now, but I know that it will be based on the market value. I cannot confirm that one for now.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, we all know that land is a source of livelihood. We are now talking about the land which was taken away from these people 30 years ago and we are also talking about compensation. Could the Assistant Minister because there is enough land in Kenya, and forest land is being excised to be given to some big fish who own tracts of land elsewhere, consider compensating these people, first, with land and then financially for what they have lost for the last 30 years?

Mr. Awori: Mr. Deputy Speaker, Sir, I do not accept the observation of the hon. Member. I will only repeat that indeed instructions have been given to compensate these people and I assume that the compensation will be based on the market value of the land.

Mr. Deputy Speaker: Next Question, Dr. Otieno-Kopiyo.

Question No.442

CURRENT STATUS OF NHIF

Dr. Otieno-Kopiyo asked the Minister for Health:-

- (a) what of the current legal status of the National Hospital Insurance Fund (NHIF) is; and,
- (b) if he could name the members of the NHIF Board of Directors.

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

(a) The current legal status of NHIF is that it is a social insurance scheme established under an Act of Parliament Chapter 255 of the laws of Kenya. It is managed by the Ministry of Health as a Department and has an Advisory Council established under Section 25(1) of NHIF Act.

(b) The current members of NHIF Advisory Council are:-

Mr. Joseph Kimeu Ngutu - Chairman

Mr. Abdulahi Dahir - Member

Mr. Abdul Wakole Shongolo- Member

The Permanent Secretary, MOH

The Permanent Secretary, - Treasury

The Director,NHIF - Secretary

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, following that reply, on 7th July, 1993, the same Ministry, the actual Minister told this House that the NHIF Act is being overhauled to place the control and supervision of NHIF under Statutory Management Board. In addition, the new Act provides for flexibility to allow more reviews of applicable payment rates and contributions from time to time by the Management Board of NHIF. He further said that

the amendment Bill of NHIF will be brought to the House any time now and when the total review will then be looked at. What then happened to this Bill? What happened to the Bill that was supposed to be brought here that would help create a management board of credible quality?

Mr. Criticos: Mr. Deputy Speaker, I sympathise with the hon. Member and what he is stating is very true. The Bill has been presented to the Cabinet. There are a few changes to be made and once the changes are approved by the Cabinet, it will be brought to this honourable House.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, is he aware that the delay that has occurred since 1990 when this review started has enabled the Advisory Council to treat NHIF as the new "cash-cow" of the corrupt officials allied to powerful individuals in the Government? This is now targeted in lieu of the NSSF. Is he aware of this and is he concerned that the Advisory Council is incompetent to manage the fund to the satisfaction of the contributors because even the amounts they pay, as benefits to members who are contributors, are way below current hospital charges?

Mr. Criticos: Mr. Deputy Speaker, Sir, I would like the hon. Member to substantiate these allegations that this is a "cash-cow". What does he mean by "cash-cow"? What I am saying is that I am replying to a very serious issue here concerning NHIF not concerning anything about "cash-cow". That is a KCC issue.

Dr. Kituyi: Mr. Deputy Speaker, Sir, now that the hon. Assistant Minister has professed the ignorance about how NHIF has been milked, will he explain to this House how money from NHIF via Heritage Bank ended up buying Simba Airlines for Raymond Moi?

Mr. Criticos: Mr. Deputy Speaker, Sir, I think I am in my right to ask the hon. Member to substantiate and bring proof to that effect to this honourable House because I am not aware of that!

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Kopiyo. I said very clearly, that we have 13 Questions for one-hour and I think the Chair has decided in its discretion that we move to the next Question by Rev. Ommani.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. Please---

Mr. Deputy Speaker: Overruled! Disallowed! I have been very just! Next Question.

Question No.386

SERVICES CHARGES COLLECTED BY COUNCIL

Mr. Shamalla, on behalf of **Rev. Ommani**, asked the Minister for Local Government:-

- (a) how much money was collected in the form of service charge and market collections during 1994/95 financial year by Kakamega County Council; and,
 (b) how the money was utilised and on which projects.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kakamega County Council has collected revenue in form of service charge and market collections as indicated below:-

Service Charge 1994/95	- Kshs6,429,702.00
Markets	- <u>Kshs7,968,675.00</u>
Total	- Kshs14,398,377.00

(b) The money was utilised as follows during the 1994/95 period:-

Salaries and Wages for	
Service Charge Staff	- Kshs5,206,306.00
Salaries and Wages for	
other staff-	Kshs6,730,000.00
Councillors Allowances-	Kshs1,730,000.00
Bursaries-	Kshs730,000.00

Community	
(Sports Promotion)	- <u>Kshs280,000.00</u>
Total	- Kshs14,397,300.00

Mr. Shamalla: Mr. Deputy Speaker, Sir, we are told of services on which over Kshs14 million was spent; on salaries, councillors allowances and sport promotion. Throughout the Kakamega County Council, there is no market with a single toilet for the public. I want to know whether the Assistant Minister, who happens also to come from Kakamega and also is in charge of the Ministry of Health, is satisfied with a situation where the whole of the county council market has no single toilet?

Dr. Wameyo: Mr. Deputy Speaker, Sir, I am not satisfied.

(Laughter)

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from that last reply by the Assistant Minister, who happens to be a resident of that District, that he is not satisfied, what is he doing to ensure that the market, together with that population in Kakamega, will have public toilets?

Dr. Wameyo: Mr. Deputy Speaker, Sir, because of that, I have appointed an audit team to go to Kakamega and audit the accounts of Kakamega County Council, because the amount of money that has been stated here does not seem to be real.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Mr. Deputy Speaker, Sir, you heard what the Assistant Minister read on the onset of his answer that the service charge money which was collected in Kakamega County Council was spent in paying salaries. This implies that there was no service that was given to the people of Kakamega despite collecting this Service Charge from them. Can the Assistant Minister tell us the kind of services he has in mind that we pay money for and yet we do not receive them?

Dr. Wameyo: Mr. Deputy Speaker, Sir, I thought the hon. Member was rising on a point of order?

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

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. I think you heard Dr. Wameyo telling you, that the figures he has read out to this House do not seem to be real. In other words, what right does he have to come and tell us something that he knows is not real? Is he in order?

Mr. Deputy Speaker: I thought he said that he had appointed an audit team to go and audit the accounts of Kakamega County Council?

Mr. Shikuku: But he said it is not real.

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

Mr. Deputy Speaker: Next Question, Mrs. Phoebe Asiyu.

Question No 868

SUPPORT OF KADITO WOMEN'S IRRIGATION SCHEME

Mr. Ojode, on behalf of **Mrs. Asiyu**, asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) how much money the Italian Government put into the Kadito Women's Irrigation Scheme;
- (b) what the objective of the project was and what caused the delay in its implementation; and,
- (c) if he could take appropriate steps to provide technical and financial support to get this project on its feet, since this is a project that can help eradicate poverty of its members and provide food security for the entire Kochia people.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Italian Government invested a total of Kshs18 million in terms of tractors, vehicles, pumps and implements into the Kadito Women's Irrigation Scheme.

(b) The objective of the project was to uplift the living standards of the members of Kadito Women Group by increasing their income-generating capacity through irrigated horticultural farming. But there was a delay in the implementation of the project which was caused by failure of the donor agency, Italian African Institute in responding to our 1989 request of Kshs18 million to meet costs of the engineering works of the project as priced at that date.

(c) The Government, through the Ministry of Agriculture, Livestock Development and Marketing, is willing to provide training and technical services to get this project on its feet. But despite regular appeals to the beneficiaries to come forward and take the offer, they have not shown any interest.

Mr. Deputy Speaker, Sir, since this is a self-help project, I wish to call upon the hon. Member for Karachuonyo, to help us in educating the beneficiaries that they can only be assisted if, like the Government, they were fully committed to the revitalisation of the project.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is giving this House a misleading answer. This project was meant to uplift the living standards of the members of Kadito Women Group. The tractors which were brought for Kadito Women Group were hired by South Nyanza Sugar Company (SONY). A former DC of Homa Bay District, Mr. Cyrus Gituai, is the person who released these tractors to SONY Sugar Company, and not a

single cent had been given to this Women Group. Could the Assistant Minister confirm or deny that this same DC was paid that money and he should, therefore, investigate these allegations and give the women their right?

Mr. Ligale: Mr. Deputy Speaker, Sir, I am not aware of any money having been paid to a former District Commissioner.

Mr. Aluoch: Mr. Deputy Speaker, Sir, the Assistant Minister is not telling us the truth about this project. This money was released through the Lake Basin Development Authority (LBDA) and it is through interference by some officers in the LBDA, the DC and the Agricultural Department that caused some of these equipment to disappear.

Can the Assistant Minister investigate and find out where the lorries and all these other implements went instead of giving us a vague answer?

Mr. Ligale: Mr. Deputy Speaker, Sir, I have not given a vague answer.

Mr. Ojode: Mr. Deputy Speaker, Sir, it seems as if we are joking in this House. The Assistant Minister is saying that he is not aware and I have made him aware that the tractors were hired by SONY Sugar Company and the money was paid to the former DC, Cyrus Gituai. Could the Assistant Minister investigate and then bring back to the House the answer, if he is not aware?

Mr. Ligale: Mr. Deputy Speaker, Sir, I have said I am not aware. If the hon. Member has facts that he can verify, I am prepared to look at them.

Mr. Deputy Speaker: Okay, I think, you can give him the facts here or maybe in his Office.

Mr. Ojode: Mr. Deputy Speaker, Sir, I know this Assistant Minister and I know he would not even allow me to go to his office and verify the facts to him. Let him confirm to this House that he will investigate and bring back the true information to this House, because this is a Question of the House. Kindly, please, help me out.

Mr. Ligale: Mr. Deputy Speaker, Sir, I am very disappointed by the allegation that I cannot be able to see the hon. Member in my Office. As a matter of fact, I have given this particular Member of Parliament several appointments to come and discuss with me various aspects related to development of his Constituency, but he has failed to turn up.

Mr. Deputy Speaker: Order! Order! I think this is a very simple matter. Mr. Assistant Minister, what the hon. Member is asking you, is to give an undertaking in this House that, in view of his persistence that the facts maybe different from what you have, you would go and look at the matter again and bring back the facts to the House. I think that is okay.

Mr. Ligale: Mr. Deputy Speaker, Sir, I have given that undertaking. But I also take exceptions to his allegations that I would not be able to see him, when I have given him several appointment which he has turned down.

Mr. Deputy Speaker: Next Question, Mr. Gonzi Rai.

Question No 549

TARMACKING OF KWALE-KINANGO ROAD

Mr. Boy, on behalf of **Mr. Rai,** asked the Minister for Public Works and Housing:-

- (a) how much money has been allocated to Kwale-Kinango Road; and,
- (b) when this road will be tarmacked in view of Kwale District Development Committee's recommendation.

The Assistant Minister for Public Works and Housing (Mr. Kiluta): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In 1995/96 financial year, Kshs10 million was allocated for Kwale-Kinango Road, out of which a-10 kilometre section was gravelled and gravel material dumped on a further three kilometre. Spreading and compacting gravel on the three kilometre section will be done before the end of this month.

During the current financial year, 1996/97, an additional Kshs10 million will be allocated to facilitate further gravelling of this road and tendering is in process.

(b) The Ministry has no immediate plans to tarmac the Kwale-Kinango Road, because priority is being given to the maintenance of existing road network. This road will, however, be maintained in all-weather and motorable conditions once the gravelling is done.

Mr. Boy: Mr. Deputy Speaker, Sir, while being very much disappointed, I am also calling for the Assistant Minister to resign. How can Kshs10 million be used to gravel 13 kilometres? Does that sink into your head that the Ministry used Kshs10 million to gravel 13 kilometres, and if so, there is total corruption? Can the Assistant Minister agree with us that there is corruption? Secondly, when His Excellency, the President came to Kwale District in 1992, he clearly said that the Kwale-Kinango Road will be tarmacked. So, if the Assistant Minister is colluding with the

corrupted officers, he should resign or tell us how Kshs10 million was used to gravel 13 kilometres?

Col. Kiluta: Mr. Deputy Speaker, Sir, the question of resigning does not arise because the hon. Member does not have the authority to appoint Ministers. However, the total road length is not 13 kilometres; it is 26 kilometres. I said that we are going to gravel 13 kilometres, then we will do the rest later on.

Mr. Boy: On a point of order, Mr. Deputy Speaker, Sir. I have a written answer that was given by the Assistant Minister which says that during the Financial Year, 1995, Kshs10 million was allocated for Kwale-Kinango Road and out of which 10 kilometres of the road were gravelled and gravelling material dumped on a further three kilometres. That means that a total of Kshs10 million was used for 13 kilometres. Now, the Assistant Minister is telling us that he is going to give us an additional Kshs10 million. Can Kshs10 million surely re-gravel 13 kilometres? That is corruption of the highest order and that is why we are calling on him to resign.

Col. Kiluta: Mr. Deputy Speaker, Sir, I did not know that the hon. Member wants the Ministry of Public Works to be a specialist on roads. I am saying that we did 13 kilometres and we are going to do another section this year with Kshs10 million.

Prof. Mzee: Thank you very much, Mr. Deputy Speaker, Sir. I doubt if this Assistant Minister knows the road we are talking about because the road is not 26 kilometres long and that in 1995/96 Budget, Kshs50 million has been allocated for the same road for gravelling. What is he talking about? We have been promised again and again that action will be taken. This road is covering two constituencies in this area. I am telling you that people in this area are not going to vote for KANU if this road is not tarmacked. I will be happy if you do not tarmac it so that they vote for FORD(K). Will he make sure that in 1996/97 this road is tarmacked if Kshs50 has already been allocated for the same work?

Col. Kiluta: Mr. Deputy Speaker, Sir, I said that we will tarmac this road when we have sufficient funds.

Question No. 1003

BANNING OF ALCOHOL AND
CIGARETTE ADVERTISEMENTS

Prof. Mzee asked the Minister for Information and Broadcasting whether he could ban the advertisement of cigarettes and alcohol on the electronic media, since these two drugs are harmful and are likely to be popular among children through such advertisements.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Deputy Speaker, Sir, I beg to reply. No.

Prof. Mzee: Mr. Deputy Speaker, Sir, there is nothing I can say, because I am very disappointed by the answer which the Minister gave. This Government claims that it is the Government which loves the children but the advertisements which are shown like "*Bia halisi nguvu kamili*" are misleading that alcohol is associated with strength. Advertisements which associate cigarettes with sportsmanship are all false. If the Government really loves children, the Minister should have given a better answer than that. Does the Ministry or KBC have ethical standards on advertisements apart from deliberately telling lies through electronic media? When His Excellence the President, arap Moi came to power, the first thing he did was to ban advertisement of cigarettes and alcohol. He banned smoking of cigarettes in public places. This was the policy; when did it disappear? I know that part of the Government income comes from the advertisement on alcohol and cigarettes. The Government can still trade and get income. Can the Minister give us a better answer?

Mr. Makau: Mr. Deputy Speaker, Sir, in the first place, the Questioner talked about what he has listed here as drugs. These are not drugs; they are not in the list of drugs.

Mr. Ruhiu: On a point of order, Mr. Deputy Speaker, Sir. Alcohol and nicotine are referred to as Narcotics. In this Parliament we passed a Bill on Narcotics and Psychotropic substances. Cigarettes and alcohol are classified as narcotics; they are poisonous.

Mr. Makau: Mr. Deputy Speaker, Sir, I would like him to refer to the Bill that we have just mentioned here because in the list, there is nothing like cigarettes or beer.

Mr. Shikuku: Mr. Deputy Speaker Sir, arising from that absurd reply from the Minister and realising that neither him nor I is a doctor, does he believe that if a sportsman smokes cigarettes he/she will become a better runner? Can he consult a doctor to find out if you smoke you can run 26 miles and get a gold medal? When you drink do you get "*nguvu kamili*?" I have found people collapsing after drinking and it is the opposite.

Mr. Makau: Mr. Deputy Speaker, Sir, the first question was on the cigarettes. The Ministry of Health gives a warning when advertising cigarettes not only in this country but internationally that smoking is not good for

your health. That is put in the advertisement on cigarettes in this country and international market. The use of the phrase "nguvu kamili" wholly depends on the interpretation of the drinker.

Question No.746

TRAINING PROGRAMMES FOR THE HANDICAPPED

Mr. Busolo asked the Minister for Culture and Social Services:-

(a) what compensatory training programmes does the Ministry have to enable the handicapped realise their full potential in life; and,

(b) what specific programmes are earmarked for the handicapped in Webuye Division.

The Minister for Culture and Social Services (Mrs. Mwendwa): Mr. Deputy Speaker, Sir I beg to reply.

(a) The Government in collaboration with voluntary organisations has established a number of special training centres specifically for disabled persons countrywide at which different vocational skills are taught to enable them adjust to the life in the community and become usefully and productive members of the society.

(b) There are no specific programmes earmarked for the handicapped in Webuye Division. There exists national training institutions built for the disabled and the disabled persons in Webuye can apply for admission at either Ekando Vocational Rehabilitation Centre in Vihiga District or Kakamega Vocational Rehabilitation Centre at Rotaman, Kakamega. Other institutions of learning open to the able bodied persons are also open to the disabled persons.

Mr. Busolo: Mr. Deputy Speaker, Sir, could the Minister table a list of some of voluntarily agencies that she is referring to?

Mrs. Mwendwa: Mr. Deputy Speaker, Sir, did he say I should table them? You want me to table them; they are here.

(Mrs Mwendwa tabled the list)

Mr. Deputy Speaker: I thought you would be satisfied if the list was tabled.

Mr. Busolo: Mr. Deputy Speaker, Sir, definitely, I am satisfied but I have a supplementary question to ask.

Mr. Deputy Speaker: You said that you are satisfied and you have a supplementary question to ask, is it okay?

Mr. Busolo: Mr. Deputy Speaker, Sir, the Minister said that these programmes are spread all over the country. She has said that people in Webuye should apply for opportunities in other areas. These are people with special disabilities I think the training facilities should be extended all over the country in each division or in each district. Could she undertake to organise a programme within the Ministry so that the training facilities are spread all over the districts in this country?

Mrs. Mwendwa: Mr. Deputy Speaker, Sir, these institutions are all over the country. The only point is that they are not in every constituency or every division but in the whole country, we have got 70 institutions.

Mr. Wetang'ula: Thank you Mr. Deputy Speaker, Sir. In this country we have a very subtle discrimination against disabled people. Could the Minister consider some affirmative action by directing that a certain percentage of employment in every company and public organisation be set aside for disabled persons as long as they are qualified to fill such positions?

Mrs. Mwendwa: Mr. Deputy Speaker, Sir, that question should be directed to the Ministry of Labour and Manpower Development and not my Ministry.

QUESTIONS BY PRIVATE NOTICE

RECOVERY OF STOLEN LIVESTOCK

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

(a) What action is the Minister taking to recover over 2,000 head of cattle taken by Turkana raiders during the month of August, 1996, in Baragoi Division?

(b) Is the Minister satisfied that the security personnel in Samburu District are competent enough to handle the volatile situation in this district?

(c) What steps is the Minister taking to bring peace among the warring ethnic groups bordering the Samburus.
The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Samburu and Turkana District Security Committees are making every effort to recover the animals and have them returned to their owners.

(b) Yes, I am satisfied.

(c) There are no warring tribes bordering the Samburus as alleged, but the area has been experiencing inter-tribal tension due to an increase in cattle rustling incidents. The Government is doing its best to encourage peaceful co-existence in the region and these efforts should be supported by all people concerned including my hon. friend, Mr. Leshore.

Mr. Leshore: Mr. Deputy Speaker, Sir, since August, when the 2,000 head of cattle were taken away by the Turkana raiders, there have been another 11 raids where lives have been lost and cattle, camels and goats stolen and there is no security meeting between the Turkanas and the Samburus which has taken place. Could the Minister now order the District Commissioner, who has been busy looking for Meru cattle only in Samburu, to go and call the Turkanas and the Samburus who live at the border to return those animals because the DC as far as we know in Samburu District has not bothered to look for those animals? He has been bribed by Turkanas. Last time he was given six he-goats so that he does not talk about the matter!

Mr. Ewoton: Jambo la nidhamu Bw. Naibu Spika wa Muda! My point of order is that, the hon. Member just hates the Turkana people for nothing. Samburus are being fought by very many enemies who surround them. They are fought by the Somalis, Boranas and even the Pokots. What proof does Mr. Leshore have to show that the Turkanas are the ones responsible for stealing the Samburu cattle?

Mr. Awori: Mr. Deputy Speaker, Sir, I will be a peacemaker in a few minutes. But to answer hon. Leshore, it is very serious for him to make the allegations that the DC was given a he-goat and a she-goat and what-have-you without any substantiation.

Mr. Deputy Speaker, Sir, elder's meetings have been held and, I would like to ask my colleagues whom I hold in great respect, to take the initiative, first of all, to ask the Samburu elders to return the Meru cattle that he has referred to and also ensure that there is good relationship between the Samburu and the Turkana.

Mr. Otieno: Mr. Deputy Speaker, Sir, I think, it is time we took cattle rustling very seriously in this country because if we continue to allow our youth to take stealing as a sport you can understand that I am worried about the attitude that we are allowing to persist amongst our youths. A Phd. holder who has been a cattle rustler who becomes a managing director of a corporation will continue to think that it is sport to take from the public coffers. The Questioner is worried that the security deployment is inadequate. Could the Minister tell us, knowing that this issue involves some counselling as well, what Government efforts in terms of resources, personnel, vehicles and so on are deployed to assist the besieged Samburu as the Question states?

Mr. Awori: Mr. Deputy Speaker, Sir, to begin with, I think, it would be wrong for me to agree with that hon. Member that it is only the Samburu that are besieged. There are very many communities that are complaining about cattle rustling; the Samburu, Turkana, Somali, Boran and the Pokot communities. The Government at the moment, is doing everything it can to deploy security officers. It is using equipment including helicopters to ensure that cattle rustling is diminished. As to the attitude, it is going to take a few centuries because as the hon. Member knows, there have been certain communities who believe that all livestock belong to them.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. It was only last week that I brought a Question to this House by Private Notice to the effect that Samburu warriors had stolen 6,000 head of cattle from Meru and the Minister promised to get the Samburus to return those cattle to Meru. Could he now inform the Samburus that the Samburus will not get these cattle from the Turkana until they return the cattle stolen from Meru?

Mr. Awori: Mr. Deputy Speaker, Sir, the hon. Member must have heard me request the hon. Member from Samburu to take the initiative to help in recovering the Meru livestock. He must have heard me say that.

Mr. Leshore: Mr. Deputy Speaker, Sir, it is not true that the Samburus stole Meru cattle. Even the hon. Member for Tigania, the hon. Ndubai said it is not the Samburus who took the Meru cattle but it is the DC and his askaris. We never fought with the Merus but we fought with the Somalis who are in Isiolo District whereby two Samburus and Somalis were killed. There was no Meru who was killed there. Could the Minister tell us right now whether he is going to send soldiers to Samburu District with their allowances, proper equipment and transport because there are so many soldiers in Baragoi division right now? They are more than 200 and their morale to fight the Turkanas is below zero because they are not given the necessary equipment, allowances and transport means. Could the Minister direct his Permanent Secretary to provide the soldiers with necessary equipment and resources to fight the Turkanas because that is a military invasion?

Mr. Awori: Mr. Deputy Speaker, Sir, I would be failing this Government, if I provided security officers to

protect one community against another. I would be failing this Government and this country, if I provided equipment to the security officers to protect one community against another or to fight one community or another.

Mr. Deputy Speaker, Sir, the Office of the President is doing everything it can to protect all communities in that area; the Boran, the Somali, the Meru, the Samburu and the Pokot.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Arising from the two answers by the Assistant Minister, is it in order for a spokesman of this Government to mislead the House that the Government does not offer security protection of a community against another, when this Government in areas like Western Kenya has been arming Pokot homeguards and the Sebei without arming any of their neighbours?

Mr. Deputy Speaker, Sir, is it particularly in order that a Government replying to a very serious question from hon. Leshore can be put in such a way as to imply, that Government will look into the issue of protecting the interests of the Samburu on condition that the Samburu correct an ill done against the Meru? Why are you connecting that as a Government which is supposed to protect the Samburu unequivocally?

Mr. Awori: Mr. Deputy Speaker, Sir, I know that the hon. Member should really have been at the University as a lecturer.

I cannot over-repeat what I have stated. He is putting words in my mouth. I have stated quite clearly and I stand on what I have said, that this Government protects all communities, and that this Government cannot produce equipment, soldiers or security officers to fight one community or another. What he has stated as having happened in Western Kenya is all balderdash.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Notwithstanding the feeble attempt at an insulting language by the Assistant Minister--

Mr. Deputy Speaker: That is why I opted to allow you raise the point of order. I thought it is on that. Is that why you raised your point of order?

Dr. Kituyi: Yes, Mr. Deputy Speaker, Sir. If balderdash is in Samia language, we can understand that, maybe it is not an offensive thing to say. But, I am ready to stand certain feeble attempts at insulting language, if this Assistant Minister could be more honest and speak truth before this House.

Mr. Deputy Speaker: It does not sound Parliamentary, whatever its meaning is. Hon. Awori, could you withdraw that?

Mr. Awori: Mr. Deputy Speaker, Sir, it was balderdash. There is nothing unparliamentary about that. If I translated it, it would be unparliamentary.

Mr. Deputy Speaker: Is that English or Samia English? If you translated it into what, would it be unparliamentary? Translate it for us.

Mr. Awori: Mr. Deputy Speaker, Sir, Dr. Kituyi knows what balderdash means.

Dr. Kituyi: Mr. Deputy Speaker, Sir, balderdash is unparliamentary language, but what he is saying is some Samia rendition which is similar to balderdash.

Mr. Deputy Speaker: Aah! the next Question two by Private Notice!

ILLEGAL LAND ALLOCATIONS IN EMBAKASI

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

(a) Is he aware that Provincial Administration together with the Chairmen of village committees are illegally allocating land in Maili Saba and Soweto?

(b) Is he further aware that land belonging to Edelvale Primary School in Embakasi is also being illegally allocated by the same group to individuals?

(c) If the answers to "a" and "b" above are in the affirmative, will he ensure that this practice is stopped forthwith and that those involved are arrested and arraigned in court and these allocations revoked?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No land is being allocated to individuals by the Provincial Administration and chairmen of villages in Maili Saba and Soweto.

(b) The School's land is securely fenced with stone walls and there is no way it could be illegally allocated to individuals.

(c) Arising from the replies in "a" and "b", question "c" does not arise.

Mr. Ruhii: Mr. Deputy Speaker, Sir, the answer by the Assistant Minister is very exasperating and in fact, it is very surprising that when this outgoing Government is caught by the neck, they do not answer questions correctly.

It is not true that the DO and the chiefs in Embakasi are not allocating land.

Mr. Deputy Speaker, Sir, the DO and the chiefs have allocated part of Soweto land. All the reserve roads and all the land that is enclosed within Soweto have been allocated by the Provincial Administration, for either their own---

Mr. Deputy Speaker: What is your question?

Mr. Ruhiu: Does the Assistant Minister agree that either the home which was granted to the Roman Catholic nuns in 1959 by the Colonial Government and the land which is enclosed in, is only ¼ of the land granted to them? The land which was granted to them was 40 acres.

Mr. Deputy Speaker: Ask your question, Mr. Ruhiu! You will have no supplementary.

Mr. Ruhiu: I would like to know whether the Assistant Minister knows the area that is enclosed by stone wall.

Mr. Awori: Yes, Mr. Deputy Speaker, Sir, I know the area that has been enclosed, where there is the Edelvale Primary School that belongs to the Catholic Church as he has rightly stated. The School compound has got a home where children, particularly teenage, children that require protection from marauding males are protected.

Mr. Deputy Speaker, Sir, as to the acreage, I cannot give the correct figure now, but I will be prepared to give it later on. My answer is, this land has not been taken through the Provincial Administration or village chairmen.

Ruhiu: Mr. Deputy Speaker, Sir, the land granted to the Catholic sisters was 40 acres. The land enclosed by the nuns is only 15 acres and that was enclosed years back according to their financial ability. On Kenyatta Day, I led Catholic faithfuls to demolish about five houses which were constructed by tenants on the land allocated by the DO and the chiefs. I demolished all the houses because they were painted with KANU colours. They were purported to be KANU offices. We were about 2,000, people led by the Catholic faithfuls. Can you deny or confirm that those houses were not there?

Mr. Awori: Mr. Deputy Speaker, Sir, I have only the hon. Member's words. I therefore, deny and also remind him that, this is not an outgoing Government. It is a Government that is going to stay here for a long time.

Mr. Ruhiu: On a point of order, Mr. Deputy Speaker, Sir, the reason why I called this Government an outgoing Government is because, at the moment, the actions of the Provincial Administration in my area show clearly that this Government cannot guarantee its own future, let alone the future of Kenya citizens. Their behaviour is appalling. They are allocating every land available and what he is trying to do is to cover up for the Provincial Administration which is corrupt. They have converted Embakasi into a slum area and they must stop that habit forthwith. Otherwise, I shall order my people to burn them alive.

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

Mr. Deputy Speaker: Order! Order, hon. Oneko! Hon. Ruhiu holds very strict opinions.

KILLING OF LIVESTOCK BY A LEOPARD

Mr. Githiomi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that there is a leopard that has been killing livestock, and particularly sheep and goats, in Miharati, Machinery and Malewa Schemes of Kipipiri Division?

(b) If the answer to "a" above is in the affirmative, could the Minister trap and remove the leopard from the area because it is causing fear to the residents and to the school-going children?

The Minister for Tourism and Wildlife (Mr. D. Mbela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is a leopard that has frequented and actually killed some livestock in Miharati, Machinery and Malewa Schemes in Kipipiri Division.

(b) The Ministry has, through the Kenya Wild Life Service embarked on serious operations aimed at capturing this elusive carnivore with a view to eradicating the said menace once and for all.

Mr. Githiomi: This leopard, accompanied by a female one and three cubs went to this area early in August this year. They have caused extensive damage to the residents of Miharati, including eating some sheep in Miharati Police Station and many other sheep belonging to a Mr. Wachira, Mr. Elijah Kamiri and a Mr. Njuguna. How soon are the two leopards and the cubs going to be trapped and removed from this area, because they have caused extensive damage, and how are these people going to be compensated? The main talk in Kipipiri Constituency now is that the leopards and the cubs have been put there by the Government to eat people and to kill the residents, because it is an Opposition dominated area.

Mr. D. Mbela: The KWS staff are camped in that area. They are using not only guns but traps as well. If the leopard understands any language, it must be language of the Opposition people who live around there. It has certainly not been put there by KANU.

Mr. Githiomi: We are talking about people who have lost their property and the Minister is playing about in this Parliament. I brought this Question because it is a serious matter. People are losing their properties and as I said, if the whole Government cannot be able to trap two leopards and three cubs, then this Government has no moral authority being there. Can the Minister tell us how he is going to protect these people? They are losing property and he is joking!

Mr. D. Mbela: Mr. Deputy Speaker, Sir, I have said that the KWS staff are camped in that area. They are prepared to use not only guns, but also traps to be able to capture these elusive animals.

Mr. Achola: Could we have an answer to the Question which hon. Githiomi asked? Are those people going to be compensated or not?

Mr. D. Mbela: The owners of the animals that have been killed can apply for compensation in the normal way.

POINT OF ORDER

FAMINE IN NORTHERN KENYA

Dr. Otieno-Kopiyo: On behalf of the Official Opposition, I wish to request the Minister in charge to provide this House with information, in respect to the situation in the North part of this country, in view of the widespread famine occasioned by drought as well as acute food shortage. These circumstances have conspired to wreak havoc of hunger and the stench of death is everywhere in northern parts of Kenya. As we talk here, many people are dying, many have died and many will continue to die of starvation. The lives of a whole population are threatened. We would like to request the Government to state its policy in respect of this matter.

Mr. Deputy Speaker: Anybody from Office of the President who would like to respond?

PERSONAL STATEMENT

MISLEADING PRESS REPORT

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I would like to make a personal statement pertaining to a report in the daily Papers which has been drawn to my attention, which was a misleading report.

The report is not only misleading but untrue and highly defamatory and I call upon the *Daily Nation* to publish a suitable retraction. The truth of the matter is that I was driving my car with three councillors from Taveta towards Wundanyi for a meeting at the DC's office with the Minister for Tourism, the hon. Darius Mbela. About 20 kilometres from Taveta Township, as I was negotiating a left turn blind corner, to my horror, I encountered a tourist minibus on my side of the road. Such was the position of the minibus that we would have collided head-on, if I had not taken evasive action as I did. But the minibus driver froze and took no evasive action. As a result, there was a head-on collision and I have sustained injuries on my right arm. Both vehicles were extensively damaged. After the accident, my passengers pulled me out of the vehicle and I was in shock, wounded and bleeding from my right arm. I did not have a body guard as the Press reported. Furthermore, there was no independent eye-witness since the accident occurred in a Game Reserve. The police came to the scene of the accident, took measurements and recorded statements from the councillors and the tourists, who at no stage had to flee into the bush as it was reported by the *Daily Nation*. Due to the injuries which I sustained, I had to be airlifted by the AMREF Flying Doctors to the Nairobi Hospital where I was operated on for an hour on my right arm. I have been completely insulted by the misreporting by the *Daily Nation* Newspapers on three very specific issues:-

(i) Personal character assassination by fabricating a story that I attacked a tourist bus driver and engaged myself in a punch up. The true case is that the Press misconstrued facts dramatically in order to sensationalize the story at my expense. They actually capitalised on my misfortune when I suffered in a car accident.

(ii) It is a complete affront my professional integrity as a Government official, that I would act in such an unprofessional manner. This is an insult to both the Government of Kenya and myself.

(ii) The tourism sector which is so crucial to this country could be harmed by newspaper articles such as this. This is quite a critical point and I am quite surprised therefore, that the Minister of Tourism and Wild Life has not bothered to contact me to see what actually transpired concerning this incident, particularly when the newspaper article focuses on his Ministry. I completely believe that the truth, supported by facts should be reported to the Ministry of Tourism and Wild Life and the public. Therefore, I would like to table the District Magistrate's court proceedings where the driver was prosecuted and he admitted being guilty of driving on the wrong side of the road.

Thank you, Mr. Deputy Speaker, Sir.

**NOTICE OF MOTION FOR THE ADJOURNMENT
UNDER STANDING ORDER NO.20**

BREAKDOWN OF LAW AND ORDER IN THE COUNTRY

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I gave notice to the Chair of my intention to seek leave of the House to move a Motion of adjournment to discuss a matter of definite national importance, namely the state of thuggery, violence and general criminal activities in Nairobi and the rest of the country. As it is the tradition and practice of this House, I was hoping that if I have complied with the Standing Orders, then you would indicate that the time would be allocated at the rise of the House this evening so that this matter is discussed.

Mr. Deputy Speaker: Mr. Orengo, you know the procedures and it is for you to ensure compliance with them.

Mr. Orengo: Mr. Deputy Speaker, Sir, I know that you want 15 hon. Members to show support for my notice, but we are not quite sure whether we should raise the matter now or at the rise of the House. In any case, I will ask my colleagues to stand up and show their support for my notice.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Mr. Orengo, I think you should acquaint yourself with the procedure very well. The purpose of you giving notice is to enable the Chair to know whether the matter is worth moving on the Floor of the House. Therefore, I expect your colleagues to be ready to show their support as soon as you have sought the leave of the House. I consented to your request and now that the required conditions have all been complied with, I direct that the Motion be debated from 5.30 p.m. this afternoon. Next Order.

MOTION

ADOPTION OF PIC REPORT

THAT, this House adopts the Sixth Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on Tuesday, May 7, 1996.

(Prof. Anyang'-Nyong'o on 3.10.96)

(Resumption of Debate interrupted on 17.10.96)

Mr. Murungi: Mr. Deputy Speaker, Sir, last time I was continuing with my contribution on this Motion. As I was saying, there is a growing sense of defeatism, apathy and helplessness among Kenyans. This is because corruption in the parastatal sector is not being punished. It is not very difficult to find the reasons why the Government is not taking any legal action against the parastatal bosses who have been named in the Report.

However, I feel that sometimes we tend to blame the wrong victims. The parastatal heads who are looting the parastatals do not do so alone. Although these heads have big titles like "executive director" and "managing director", they do not really have much power over the parastatals that they head. It is the political godfathers who appoint the parastatal heads who exercise the real power over the parastatals. It is the godfathers of the parastatal heads who are sometimes behind all the corruption that we read about in these reports. I cannot imagine any parastatal head in this country appointed by President Moi who can turn down a request either by the President or people who are close to the President to award contracts to friends of those political godfathers. Most of the politically correct, but corrupt, transactions are sanctioned at a very high level.

Right now we have a case in court against the Managing Director of the Kenya Tea Development Authority (KTDA) for misappropriating about Kshs500 million of farmers money in the last financial year. I do not want to discuss the details of the case because it is still pending before a court. But most of the contracts that were awarded by the KTDA were given to companies which have connections with powerful politicians in this country. So, long as those awards are awarded on clonism and political considerations, there will always be corruption in this country.

If I can give an example, today there was in the *Daily Nation* newspaper a long story to the effect that we are now privatising the KTDA. Kenyans were happy to learn that the KTDA directors will be elected by farmers and those directors will, in turn, appoint a managing director and elect their own chairman. But when you look at the details of the privatisation programme, it becomes quite clear that the so called privatisation of the KTDA is mere

window dressing. It is merely a cosmetic exercise. This is because there will still be three Permanent Secretaries on the KTDA Board of Directors, including the Permanent Secretary to the Treasury and the Permanent Secretary to the Ministry of Agriculture, Livestock Development and Marketing.

There are also loopholes through which tea farmers' money will be stolen by the KTDA, even as reconstituted. According to the newspaper report, the KTDA will continue to have the monopoly to purchase fertilisers for all tea factories and tea farmers in this country.

(There were loud consultations in the House)

Mr. Deputy Speaker, Sir, I will be happy if you protect me from the loud consultations from the other side of the House. The hon. Members on the other side of the House do not seem to want to hear about corruption.

In the past, the KTDA has used purchase of fertilisers to cheat tea farmers in this country. The farmers are not told the price of the fertilisers in advance. The KTDA waits until bonus payment to farmers is declared and then, depending on the amount the farmers are going to be paid, it fixes the price for the fertilisers. The reconstituted KTDA wants to continue having the monopoly to purchase fertiliser, so that it can continue this racket of exploiting and cheating tea farmers in this country.

There is also the question of the Tea Board, which is supposed to continue collecting tea cess and administering it in conjunction with the District Commissioners (DCs). Although the tea cess of one per cent is supposed to improve the tea roads in this country, so far very little of the tea cess amount is used on improving tea roads in the country. Much of the tea cess is stolen by the DCs. And before the tea cess amount reaches the DCs it is kept by the Tea Board for many months, so that it can earn the Board interest. So, we are concerned that as we talk about corruption, and as we try to fight it through privatisation, the Government is not really serious in sorting out this problem. It is trying to find loopholes and real strategies of continuing to loot tea farmers in this country.

Mr. Deputy Speaker, Sir, we also have the question of the Coffee Board of Kenya. The monopolistic marketing system which is implemented through this Board has no place in a liberalised economy like that of this country. We feel that the Coffee Board of Kenya and the centralised auction system are meant to protect certain barons in this country. So long as that system continues, the coffee farmers in this country will continue to lose their money and be exploited by the coffee barons.

So, we are requesting the Government to carry out President Moi's directive which was total liberalisation of the coffee and tea industry. They should leave coffee and tea alone, just like the Minister said they are going to leave Kenya Co-operative Creameries (KCC) alone. It is also quite clear that the politics of this country is the principal cause of corruption in the parastatal sector. We have a situation where some political parties seem to have unlimited sources of money for buying political support. We have some of our colleagues here who have defected and they have told us that they did so because they wanted access to resources. We know that the ruling party has no tea estates; it owns no coffee estates or cattle. We wonder where it is getting all this money. There is only one logical explanation, that in the absence of any visible sources of income for KANU, all the KANU money is being milked from parastatals.

In 1992, we witnessed billions and billions of shillings being blown up all over this country during the campaign, and one wonders where all that money came from because it is not reflected in any of our Votes. Again next year, a lot of money is going to be spent on elections. KANU will blow up billions and billions of shillings to win the 1997 elections. We want to know now in advance where KANU is going to get that money from. We suspect that all these strange deals which have taken place in this country with an organisation called the National Social Security Fund (NSSF), are part of the strategy by KANU to raise money for the 1997 elections. Until we ask KANU where it is getting money for its politics and its campaigns, we shall never solve the corruption riddle in this country.

Mr. Temporary Deputy Speaker, Sir, you recall that sometime in 1994, we passed in this House, a unanimous resolution, supported by both KANU and the Opposition to the effect that we wanted a transparent public funding of political parties from the Consolidated Fund. We understand that when the matter went to the Cabinet, it was asked: "That we get money to support Opposition from the Consolidated Fund? No way." Until that Motion is implemented, there will always be corruption in this country because KANU will always try to manipulate the State funds for its own political programme. Apart from being a major cause of corruption in this country, politics is used to protect corruption. The Attorney-General is unable to take any action against the "big fish" who have been involved in corruption in this country because we say that although "all animals are equal, some animals are more equal than others". Even the Attorney-General would be burning his fingers if he tried to prosecute some of the key individuals in this country. Although his job is protected by the Constitution, and he has security of tenure, I am sure that he is well aware that if he is wanted out of that office, he will not last there one day. That is why, maybe, he is not able to

prosecute clear cases of corruption that are given to his office.

We have powerful political interests which have made it very difficult to investigate, prosecute and punish corruption in this country. In 1994, we had a Non-Governmental Organisation (NGO) called Centre for Law and Research International (CLARION), led by Prof. Kibwana. I have a copy of a huge report with me here called: "The Anatomy of Corruption, Legal, Political and Socio-economic Perspectives". This report was published by that NGO in 1994. The CLARION carried out in-depth research in various areas of corruption in this country and it is shown that corruption has become a way of life in this country. On page 158 of this report, it is stated that: "Corruption is an institutionalised, national, political culture in Kenya." The strange thing is that soon after this report was published, CLARION was de-registered by a letter written by Mr. J.K. Etemesi, dated 20th January, 1995. The reasons why Mr. Etemesi decided to revoke the registration of CLARION were as follows:-

1. That you have published or caused to be published and disseminated distorted material that damages the credibility of the Government of Kenya.
2. You have disseminated or caused to be disseminated the said material through workshops as well as through newspaper reports which are proved to be harmful to "certain sectors".

Now the question is: Who are these "certain sectors" that are harmed by a report on corruption in this country? These "certain sectors" are definitely the sectors which are involved in corruption. I have brought this notice to your attention just to inform the House how corrupt powerful politicians can even block attempts to investigate corruption at the intellectual level in this country. Fortunately, through the intervention of donors, CLARION has now been registered again and we expect more reports of this nature in this country.

Mr. Temporary Deputy Speaker, Sir, the "corrupt sector" will continue blocking all attempts to expose and punish corruption in this country. So, the question is: What are we going to do? Are we going to continue in our apathy and helplessness? I have a few suggestions. The first is that, as we said in that Motion in this House, we should have an open and transparent funding of elections in this country so that no politicians and political parties are tempted to steal from the public sector and parastatals. Let us have clean money from the Consolidated Fund. Let us invest in democracy in this country.

Let us also fund political parties and their activities from the Consolidated Fund because the political parties are important institutions for democratisation and economic development of this country. We should invest in them just like we invest in the Judiciary and the Civil Service.

So, let us have a budget for the political parties which are represented in Parliament in this country. We hope that when the political parties' Bill shows its head in this House again, with all the obnoxious clauses deleted, there will be an additional clause in it, providing for direct funding of political parties from the Consolidated Fund. Secondly, the Attorney-General seems to be unable to prosecute parastatal bosses because, apparently, there are "stones which are too heavy to turn." I suggest that because the office of the Controller and Auditor-General has done an excellent job, let us create a department in the office of the Controller and Auditor-General and call it a Special Prosecutions Office. Let us have that office prosecuting and taking legal action against all the officers who are named in the Public Investment Committee (PIC) Reports. Let us have a special prosecutor for economic crimes attached to the Office of the Auditor-General (Corporations).

Mr. Temporary Deputy Speaker, Sir, sometimes we think that these reports are interesting to read and after we read them and talk about them in this House, we go home and sleep and continue with corruption. It is very fortunate for us to learn that criminal law, that is the law relating to crime in this country, does not set any time limit against which a crime should be prosecuted. In other words, there is a crime that can be prosecuted even after 100 years. We think these reports are very important because although no action might be taken against the officials who are named there today---

QUORUM

Mr. Moiben: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we have no quorum.

The Temporary Deputy Speaker (Mr. Ndotto): There is no quorum; ring the Division Bell.

(The Division bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): We have quorum now. You may proceed, hon. Murungi.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I was just making my last point.

In criminal law, there is no limitation and if you commit a crime today, we can punish you 50 or 100 years from now if you will still be alive. Although people tend to think that these reports are useless, they are very important because even if we will not be there, they will be in the national archives and one day they will be fished

from there. Wale watu ambao wamekula vitu vya haramu watafika pahali.

I want to warn those who are involved in corrupt practices with impunity thinking that nothing is going to happen to them so that in future, they do not say there was witch-hunting. There is time for you to stop doing it, but if you do it after we have already warned you, do not say that there was witch-hunting in this country when that time comes.

I want to share with you and this House an experience from the small country, the Republic of Gambia on the West Coast of Africa. Recently, Gambia got a new government headed by a young man from the military who was 30 years old. He won the elections last month. They set up an economic crime tribunal in Gambia and decided that there was no lawyer in Gambia who was going to sit on that tribunal. They got lawyers from other countries; Zimbabwe, Ghana and Senegal. The Gambia Economic Crime Tribunal decided that it was not interested in punishing anybody, sending anybody to jail or torturing him. All they wanted was that those who have stolen property from the public to return it.

Mr. Temporary Deputy Speaker, Sir, what they did was; for those who had been allocated plots and other things, the Tribunal valued those plots and they asked the people to pay the market price for the plots. For those who had stolen the money, they were required to pay the money back. If they do not pay the money, then their property is sold by public auction and the money is returned to the Treasury.

So, Mr. Temporary Deputy Speaker, Sir, as I am talking to you now, the Republic of Gambia is building some of its roads using money which it has recovered from its corrupt citizens.

Recently, I met some people from Gambia and they told me that they are busy building roads, schools, hospitals and dispensaries, not from foreign donors, but from money collected from corrupt Gambians.

This is the model which I would appeal to my friends in the Opposition to use, when we come to power, as we are bound to. It is in the not too distant future. Since we have warned our friends in KANU, they should make sure that they return this property before they are brought before this Tribunal.

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

Mr. Shikuku: Ahsante sana Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii, ili niungane na wenzangu ambao wametangulia kusema, hasa Mwenyekiti wa Kamati hii, Prof. Anyang'-Nyong'o. Alieleza kwa kinaganaga vile fedha za nchi hii zimewahi na zinaendelea kutumiwa vibaya na wale ambao wanalipwa mshahara na wananchi wa nchi hii kupitia kwa kodi wanazolipa.

Alieleza kwa kirefu na alichukua siku mbili. Mimi najua kila mwananchi alielewa. Ubaya ni kwamba, maneno tunayoyasema katika Bunge hili, ijapokuwa sisi pia tunatoa kodi, hayatangazwi kinaganaga katika radio. Tunapozungumza hata kwa masaa matatu au manne hapa Bungeni, hayawezi kutangazwa katika radio. Yanatangazwa tu kwa mukutasari. Televisheni ndiyo mbaya zaidi. Televisheni ya Kenya Television Network (KTN) wanajaribu kidogo. Wanatangaza laini moja au mbili, na mtu amezungumza kwa wakati mrefu. Wakati mwingi unapotezwa kwa kutonyesha filamu ambazo zinatuletea aibu, sisi na watoto wetu. Unaweza kuwa unakaa, wala chakula, na unaona kwa runinga mama na baba wanatoa nguo zote, na kuingia kitandani. Hiyo ni muhimu kwao. Badala ya kuwapasha watu habari, vile fedha zao zinanyakuliwa na watu wachache, wanaonyesha mke na mume wakiwa uchi, ilhali wewe unakaa na watoto. Inakubidi wewe kuangalia chini na watoto pia wanaangalia kwingine, hata wengine wanajidai wanaenda chooni.

Hii ndiyo Serikali tulionayo. Serikali ambayo inakataa ukweli. It is allergic to truth. The Government that is allergic to truth, ukiiambia ukweli, wanajikuna sana. Wako tayari kuita kitu cheusi, cheupe. Hii ni aibu kubwa. Sasa, wamekataa kutangaza ile Ripoti ya "Devil Worship". Tunaambiwa na wale walio uko kwamba mambo mengi yalikuwa katika upande huu mwingine wa Bunge.

Hon. Members: Upande gani?

Mr. Shikuku: Upande wa Serikali kwa sababu wengine wanaabudu shetani. Mtu yeyote anayejua hesabu, akae chini na kupiga jumla ya fedha za umma, ambazo ni pesa zilizotoka katika mifuko ya wananchi, atapata ni mabilioni. Mabilioni ya kodi za wananchi yameingia katika mifuko ya watu binafsi. Hata tukitangaza na kusema namna gani, wao hawajali.

Ningependa kumuunga mkono mhe. Murungi kwamba, wasije wakafikiria hawatapatikana. Haya mambo yote yanaandikwa. Na kwa hii teknolojia iliyoko, hizi ripoti zinaenda London, New York na kila mahali. Hata wakichoma zilizoko hapa zote, bado tutakuwa na nakala nyingine nje na tutaitisha na kuwafuata. Wasije wakasema wanaonewa au kuna "witch-hunting". Tunawaambia sasa mambo yalivyo kabla ya mambo kuharibika baadaye.

Biblia inasema: "mshahara wa dhambi ni mauti". Siyo maisha marefu. Siyo mhe. Shikuku anasema hivyo.

Hata ukienda kanisani, unaambiwa nini? Unapokaa pale kanisani, padri anasimama na kusema: "Mshahara wa dhambi ni mauti". Ukifanya dhambi na ukae ukifikiria utaiishi maisha marefu, utakuwa umekosea. You will pay for it. The wages of sin is death, kama husikii Kiswahili.

Kwa hivyo, haya mabilioni hapa, lazima yalipwe. Kwa mfano, ukifungua ukurasa wowote katika Ripoti hii

na kuangalia yaliomo, ni wizi tu. Kwa mfano, ukifungua ukurasa wa 69, utapata yafuatayo:

"The Committee heard the evidence given by the Chief Executive, and noted with concern, that in 1986, 7,450 employers under-paid members' contributions to the Fund by Kshs280,870,000".

Hiyo ni karibu bilioni moja! Ukiwauliza zilikwenda wapi, hawawezi kueleza! Ukifungua mahali popote katika kurasa hizi, utapata kuna hasara tu. Hakuna mahali utafungua katika Ripoti hii, upate kwamba Serikali imepata fedha au faida. Hakuna! Ni hasara tu!

Bw. Naibu Spika wa Muda, kama kuna Serikali ambayo haina aibu katika huu ulimwengu wa Mungu, ni Serikali ya Kenya. Ripoti hizi zote zinasomwa na watu wa nje. Lakini tunapata tikiti za first-class na kupanda viti vya first-class katika ndege, huku tukienda ng'ambo kuomba, na hali wao wanajua unaiba pesa za watu. Hiyo itawezekanaje? Hata ukiwa ndugu yangu na tumezaliwa kutoka tumbo moja, na mimi nakupa pesa na unakwenda kulewa na kufanya mambo ya usherati nazo, halafu unakuja tena nikupe nyingine, nitakwambia: "Kwenda zako".

Ni kwa nini tunafikiria tutakuwa tukipata pesa kutoka kwa wafadhili kila wakati? Hata ukiuliza swali hapa Bungeni juu ya miradi iliyokwama, unaambiwa Serikali inatafuta mfadhili anayefaa kufufua mradi huo. Donors are fed up. Wafadhili wamechoka! Hata mama akikunyonyesha matiti, huwa na wakati wake. Ukipita wakati wake na anaona maziwa ni kidogo, anasimamisha. Ukikataa, anatia pilipili na ukinyonya, utahisi mdomo moto na unawacha kunyonya.

Mr. Temporary Deputy Speaker, Sir, there is a limit, nothing can go on forever on this world.

Kwa hivyo huo ni aibu kwa Serikali ambayo imekuwa ikiongoza kwa muda wa miaka 33 na bado inataka kwenda kuomba misaada na hapa imekula pesa zake yenyewe. Kama tungetumia pesa zetu kwa njia inayohitajika na kufuatana na sheria za usimamizi wa pesa katika nchi hii, tuna sheria nzuri sana za kusimamia pesa zetu na ikiwa tutazizingatia kwa makini, basi hatutakuwa na makosa kama haya. Na hizi pesa zinaliwa na watu wachache katika nchi hii.

Jambo ambalo limeleta hali hii ni Harambee. Hapo zamani mwito wa Harambee ulipoanzishwa ulikuwa uchange kile kitu ulichokuwa nacho. Haikuwa lazima kuchanga Kshs5 milioni, lakini kile ulichokuwa nacho. Ukitoa sumuni ulikuwa ukishangiliwa kwa kupigiwa makofi. Leo ukitoa Kshs5,000 au Kshs10,000 hakuna atakayekushangilia kwa sababu kuna watu ambao wanatoa zaidi ya Kshs1.5 milioni ndio wanaoshangiliwa kwa "makofi ya kilo." Watu wa Kenya wana taabu kwa sababu hizo pesa wanazozishangilia ni zile ambazo zimeibwa kutoka kodi zao. Mungu ameumba wapumbavu lakini nafikiria ameumba wengi katika Kenya. Hizi pesa tunazungumzia katika Bunge hili ili wananchi wajue pesa zao zimeibwa.

Juzi tulikuwa na mkutano wa heri njema kutoka wilaya ya Bungoma kule Kabarak nyumbani kwa Rais Moi. Kiongozi wao alisema ya kwamba watu wote wa Bungoma ni wafuasi wa chama cha KANU. Kweli Rais Moi atasikia mengi kabla hajafa! Anadanganywa mchana! Na zile pesa hawa watu walibeba zingeweza kusomesha watoto masikini katika wilaya ya Bungoma. Lakini zinapelekewa Rais huko wakimshangilia ya kwamba ni "yeye tu"! Je, ni "yeye tu" mpaka lini na watoto hawana chakula katika wilaya ya Bungoma? Mkebe mmoja wa mahindi wa kilo mbili unagharimu Kshs32. Je, mambo gani yaliyowafanya hawa watu kwenda kumtembelea Mtukufu Rais Moi? Wale watu waliomtoa kiongozi huyu katika kiti cha Bunge hawajakufa. Hebu tungojee wakati wa kupiga kura mwaka ujao kule Bungoma na utaona mambo hayatabadilika hata kidogo. Hawampendi na hawatampigia kura.

Bw. Naibu Spika wa Muda, hebu tuseme ukweli katika Bunge hili, mhe. Mudavadi atapumzika ikiwa hizi pesa zote hazitaibwa. Hakuna haja ya yeye kupanda ndege kwenda kuomba, kulia na kupiga magoti mbele ya wanaume wenzake walio na masharubu kama yake. Yeye ana masharubu mazuri yanayoonekana kama yalitiwa mbolea lakini anakwenda kupiga magoti mbele ya wanaume wenzake apewe pesa.

(Laughter)

Wazo hapa ni kwamba ukiangalia mapendekezo ya ripoti hii yote ni sawa kila mwaka. Hakuna mabadiliko yoyote na tukiuliza Mkuu wa Sheria awachukulie hatua watu ambao wametajwa katika ripoti hizi anasema ya kwamba anahitaji ushahidi zaidi. Ushahidi gani mwingine kuliko huu? Mkaguzi Mkuu wa Hesabu na Matumizi ya pesa za Serikali anatwambia hizi pesa zilitolewa hapa na kutumiwa pale, lakini bilioni hizi hazieleweki jinsi zilivyotumiwa na anayehusika ni mtu fulani. Unataka ushahidi gani? Je, unataka Yesu au mtume Mohammed Saw wa Salaam aje atoe ushahidi? Jambo hili ndilo linalowafanya wale wanaokula pesa zetu waendeleo kufanya hivyo. Ushahidi upo! Mkaguzi Mkuu wa Hesabu na Matumizi ya pesa za Serikali amesema mambo haya yote. Je, unataka ushahidi upi? Anayefanya hivi awe ni Mluhya, Mnandi, Mturkana, Mpokomo na kadhalika, jambo analofanya ni makosa.

Ni lazima tufuate sheria zinazosimamia matumizi ya pesa zetu na asiyefuata aadhibiwe. Kwa sababu uombaji huu umekuwa mkubwa sana na mataifa wafadhili yamechoka na hali hii. Wanasema ufisadi kama haupunguzwi katika Serikali fulani, basi hizo Serikali hazitapewa misaada au pesa. Hii ni kweli kwa sababu hakuna haja ya kumpa mtu pesa ambaye anaziiba mwenyewe na nyingine anahifadhi katika benki za nchi za nje na ushuru

wake hataki kutoza katika bandarini au airport. Bidhaa nyingi zinaingia hapa nchini bila kutozwa ushuru ambao ungekuwa ni mapato kwa nchi hii. Tunaambiwa mtu ambaye analeta bidhaa hizo bila kulipa ushuru na mtu huyu hachukuliwi hatua yoyote kwa sababu ni "mwanasiasa mkubwa" au ni mtoto wa mtu mkubwa katika Serikali hii. Hayo yote yataisha? Wallahi! Yatakwisha! Madeni ambayo tuliyonayo yatalipwa na watoto wetu na vizazi vijavyo. Hakuna haja ya Kenya kuomba pesa kutoka mataifa wafadhili kama tunaweza kusimamia pesa zetu vizuri. Iwapo tunaweza kusimamia ushuru wetu vizuri katika Kenya Ports Authority, shirika la posta na simu na mawasiliano, shirika la reli na kadhalika, hali yetu inaweza kuwa nzuri. Nilidhani kama tukimchagua Profesa kusimamia shirika la reli, basi angetengeneza mambo ya ushuru kwa sababu Profesa zamani walikuwa ni watu wa heshima sana, watu ambao walikuwa wazuri na kazi yao ilikuwa ni kutafuta ukweli katika maisha. Lakini tangu Profesa achaguliwe kusimamia shirika la reli mambo yamekwenda mrama. Wamefaulu katika masomo na sasa wanataka kufaulu katika kupata pesa. Haya mambo mawili hayawezi kuenda pamoja. Taifa hili ni "gonjwa" sana. Kwa sababu ya "kula" hizi pesa kila siku tunanyonywa. Mhe. Mbunge mmoja katika Bunge hili alishikwa na majambazi kule Kencom na kupigwa na koti lake kupasuliwa na hii ni Serikali ambayo inahitajika kuwapa usalama watu wake. Jambo hilo lilifanyika kwa Mhe. Ireri Ndwiga na wakati mwingine itakuwa ni Mhe. Magwaga. Lakini ni lazima tujue yanayompata huyo yanaweza kumpata mtu mwingine.

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is he in order to make an insinuation on my friend, hon. Ndwiga? Is he the one sending these people to do these things to us?

Mr. Shikuku: Yesu alisema, wasemehe wale wasiojua wasemalo. Nami ni Mkristo, ninamsamehe Mbunge huyu asiyejua analosema. Wahenga walisema, "asiyejua maana haambiwi maana".

(Laughter)

Mr. Ndicho: Huyu ni kipofu!

Mr. Shikuku: Habari ya kipofu ni baadaye. Hiyo ndiyo njia moja ya kuangalia mali yetu.

Tunatoa shukurani kwa wale ambao wametusaikia mpaka wakati huu, lakini wakati umefika sisi kujitegemea kwa sababu tuko karibu miaka 34 tangu tujinyakulie Uhuru wetu. Ndiyo, tunasema kuwa "We are independent, a sovereign State and cannot be ordered around". Lakini bado tunaenda kuomba na kama unaenda kuomba, huna hiari, lazima ufuate masharti yao. There is nothing for nothing. Hata kwenda Mbinguni, kila mtu anataka kwenda huko, hata Bishop yuko hapa, lakini hajui. Anaweza kuthibitisha kama ninasema uwongo kwamba ukitaka kwenda Mbinguni, sharti ufe kwanza, na kifo huua ndiyo huingie Mbinguni. Huwezi kwenda Mbinguni na mwili huu wako. Kifo huuma, lakini hiyo siwezi kueleza jinsi kinavyoua kwa sababu sijafa bado, ningewaeleza zaidi. But to go to heaven, we must pay for it by death. So, there is nothing for nothing. Hata Baba Mtakatifu huenda! Hilo ndilo jambo la kwanza.

Jambo la pili, Bw. Naibu Spika wa Muda, ukiangalia katika ukurasa wa 361 juu ya AFC Agency Commission Ripoti hii inasema:-

"The Committee was informed that a draft agreement had been drawn and forwarded to the Attorney-General finalising the signing. The Committee, however, was perturbed to note that although the issue was dealt with by the previous Committee and appropriate recommendation made in both 4th and 5th Report of the PIC, the agreement has not been signed to-date".

Bw. Naibu Spika wa Muda, utaona kwamba Kamati inachunguza na kutoa mapendekezo yake, lakini hakuna hatua yoyote inayochukuliwa. Tunajadiliana katika Bunge hili, lakini wale ambao wanatazamiwa kutekeleza maamuzi ya Bunge hili, hawafanyi chochote. Ukitaka kujua, sasa hivi, vile viti vya Watumishi wa Serikali ambavyo vinafaa kuondolewa na viwe vikiletwa tu wakati wa Ufunguzi wa Bunge ili Majaji wakalie. Lakini wakati majadiliano kama haya, zinafaa zindolewe kwa sababu hakuna haja ya wale watumishi wa Serikali kukaa pale. Hawakai hapa wanapotakiwa kukaa ili wasikie maoni ya Wabunge. Wanakaa kule ofisini wakinywa chai and, therefore, we make recommendations which are not implemented. Unawambia kuwa mapendekezo haya yalifanywa katika 4th and 5th Reports. Lakini mpaka wakati wa 6th Report, hakuna hatua yoyote imechukuliwa na Wanakamati wa PAC au PIC ni wahe. Wabunge ambao wanakaa hapa baada ya Bunge kwenda mapumziko ili kuchunguza matumizi ya fedha za Serikali. Baada ya kikao hicho, wanaleta Ripoti kama hii kwa Bunge ambayo inapitisha. Lakini hawajatekeleza mapendekezo ya Ripoti ya 4 na 5.

I understand from the current Chairman of the PIC, that this issue is also coming up again in the 6th Report. Hii Serikali si Serikali ya wanasiasa, ni Serikali ya wafanyakazi wa Serikali. Kwa sababu kuna viwango hapa. Kuna wafanyakazi wa Serikali, Mahakama na Bunge. Ajabu Mahakama inafanya kazi kwa sababu ikiamua kuwa utakwenda jela, utakwenda na Serikali inakukamata wakati huo na kukupeleka. Lakini Bunge yetu hii ambayo inatengeneza sheria za kupeleka mtu jela, tukisema neno halifanyi kazi. What is happening? This is the highest authority on the land that makes the law which the judiciary uses. Lakini inatoa amri hapa katika mapendekezo na

hakuna anayeshughulikia jambo hilo.

Dr. Otieno-Kopiyo: On a point of information, Mr. Temporary Deputy Speaker, Sir. That matter the hon. Shikuku is talking about hinges on the question of the restructuring of the Agricultural Finance Corporation (AFC) which has been on since 1989. I understand that the Minister for Finance, together with his colleague, the Minister for Agriculture, Livestock Development and Marketing, are sitting on this issue. Let him deny or confirm that.

The Minister for Finance (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I would like to state here clearly that we are not sitting on it. We are working on a programme that will also bring in some Sessional Paper to this Parliament for approval on certain substantive measures that ought to be taken in the process of restructuring the AFC. So, it is not a question of the Ministry of Agriculture, Livestock Development and Marketing, and the Ministry of Finance, sitting on it. There is something coming to this House.

Mr. Shikuku: Bw. Naibu Spika wa Muda, unasikia hayo. Kutoka mwaka 1989, bado "there is something coming to this Parliament". Hivyo ndivyo tunavyofanya kazi hapa, Serikali hii tukufu!

Bw. Naibu Spika wa Muda, ningependa kuzungumza juu ya Government of Kenya Current Account katika ukurasa wa 365-367 wa Ripoti hii ambayo inasema:-

"The Committee heard the evidence given by the Chief Executive and was informed that the money amounting to Kshs9,930,500 was to be used towards the construction of a building to house the Building Unit. The Committee was further informed that due to cash-flow problems the parent Ministry approved that the Institute could use its funds to construct the building on the understanding that the parent Ministry would look for funds to refund the Institute. The Committee, however, noted with great concern that the Institute has not been refunded the money up to-date. The Committee was informed that the parent Ministry had not allocated expenditure in the annual budget due to the budgetary ceiling in force by the Treasury".

Bw. Naibu Spika wa Muda, utaona hapa kwamba Kamati inajaribu kutafuta suluhisho kwa taabu zilizoko. Lakini Accounting Officer anakuja mbele ya Kamati na kusema, "we will do this and that", na akirudi katika ofisi yake, anasahau. Na wale Wanakamati alikuwa akiwaambia maneno hayo anafikiri walikufa au hawawezi kukumbuka. Mr. Temporary Deputy Speaker, Sir, either the Minister for Finance, who is in charge of all the finances in this country must bring an amendment to the present financial law so that we give powers, and if someone goes against what Parliament has authorised is punished in a court of law. We do not have to talk. Sisi ni watu wa kuzungumza tu, lakini tunayozungumza hayasikizwi na yale tumependekeza hayatekelezwi.

Bw. Naibu Spika wa Muda, mimi nafikiria kuwa wananchi hufikiria kwamba Wabunge hawafanyi kazi. Tunafanya kazi lakini ubaya ni kwamba Wabunge wengine hawafahamu pengine kazi yao ni nini. Iwe ni wajibu wetu Wabunge wote, wawe KANU au Upinzani kuwaambia wananchi au kuwafundisha wananchi kuwa wasipoona maendeleo, sio kwa sababu ya Wabunge, ni kwa sababu ya wafanyakazi wa Serikali. Tuko hapa kupitisha fedha za kufanya kazi. Tukipitisha, zitafikia yule mtu wa kupakua awape wale, anakula mwenyewe. Lakini wakati wa kupiga kura, Mbunge ndiye anaelezwa kuwa hii barabara haikutengenezwa au lile daraja haikutengenezwa na kadhalika. Mbunge sio mtu wa kutengeneza barabara, bomba la maji machafu au bwawa. Tukishapitisha pesa hazifiki kule tunaposema siende. Saa hii tunawaambia ziliingia kwa mfuko wa nani na tena kwa mabilioni. Lakini wakati wa uchaguzi, ni Mbunge anayesulibiwa. Lakini watu wa Butere wanajua hiyo; nimewafundisha sana. Huwa ninakuja hapa na tena nitakuja. Wanajua kuwa Mbunge hatengenezi barabara. Si kazi ya Mheshimiwa Mbunge kuenda kuangalia lile daraja litatengenezwa kwa njia gani. Lakini wengine miongoni mwetu wamefilisika wanajikaza kisabuni. Ati wanajidai kuwa wanataka kufanya maendeleo wakitoa mshahara wao ati wajulikane kuwa wanazingatia maendeleo, katika hali hiyo wanafilisika.

Wengine wanavuka, wanapovuka, pia wanapata kuwa ni kukavu. Sasa inakuwa taabu mara mbili. Kwa sababu akifika huko, ni patupu, patupu, hata anasema "niruke niende KANU ile" akifika huko--- Kama vile kiongozi wa nchi hii alisema kuwa ukitongoza msichana unamwambia mengi kama: "Wewe mzuri sana, ukifika nyumbani hautakuwa unapika, kutakuwa na mpishi tena gari nitakununulia la kwenda sokoni" Lakini akiingia, haoni haya yote!

Akiuliza anaambiwa: "Shika ndururu hizi tatu uende ukanunue sukuma wiki, watoto wale." Kiongozi wa Kenya anatuambia: "Kuja hapa, huku kijana hakuna maendeleo; kuja upande huu, maendeleo yatafanywa." Lakini hakuna maendeleo yoyote, wala dalili ya maendeleo!

Kama vile Mwenyekiti wa Tume ya Uchaguzi alisema, "they will have a lot to explain" kwa sababu tumepita na tukarudi upande huu. Tulichopata ni nini? Waone Bunge hili safari ya mwisho. Mlango huu watautoka; hawatauingia tena. Wangalie vizuri sana kwa sababu huu ndio wakati wa mwisho kwa sababu watakuwa wakipita nje na kusema; "Nilikuwa zamani hapa."

The Assistant Minister for Land, Reclamation Regional and Water Development (Mr. Ligale): Na wewe je?

Mr. Shikuku: Mimi nitakuwa hapa. Mheshimiwa Ligale ameniuliza swali niliulizwa mwaka wa 1966

katika Bunge hili. Niliposema kuwa Wabunge lazima wajue kuwa wakikaa hapa kazi yao ni kutoa shida za watu wao kwa Serikali. Wasipofanya hivyo, wajue kuwa mwaka wa 1969, asilimia 60 na zaidi hawataona Bunge hili. Mmoja akaniuliza swali hilo hilo: "Na wewe je?" Nikimwambia: "Nitakuwa hapa."

An hon. Member: Na yeye alirudi?

Mr. Shikuku: Wao walienda asilimia 65, na mimi nilikuwa hapa mwaka wa 1969. Katika Kakamega tulikuwa Wabunge wanane, nilirudi peke yangu. Tena ninawambia Mhe. Mbunge mmoja kuwa nitarudi hapa kwa sababu ninawambia wananchi ukweli. Si kwamba mimi ni mjuzi sana kwa siasa, hapana, ni ukweli. Na aliye na ukweli anasimama na Mungu, na ukisimama na Mungu una ushindi. Mungu anakwenda mbele, wapinzani wanagonga kwake, tukifika hapa Mungu anawaacha mimi ninaingia.

Bw. Naibu Spika wa Muda, nitazungumzia pointi nyingine. Katikati ya ukurasa wa 331 na ukurasa 333 mambo yaliyoko yanahusiana na upande wa Serikali. Chini ya kichwa "Cereals and Finance Corporation" kuna maneno ambayo Waheshimiwa wamesema, kwa maandishi meusi. This is very serious. Nataka kusoma katika aya ya pili ambayo inasema kama ifuatavyo:-

"The Committee noted with disappointment that although the matter was deliberated by the previous Committee and an appropriate recommendation made in the Fourth Report of the Public Investments Committee. The issue had not been resolved yet".

Sasa kazi ya hawa Wabunge ni nini? Ikiwa sisi ambao tumechaguliwa na Bunge hili kuangalia hesabu na tunaona ni shida gani, tunatoa mapendekezo ambayo yatapitishwa katika Bunge hili, ikishapitishwa ni sheria. Kitu ambacho kimepitishwa na Bunge hili ni sawa na sheria. Ilikuwa je mapendekezo ambayo yalipitishwa hayakutekelezwa? Halafu kamati iliendelea kupendekeza:

"The Committee recommends that the Permanent Secretary Ministry of Finance should immediately constitute an Inter-Ministerial Committee involving the Minister for Agriculture, Livestock Development and Marketing, Ministry of Co-operative Development, Agricultural Finance Corporation and the Co-operative Bank of Kenya with the view to recovering full outstanding loans advanced by the Corporation amounting to Kshs91,423,056 by 30th June, 1996."

Bw. Naibu Spika wa Muda, utapata mwaka huu pia kamati inasema:

"The Committee further recommends the Chief Executives should always disburse loans only after signing loan agreements indicating the conditions for servicing the loans and the options it has in case of loanee default".

Bw. Naibu Spika wa Muda, ukiangalia wamesema irudishwe kabla ya 30th June, 1996. Lakini wewe sasa ukienda kuangalia, utapata haijarudishwa na kamati imekata shauri. Ni vizuri wananchi wajue ya kwamba tunajaribu. Nilikwambia ukipiga hesabu ya jumla ya pesa ambazo zimekwenda ambazo tunauliza zirudishwe, utapata ni nyingi na hatuhitaji usaidizi wa kifedha kutoka nchi za ng'ambo. Na unaenda kuomba kwa mtu ambaye si ndugu wako; mtu ambaye hahusiki na ukoo wako. Na ona sasa. Unakwenda ukitabasamu kama msichana ambaye ana mapenzi na huku unaharibu pesa zako kwa mamillioni. Ujasikia nikisema juu ya maelefu hapa na nitakuja kuleta mabillioni baadaye. Ukiweka pamoja hizi pesa zote, utapata zinatoshwa kuendesha nchi hii. Watoto wetu wanaweza kusoma bila kulipa karo yoyote kutoka shule za msingi hadi chuo kikuu. Lakini sasa tuko katika taabu na maskini hawawezi kujiunga na chuo kikuu. Hata ile mikopo ambayo wanatoa kwa wananchi wanafunzi wa vyuo vikuu ni ya uongo. Wengine wanapewa Kshs4,000 kwa muhula mmoja na wanahitajika kupata Kshs43,000. Serikali hii inaendeshwa kwa uongo. It is built on nothing but lies. Hawataki ukweli. Na ukikataa ukweli jua unakataa Mungu. Na ukikataa Mungu jua wewe uko taabani kwa sababu ukweli ni Mungu. Na hapa, mamillioni ya pesa zimechukuliwa na hazirudishwi.

Bw. Naibu Spika wa Muda, utaona kwamba katika ukurasa wa 332 kuhusu "Outstanding Imprests" ripoti inasema:

"The total interests owed to the Corporation increased from K£231,402,562 as at 30th June, 1991 to K£286,875,391 as at 30th June, 1992".

Tumepewa hapa breakdown yake; imprest ambayo tunafaa tulipwe. These are pounds and if you multiply by 20, you will see how much we have lost. Agricultural Finance Corporation imepewa K£142,601,219. Kenya Grain Growers Co-operative Union imepewa K£18,575,816. National Cereals and Produce Board imepewa K£116,269,405. Co-operative Bank ndiyo ina deni la chini la K£9,427,951. Hii ni faida peke yake. Pesa hizi zinaweza kusomesha wanafunzi wa chuo kikuu wangapi? Kwa jumla pesa hizo zote ni K£206,870,391. Hii ni zaidi ya billioni moja. Je pesa hizi haziwezi kusomesha wanafunzi wa chuo kikuu? If we use our money properly, it can help. Lakini haiwezi kusaidia kwa sababu watu wengine katika Serikali hii husema wanapenda wananchi, wanapenda wanawake na watoto lakini hawapendi wanaume. Wanaume hawapendwi! Hata wavulana hawatakiwi. Hata ukihesabu shule za wanaume utapata shule ambazo zinaitwa "Moi Boys" ni chache sana. Ni "Moi Girls" tuu; mama na watoto. Lakini watoto tena wanagawanywa; wasichana. Kama unajua shule ambazo zinaitwa "Moi Boys" ziwe za msingi au za upili uniambie. Je, mapenzi yako upande gani?

Bw. Naibu Spika wa Muda, katika ukurasa wa 332, wanasema hivi --- Oh, nilikuwa karibu kusahau. Hapo zamani kulikuwa na chama cha wakulima ambacho kilikuwa kinaitwa Kenya Farmers Association (KFA) ambacho kiliundwa na wabeberu kabla Shikuku hajazaliwa. Lakini kulifika wakati ambapo watu wawili tu walikosana. Wakati huo mwenyekiti alikuwa Bw. Chesire. Alikuwa Mbunge katika Bunge hili. Aliteuliwa kuwa Msaidizi na akatokea mlango ule na hajarudi tena. Tulikuwa naye hapa. Nimeona wengi wakiingia na kutoka kupitia mlango ule pale. KFA lilikuwa shirika la maana sana kwa wakulima. Mpaka sasa mimi ni mkulima mdogo katika Settlement Scheme Plot No. 259 ambayo mimi hutaja kila kitu. Sina nyingine. Shirika hili lilikuwa linawasaidia wakulima. Kwa sababu ya mgogoro kati ya Chesire na watu wengine shirika hilo lilivunjwa. Baadaye kulibuniwa KGGCU. Wengine wanasema maana yake ni Kalenjin Chukua Bure" na kadhalika. Lakini shirika hili limekufa fo fo fo. Wakulima wako katika taabu. Hawawezi kupata vifaa vya kilimo, hata nyuzi ya kushona gunia. Hapo awali ungepata magunia ya kuhifadha mahindi yako lakini leo huwezi kupata. Lakini nashukuru Mungu kwa sababu yeye si Abdallah wala Athumani na hali ugali nasikia. Juzi karibu mkasa mwingine ungetokea lakini Mungu si Abdallah; ametuokoa. Hayo ni mambo ya KCC. Pia wanataka kuvuruga KCC kabisa mpaka iangamie. Lakini, ewe Mungu twakusifu. Sasa KCC itabaki kwa wakulima. Na madeni ya KCC yalisababishwa na wakurugenzi waliokuwa hapo awali. Lakini wakurugenzi wa hivi sasa ndio wanafuata ili wafunike zile dhambi ambazo zilizotendwa na wale wakurugenzi wa zamani. Wengine wao wako katika Bunge hili. Mimi napenda kuambia watu ukweli.

Mtu akitaka documents atapata. Unajua kupata documents kwangu ni kitu rahisi. Wamenyakua na wakatumbukiza KCC katika madeni lakini sasa hii taabu inatokea hapa. Imeleta vurugu na Mungu amsaidie aliye kitandani na bibi yake. Amesimama imara pamoja na wenzake na mimi nataka kuunga mkono kwamba Board iliyoko iendelee na Mungu awabariki na aliye kitandani na bibi yake waamke. Because it is the policy of this Government kwamba tunataka vyama vya ushirika vikuzwe. Na hiyo ndiyo inaweza kumletea mali "mtu mdogo". Lakini ikiwa huyu "mtu mdogo" akianza kupata kitu kidogo "wakubwa" wanaanza kuvuruga na azidi kuwa maskini ili wakati wa kura anapewa *gorogoro* moja ya mahindi na kupiga kura. Njaa inakuja mwaka ujao wakati wa uchaguzi. Wao hutoa *gorogoro* moja kwa kura moja. Mungu yuko hata mnaopanga, mkiendelea kupanga. Lakini Wazungu wanasema: "You plan but God disposes." Kwa hivyo, fanyeni yale mnayoweza, lakini mjue sisi wanyonge fimbo yetu ni Mungu; Maulana.

An hon. Member: *Gorogoro* ni nini?

Mr. Shikuku: *Gorogoro* ni ule mkebe wa mafuta ya Kimbo wa kilo mbili. Mahindi yakijaa hapo, huwa ni kilo mbili na moja ya hiyo sasa huko Bungoma ni Kshs32. Ukiwa na watoto kumi pamoja na wale wa ndugu yako ambao ni watoto wako. Hata mhe. G.G. Kariuki anajua kwamba mtoto wa ndugu yake ni mtoto wake. Huwezi kula na wao wanakuangalia. Hebu fikiria ni pesa ngapi itakugarimu ya kutosha kulisha watoto wako na wa ndugu yako. Na hakuna Mjumbe hapa hata mmoja anayepata kifungua kinywa peke yake siku hizi. The poverty that has taken root in this country! Ukiamka asubuhi huwezi kupata kifungua kinywa peke yako, watu wanatoka kila mahali kuja kwako asubuhi. Mimi nimempa bibi yangu maagizo. Nimenunua sufuria kubwa sana; "mama ya sufuria" ambayo hutengenezewa uji na maharagwe yaliyochanganywa na mahindi. Kwa sababu wengine hawajiwezi, kwa sababu pengine wametembea maili nane au hata kumi wakija kumuona msheshimiwa awasaidie kwa shida zao, na wamekuja bila kula chakula chochote. Kwa hivyo, lazima ale hayo maharagwe na uji, ndio apate nguvu ya kurudi nyumbani kwake. This is what is happening on the ground. Na hali hii inaonyesha kwamba kuna umaskini wa hali ya juu sana hapa nchini. Lakini sisi wajumbe tulioko hapa tunafikiri kwamba mradi tu tumekuwa Bunge, haya mambo yote yatekelezwa na Serikali. Hata mimi nilipokuwa katika Serikali sikusahau watu wangu, nilikuwa ninazungumza tu. Nilizungumza mpaka Kenyatta akanitupa nje mwaka wa 1974, Moi akanichukua tena. Nikapambana naye na akanitupa nje mwaka wa 1983. Mimi siwezi kunyamaza kwa sababu nimepewa kazi ya waziri msaidizi ama waziri, siwezi. Lakini jana, nilisikia hotuba tamu sana kutoka kwa mhe. Sambu, na nikatambua kwamba, kumbe alikuwa na shida! Alisema shida za watu wake waziwazi, lakini alipokuwa Waziri, hakuwa anasema.

An hon. Member: Collective responsibility!

Mr. Shikuku: Yeah, collective! Collective responsibility! Ungekuwa nayo kama hukupigiwa kura na wananchi? Kulikuwa na msheshimiwa mmoja hapa alikuwa anaitwa Jahazi. Tulikuwa tumechaguliwa kama waziri wasaidizi. Wakati mwingine alikuwa ananiambia: Mbona wewe unazungumza kama back bencher, hujui wewe ni Serikali? Nikamwambia, ehee!

The Vice-President and Minister for National Planning and Development (Prof. Saitoti): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Inaonekana mhe. Shikuku ameenda kando ya mazungumzo ya yale mambo.

Mr. Shikuku: Naja!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Imekuwa sasa, anatusimulia hadithi juu ya maisha yake na vile ambavyo amekuwa akiendea hapa. Nafikiri hatuko hapa kusikiza masimulizi ya huyu msheshimiwa mbunge.

Mr. Shikuku: Ahsante. Bw. Naibu Spika wa Muda, katika mjadala, sio kwamba tunagombana. Tena,

katika mjadala wangu, mimi wakati mwingine naleta mambo mengine ya kuwafurahisha na mkifurahi, natoa pointi yangu. Hatukuja kugombana hapa.

Bw. Naibu Spika wa Muda, I miss those wonderful days; wakati ule wa the late Tom Joseph Mboya, Argwings Kodhek na Ronald Ngala. Wakati ambapo ikiwa kuna mjadala ulikuwa unatoka Bunge, kama umefurahi lakini siyo kupiga kelele kwa fujo; hooo! heee! Hatukuja kupigana hapa, ni maneno tu.

Nitamaliza na KGGCU---

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

[Mr. Deputy Speaker took the Chair]

Prof. Mzee: Jambo la nidhamu, Bw. Naibu Spika. Tunamsikiza Bw. Shikuku akizungumza mazungumzo mazuri sana. Lakini wakati mwingine anatamka maneno kama ruuurrr! ruuurrr! Nataka kujua kama matamshi kama haya yanaweza kuingia kwenye HANSARD.

Mr. Shikuku: Bw. Naibu Spika, kutokana na ujuzi wangu, katika HANSARD watatia maneno hayo mahali wanakojua. Hiyo si shida.

Bw. Naibu Spika nikija kwa KGGCU, katika hii ripoti, inaonekana kuna K£12,013,946 ambazo zimepotea. Sasa, pesa kama hizi tutazipata namna gani ilhali KGGCU "imekufa?" Nitasoma aya ya mwisho katika ripoti hii kwa sababu nataka kumaliza haraka. Committee inasema hivi:-

"The Committee heard the evidence given by the Chief Executive and was deeply concerned that the Corporation was owed by various Corporations a huge amount of interest totalling to K£286,870,391. The Committee was perturbed to note that out of this amount---

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. There is no quorum in the House.

Mr. Deputy Speaker: What! There is definitely a quorum. We definitely have a quorum and next time you must understand that, that is a frivolous point of order. I confirm we have a quorum, even without counting those who are coming in, I am sure we are at least 32 Members. Continue hon. Shikuku.

Mr. Shikuku: Asante, Bw. Naibu Spika.

"The Committee was perturbed to note that out of this amount, a total of K£116,269,405 was being disputed by the loanee Corporations. The Committee was dismayed to note that the dispute had been outstanding for a long time and might adversely affect the smooth running of the Corporation. The Committee further noted with disappointment that, although the matter was deliberated by the previous Committee and appropriate recommendations made in the fourth report of the Public Investments Committee, the issue had not been resolved yet."

Sasa kuna maana gani ikiwa Committee inaangalia haya maneno na kutoa appropriate recommendations, in the fourth report and this the sixth, na bado haya hayajitimizwa, na utaona yakija katika ripoti zingine zijazo. Then, what is the purpose of the Public Investments Committee, ilhali recommendations ambazo zinafanywa na kupitishwa na Bunge hili; na mfanyikazi wa Serikali hii hawezi kutimiza yale ambayo yamepitishwa na Bunge? Na mfanyikazi yuko chini ya Serikali. Who is the Government now?

An hon. Member: We are!

Mr. Shikuku: By mouth! Kwa sababu kama mngekuwa, mngechukua hatua. You are toothless bulldogs. Bunge hili imepitisha; you have the executive!

An hon. Member: Yes, we have!

Mr. Shikuku: Na hawajafanya hivyo na mnasema yes, yes! Unaweza kufikiria ni nyani waliopanda kwa mti.

Bw. Naibu wa Spika, ninafanya kazi ambayo nilitumwa kufanya hapa. Kazi ya Mbunge ni kuongea na siyo kutoa pesa kwa harambee - bribing people with money which you have stolen. Kazi ya Mbunge ni kuzungumza na kueleza shida za watu wake hapa.

Mr. Magwaga: Kutoka wapi?

Mr. Shikuku: Bw. Naibu wa Spika, mhe. mbunge moja hapa hataki kunipa nafasi nizungumze. Ana inkatiza kule kila wakati. Mimi nitamwambia maneno ambayo yatatumuza sana, kwamba yeye ni mmoja wa wale ninawaambia waangalie Bunge hili mara ya mwisho, kwa sababu hawataliona tena.

The Assistant Minister for Local Government (Dr. Wameyo): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member for Butere has said that hon. Magwaga is looking at the walls of this House for the last time. Can he substantiate that allegation?

Mr. Shikuku: Bw. Naibu wa Spika, nilisema ni moja wa wale. Si kusema mhe. Magwaga. Na inawezekana. Wakati wa uchaguzi wa KANU hakuchaguliwa, hata kwa sub-location. How would he come back? Jesus is not interested in miracles these days! Wacha niseme maneno. Ooh! Ooh!

Mr. Magwaga: Jambo la nidhamu, Bw. Naibu wa Spika. Mimi nakuomba uulize mhe. Shikuku aeleze Bunge ni kwa nini nitakosa kurudi Bungeni. Kwani yeye ataniua? Huyu mhe. atamaliza mimi na majini yake. Yeye alimaliza Bw. Opembe, Bw. Okwara na Chief Litunya. Huyu mhe. atanimaliza.

Mr. Shikuku: Mimi si mtu huyu. Mimi ni mhe. Joseph Martin Shikuku ambaye ni senior katika Bunge hili pamoja na mhe. Kibaki. Hakuna mwingine senior kuliko sisi. Ni Mtukufu Rais pekee. I mean those who have been here continuously, not those who come in and go out.

Mhe. Magwaga amesema maneno ambayo si ya kweli. Amesema mimi namaliza watu. Mimi simalizi--- Yeye sasa anazungumza na amekaa chini kama mwanamke aliye sokoni. Hana habari ya kwamba katika Bunge, mhe. mmoja akisimama, yule mwingine anaketi. Alipokuwa akizungumza, mimi niliketi. Mimi sasa nazungumza, na yeye anazungumza kama ameketi. Mimi nilimsaidia kwa kumleta hapa na Mungu anajua. Mimi simalizi mtu. Sitoi sumu kwa mtu. Mtu yeyote anaweza kufa and his insinuation is very wrong. Kuna wengi ambao wamepinga mimi na wangali hai, kama vile Mohammed Mabunde from 1963-79, yule mfupi yuko hapo anayelitwa--- na hata yule Efiketi. Mimi siui mtu. Yeye anasema maneno yasiyo ya ukweli. Can he substantiate how I kill them!

Mr. Magwaga: On a point of order, Mr. Deputy Speaker, Sir. Hon. Shikuku has always threatened people that they will never come back here. He told those three people. Can he deny that he never told them. He told Mr. Opembe, Chief Litunya and Okwara that they will never come back to this House and now all of them are dead! If I die now, my people will demand to know from hon. Shikuku why he has told me that I will never come back to this House.

Mr. Shikuku: Bw. Naibu wa Spika, haya maneno siyo substantiation.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that the tone of this exchange between hon. Shikuku and Magwaga is not violating our Standing Orders? The two Members of Parliament are nearly discussing each other's characters, lives and so on? Is that not in contravention of the Standing Orders of this House?

Mr. Shikuku: Bw. Naibu Spika, ninaposema hatarudi hapa, sikuweza kuwa hapa wakati Bw. Opembe alipokuwa hapa! When you have people telling lies kwa mtu ambao amesimama kwa ukweli, yeye alikuwa wapi nilipokuwa na Bw. Opembe? Yeye ni mtu wa Ikolomani na mimi ni mtu wa Butere. Yeye alikuwa wapi nilipokuwa na Bw. Okwara? Wakati Bw. Okwara alipokuwa hapa, yeye hakuwa hapa. Hatutoki sehemu moja na yeye. Haya yote ni uwongo. Na uwongo ni dhambi. Nilisema hapo mbeleni kwamba mshahara wa dhambi ni mauti. Kwa hivyo nitamwacha huyo kwa sababu ukimwashia kipofu taa, ni kuharibu mafuta. Page 367---Allah-Haula!

Mr. Magwaga: On a point of order, Mr. Deputy Speaker, Sir. I am raising a genuine point of order. It is not fair to allow hon. Shikuku to continue threatening me. Mauti ni kifo! Umesikia yeye akisema mshahara wa dhambi ni mauti. Ni dhambi gani mimi nimefanya? Huyu mhe. ana Majini ambayo anatomia kuwaua watu.

Mr. Shikuku: Nimesema hapo mbeleni kwamba mshahara wa dhambi ni mauti. Hayo yanatoka katika Bibilia na siyo maneno yangu. Ukisema uwongo na ukiua ni dhambi. Hata ile dhambi kubwa ambayo Mungu anakataa, ni ile ya kuesema uwongo, to bear false witness against---

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

BREAKDOWN OF LAW AND ORDER IN THE COUNTRY

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Orengo: Mr. Deputy Speaker, Sir, I rise to invite the House to discuss a matter of urgent national importance, namely the breakdown of law and order in the country. I am referring to the general state of insecurity in the country as a result of armed robberies, wanton murders and destruction of property. Indeed, in some areas in Kenya, particularly in North Eastern Kenya, there are rising acts of banditry and even highway robberies.

Currently, Kenya is undergoing a very difficult situation. Many of our people are suffering from unemployment, low wages, poverty and a rising standard of living, with hardly any safety nets for them. It is to be appreciated that in those conditions people tend to act in desperation. But that cannot explain and justify the rising incidence of crime, particularly in certain parts of the country.

Let me, just to demonstrate, relate a week in the life of Kenyans in Nairobi and its environs. On 16.10.96 a

gang of robbers, in broad daylight, struck Kirinyaga Road while riding in a pick-up and armed to the teeth and, in a 20-minute operation, looted spare parts shops. While this looting was going on there was somebody in the pick-up, who had a gun, controlling traffic. For 20 minutes, there were no police officers on hand, and the robbers or suspects escaped. So far, there is no report as to whether or not these people have been arrested. In the previous day in Kiambu District, there was a security operation to flush out suspected gunmen from a house. But the whole event turned tragic, and the reports were that as the suspects were enjoying some food a police inspector, in desperation and fear, shot dead two police constables who had accompanied him in the mission to try and look for these robbers. In the process, police guns and rounds of ammunition were lost. A police sniffer dog went astray and the police had to conduct yet another operation to look for it. No suspects were arrested. In the same week, in Koinange Street, Nairobi, again a gang of robbers struck early in the morning, robbed a bank, went into a lawyer's office and an airline's office, but the police kept at a safe distance until the suspects went away. Along the route, as they were going, they were shooting in the air and a policeman who was on motorcycle abandoned it and ran for safety. This happened just in three days in Nairobi and its environs.

Whereas I have said that this could possibly be because of poverty and general impoverishment, there is definitely something going on within our general Police Force that this Government needs to look into, in order to ensure that crime can be dealt with decisively. As a person, I was quite encouraged when the present Commissioner of Police was appointed. This is because I was told he is a born-again Christian. When I was told this, I said to myself that this time round we may be able to deal with crime in the country, and in Nairobi in particular, where incidences of violence are on the rise. This is not only so in the centre of the town, but also in the estates like Dandora, Kibera and everywhere else, where people are living in a state of fear of molestation from incidences of crime.

Mr. Deputy Speaker, Sir, I would want to propose that the Police Force engages trained officers who are qualified to do their jobs. My experience is that many qualified police men who do a good job do not get promotions.

This is because promotions are based on considerations other than talent and ability. This has demoralised the Police Force. In Nairobi, I know as a matter of fact, that there was a police officer who was doing good work in the City, and the incidences of crime went down. But he was moved from the Police Force. Just imagine a police officer being told to go and become a Deputy Secretary and yet he is a trained police officer. This incident was like the one involving Mr. Mureithi, who was taken from the Special Branch to an area which was outside his profession.

The Police Force itself is now saying that probably this police officer is the one who has sponsored these incidences of crime, and yet he was doing a good job and the rate of crime had gone down.

Just in case there is doubt about what I am saying, let me say that incidences of crime, particularly violent crimes involving firearms, went up phenomenally in the first period of the appointment of the present Police Commissioner. Although the general picture shows that in the last three or four months incidences of crime have gone down, that is in relation to the totality of crime. In fact, incidences of violent crime have continued to rise all over the country. This is an issue that we, as legislators, need to address and find a solution to.

Police officers live in congested living quarters. There are several deductions from their salaries, including deductions for the National Youth Development Fund, so that their take-home pay is about Kshs1,500. For somebody who is involved in fighting crime to realise that in those incidences where the police have carried out investigations and found some people who are known in this country--- Some of them are named in the report which has been ably moved by the hon. Anyang'-Nyong'o. The report has evidence of people who have, in broad day light, stolen a lot of money but nothing has been done to them. The Attorney-General has been given all the facts and evidence but nothing has happened. This fact alone is enough to demoralise our Police Force.

The equipment, for example the so-called "Mahindra vehicles", which is given to the Police Force is procured by those who want to rip off this country, without considering whether the police have the necessary tools with which to fight crime. The same person who has worked on the deal to ensure that we get these vehicles is a subject of several reports of the Public Accounts Committee. The reports show that he went away with money which was supposed to buy police equipment for their work, and nothing happened to him.

I would want to say that so long as these incidences go on our tourist industry and other areas of the economy are going to suffer, and investments will not come into the country. The situation is even worse where the police themselves can see robbers, who are facing trial in a court, being brought to a national stadium and told to confess to crimes of trying to overthrow the Government. These are people whom the police have investigated and found to be criminals who have robbed banks and stolen money.

These same people were given more than 30 minutes of air time in front of leaders, including the Head of State, to say that they were trying to overthrow the Government. The police are seeing the way we are treating robbers. The robbers share platforms with the President and the Vice-President; that is the way this Government is treating robbers. What do you think this country is going to do in order to ensure---

(Applause)

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Orengo: Mr. Deputy Speaker, Sir, I beg Prof. Saitoti to come and talk because I will not understand what hon. Kalweo is saying as he does not know any English.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, hon. Orengo, is too abusive. He should not abuse other hon. Members. He must listen and honour what others are saying. He must honour other hon. Members.

Mr. Deputy Speaker: Order, hon. Kalweo!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, he must honour other hon. Members. Shut up! Stupid Luo!

(Hon. Members stood up in protest)

Mr. Deputy Speaker: Order! Order, Mr. Kalweo! That word is totally un-Parliamentary. I order you to withdraw and apologise.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I withdraw and apologise. But hon. Orengo should listen to others. Hon. Orengo has just indicated that the President and the Vice-President sit with policemen who are thieves.

Hon. Members: No! No!

The Minister of State, Office of the President (Mr. Kalweo): What is he really trying to indicate? When he says that they sit together, that means both of them work with thieves. Can he clarify that?

Mr. Orengo: Yes, certainly, Mr. Deputy Speaker, Sir. These two gentlemen were facing trial for robbery in Nakuru. It is a fact of life that at Afraha Stadium, they shared a platform with the President and the Vice-President, where they were glorified as heroes.

(Applause)

These were common criminals, and even they have not appeared in court. They do not even obey police bonds, they have not been there. What type of persons are you trying to tell us? This Government has to tell us whether these incidents---

(Mr. Kalweo and Dr. Misoï stood on points of order)

Mr. Deputy Speaker: Order, Order! This is a debate for one hour and we are allowing 15 minutes to the Mover, 15 minutes to the Government Responder and a few other people will have 10 minutes each. I would rather you minimise your interjections or points of order, if it is going to have any meaning.

Mr. Orengo: Mr. Deputy Speaker, Sir, now it is a fact of life.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, indeed, we all want to listen to the hon. Member because he is speaking on an important subject. But at the same time, he is misleading this House when he says that I and the President were there sharing media with murders. If the people went out there to confess of their activities for the people of Kenya to hear, that has got nothing to do with our sharing the platform. As long as he continues to misguide the House, we will stand on points of order. So, would you continue on a more important subject?

Mr. Orengo: Mr. Deputy Speaker, Sir, confessions are made before police officers. If you want to make a confession, according to the laws of this country, you go to the police and make a statutory confession in accordance with the laws of this country. Any other confession can only be tantamount to playing politics, and very cheap politics indeed. What happened in Nakuru shows that even these incidents of crime may be a process of tax collection by KANU to collect money for the next general elections. If they are not able to deal with it--

(Applause)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, the hon. Member has made a very grave allegation. Even though his time is over, he has claimed---

Hon. Members: No! No!

Mr. Deputy Speaker: Order! Order!

(Mr. Shikuku interjected)

Order! A long time Member of the House like hon. Shikuku should know when the Leader of Government Business moved that the House do now adjourn, he was proposing. In effect, hon. Orenge has ?? (inaudible)

(Question proposed)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, we have adjourned to discuss an extremely important situation. I am extremely astounded that the Mover of this Motion, knowing very well the importance of this Motion, has decided to take this opportunity to make grave allegations; allegations that are scandalous and which should not really be made by an hon. Member of this House. Although the time allotted to him is over, I hope that hon. Orenge must come out clean and be able to substantiate his allegations that the spate of murders and thuggery is a way in which the Government of KANU is making money. I want to say here that the philosophy of KANU is to ensure that we do protect the lives of the people.

On this score, let me tell you that the Government is very deeply committed to ensuring that we do deal with this issue and this is not a simple matter. We have had people who have lost their properties. Indeed, we have had people who have been injured and some who have actually been killed by these thuggery. It is not a laughing matter, it is a grave matter. It is a grave matter and I want to assure this House that, the Government is studying it very carefully in order to find out how these things have happened. We want to speak out clearly and send out a message to the criminals that they are going to be hunted down one by one. They will be dealt with accordingly because we know what is happening. Clearly, it does affect our economy. Our own efforts to alleviate the standard of living of our people is very much being affected by these spate of crimes. We also do know that, indeed, investment could easily be affected by what is happening. We know that the investors' confidence is also being affected by these crimes. I do not believe that there is any Government, whatsoever, which can itself embark on any kind of an attempt that can scare off investment into this country. It discourages the tourists from coming to this country and it goes contrary to everything that we are doing. This is a situation we are looking into very carefully. It could even very well be a kind of subversion in the guise of thuggery and crime.

(Hon. Members interjected)

You can say whatever you want to say. But from the way the whole thing is coming out, it could very well be subversion. We do not want to rule out anything. But this is an issue that we are determined to look into and find out why it has come about, and route out all these criminals. We want to ensure that Kenyans are able to walk, knowing that nobody is going to attack them. We want to ensure that Kenyans can sleep soundly and peacefully without being worried that anybody is going to attack them at night. This is an issue we are going to check thoroughly. Obviously, hon. Orenge has said that perhaps, there is a morale problem. We are going to check on all these things. If indeed, the morale is low, we are going to check on all that. If it is an issue of the pay, we are going to check on all that too. But I think there is one thing that should be understood here. Let us accept one thing; over a number of years, there has been a lot of instability in a number of neighbouring countries. Indeed, this is a fact. There were problems in Uganda and we know that the refugees came here with guns. We have also had Ethiopians.

Let us not forget that the situation in Somalia today is an extremely dangerous one as far as Kenyans are concerned. We have had a situation where law and order broke totally in Somalia. We do not even have a government there. Since 1993, we have had almost half a million Somalias people coming in as refugees. We accepted these people in total fulfilment of our international obligation and on humanitarian reasons. There is no doubt that a number of those people who have come here some of them worked in the armed forces, in the police force or in other arms of security enforcing agencies and a number of those people have smuggled guns and very sophisticated weapons. Some of these weapons are very sophisticated. We have to speak this matter openly and clearly as it is not just a problem of the Government, but a problem of all of us. They have brought in these guns. Some of these guns are the ones which have been used by the criminals to terrorise Kenyans.

We want to go down into all these things to ensure that those refugees who have been given hospitality by the Government and who are now abusing the hospitality accorded to them by the Kenyan people are going to be dealt

with. We cannot allow any refugee to remain in this country if by living here, he is going to kill Kenyans. We cannot allow that. We do not want Kenya to be another Somalia or any other country. I want to appeal to the hon. Members on both sides of the house---

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. Prof. Saitoti is making a very serious and misleading allegation in this House by saying that Somalia refugees are involved in activities that cause insecurity in the country when we know that not a single refugee has either been killed or caught by the Kenya police. There are Somalis who are Kenyans and I am one of them. There is no single Somali who has been killed by the Kenya police and if there is, let him substantiate. Somali refugees should not be used a scapegoat here. They are people.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I am sorry. I think the hon. Member did not understand what I was saying. I have made it quite clear that, in the fulfilment of our international obligation for the sake of humanitarian reason, we have allowed a lot of refugees. In the case of Somalia, we did allow half a million people to stay in this country. There is no doubt that a number of those people who came here did so with arms. This is a fact. It is nothing against the Somalia as a people, but it is a fact. Some of these people came here with no money, no means of livelihood and the only thing they could peddle were the guns. Those guns have gone into the hands of these criminals.

Let me make some affirmation here---

Mr. Busolo: On a point of order, Mr. Deputy Speaker, Sir. Is Prof. Saitoti in order to say that the Somalis came here with guns when this Government invited Siad Barre, hosted him and paid for his bills?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, because I do not want to be pedantic on the Somali issue, let me say that many refugees who have come here, some of them have come with guns. Some of them have been involved in acts of armed robbery. Except for the Ethiopians, it is true in the case of Ugandans and people from other countries. I think at this stage---

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Members, it is really in your interest for both sides to minimize those interruptions.

Prof. Mzee: Mr. Deputy Speaker, Sir, is Prof. Saitoti in order to say that refugees came here with guns and, if they did, where were the security personnel of this country?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I am very surprised that my good friend from the university days does not look at the whole matter objectively. Let us face the issue here. The issue we are faced with today of armed thuggery or fellows who are attacking Kenyans, is not an issue of the Opposition or the Government. Let us face this issue objectively and I want to assure this House that the Government is fully committed to routing out this problem. Indeed, as you were sitting here today, two criminals have already been gunned down. That is how serious we are today, and we are going to continue doing that. If the Members of the Opposition---

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. Is Prof. Saitoti in order to mislead this House and say that two criminals were gunned down, when the best or the worst that can be said is that they were only suspects? If Prof. Saitoti can talk that language, then it shows that we do not have a Government which respects law and order.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I can never stand here to state an untruth. Today, two people were killed in Lang'ata and two guns were recovered. We believe that these were people who are thugs and criminals. This demonstrates the seriousness with which the Government is going to deal with these people.

I want to appeal to all sides of this House, that we are dealing with an issue that has got to be rooted out. It is bad. If some of the hon. Members of the Opposition have reliable information about how we can sort out these things where they are, give it here and we shall deal with it. I do not think that anybody in the Government is happy. Indeed, we are very saddened when we hear any single Kenyan has lost his life or property. I want to assure this House that we will deal with the criminals accordingly.

Mr. Kibaki: Mr. Deputy Speaker, Sir, one point on which we agree with the Vice-President and Minister for Planning and National Development, is that this matter should be beyond party politics. It is a matter which is national to Kenya. Therefore, he also should listen to the truth, namely; if this Government is serious and wants the morale of the police to be sustained, it must take action to arrest the people they should have arrested.

Let us take one very serious source of insecurity; cattle rustling. We have all kept records over the last six months of at least five, six and seven instances, of cattle rustling where cattle was taken from one part of Kenya, whichever district, and the number of the cattle taken was identified and in one case, it was 2,000, and in another case, it was 3,000 or 4,000. The police established the direction the livestock was being driven. We are told that the police

took action. In some places, we were told that the police used helicopters, obviously, trying to track that livestock. For five days, they clearly established where the livestock went to. They definitely did and the police know it.

But, Mr. Deputy Speaker, Sir, up to today, the livestock has not been recovered and nobody has been arrested. Therefore, those who took the livestock by force have been allowed to keep them. That is the meaning of the word.

Therefore, if you are the police officer, and you are told to pursue any particular group, you are going to ask yourself this question: "Are some people favoured? What for!" Why should they sacrifice themselves pursuing people who are well armed with AK47 when they know that there have been instances where those who have been identified or even arrested, have been released and they have not been prosecuted.

Mr. Deputy Speaker, Sir, a case that was up in this House today, and this is what many people are keeping, that is what is happening in parts of Isiolo today, is the most telling example that the Government has no will or determination. This is because that is a small area where the livestock has been circulating. It is stolen by one group and kept by another group. When that livestock is driven from one part of Kenya to another, it is transported by lorries. It is sold to butcheries in Kenya. It is not exported out of Kenya. So, the police officers know that many of these thieves are protected. They have someone somewhere who protects them. Otherwise, how come that they are not reached? You must remember that police officers are human beings like ourselves. They are our brothers and sisters. They will behave in a human manner.

So, in the first instance, cattle rustling can be stopped overnight, if the Government is determined to use the police, GSU, Army and all the equipment we have, and actually arrest the people who do it. Actually, that can be stopped tomorrow. So, what we are saying is that Government must show that will.

Secondly, on matters of this town, Nairobi, there are far too many people who have been shot on suspicion. Since we seek co-operation of the ordinary public, and we came to know only yesterday, two persons were being chased here in the street; one person had just come out of a bank and he was being chased that he was a suspect. He ran into somebody's office and said, "These people are chasing me, they want to take my Kshs50,000 which I have drawn from the bank." Those were police officers and, in fact, when other Kenyans witnessed this, those police officers withdrew because they had been identified.

Now, what we are saying is not against the police, but we are trying to stay inside the police system. We have been infiltrated by people who are together with the thieves. This is not something strange or new, it has happened in other parts of the world and the way to approach it is not to become more criminal and kill on sight. No! It is to be more sensible and to call upon the public to co-operate. And the way it is going now, that they have been told that they can shoot anybody who looks suspect, anybody whom you want to steal something from, anybody whom you see getting near a car, is a car-thief and so on, unfortunately, it is not going to work.

Thirdly, the matter of guns: Guns are licensed by this Government. Those who have guns without licences have acquired them illegally. The Government, like you and I and every single Kenyan, knows the market in Nairobi.

You can buy a gun in any part of Nairobi, say, around Eastleigh. Everybody knows the price is very low! The Government itself has enough Special Branch to know who is trading in guns!

(Applause)

No action is being taken against traders in guns. Who is this importing guns from Somalia, Ethiopia, Uganda and from other neighbouring countries? We agree that we have insecurity around us, but who is importing guns? Who is trading? Ordinary Kenyan citizens. Let us not go looking for foreigners, but these are ordinary Kenyan citizens. Why does the Government not take action in the normal process of hunting criminals and arrest the gun traders because it is a big trade? Why are we not arresting them and those people are seen in the town? We see them, we are told, "If you want a gun, talk to that guy," If you walk in certain parts of Eastleigh, you will be asked, how much you are going to pay for a gun. What is all the pretence for? This Government should be serious if it wants to be taken seriously, by starting to take action on those three fronts I have just mentioned.

Finally, this is not being done for the sake of tourism. Why should we not do it for the sake of security of Kenyans? What is all these tourist business? The first duty is to protect the life of ordinary Kenyan citizens, then we can take care of tourism. But when you hear one tourist has got into trouble, everybody panics. What about tens of Kenyans who are killed everyday by these robbers who get these guns? What is happening in Kiambu, for instance, which we hear has to do with politics of this nation? No one can deny it. Therefore, we say the Government should bear-up that weight of responsibility towards Kenyan citizens by taking action. There is no action on people who are selling guns; there is no action on known criminals here and so on.

Mr. Deputy Speaker, Sir, I am just pleading that the Government stops looking for excuses. Above all, the Government should stop promising us that they are going to take action. Governments anywhere in the world do not

promise; they take action.

(Applause)

They do not make promises because it is their duty, and when they take action with their words, their actions will speak infinitely louder than 15 speeches on ceremonial occasions.

Mr. Deputy Speaker: Order! Order! Because of the time limit, I will allow the next speaker exactly five minutes only. Government respondent will be allowed the usual 15 minutes.

Mr. G.I. Ndwiga: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion. I think it is high time that the Government addresses itself to the question of insecurity in this country. It has been happening in this town and elsewhere within other towns. I think something has gone wrong in the Police Force, that they have relaxed. It is high time that the Government looks carefully into the operations of the Police Force. We cannot be told that there is not enough machinery in the Government system to curb crime. In the whole of Nairobi, what we know, and to the best of our knowledge, is that we have more security officers, both plainclothes and uniformed police, more than the ratio of civilians, and if any crime is taking place there; I have no doubt to believe that either the next, third, or fourth person is a policeman.

Mr. Deputy Speaker, Sir, there is nobody who would convince the Kenyans wherever we are now that they are safe. It is everyone for himself and God for us all. The whole of this town, people are walking scared because of the rate of crime which is there. When you say that you would take action, and there is no action being taken, we are all worried. We are left scared. It is only two weeks ago when an hon. Member of Parliament came in here and said he had been confronted by some robbers and snatched his watch when he was going to a mosque. In another incident on 19th October, 1996, Saturday at 5.30 p.m., I was walking personally along Kencom. I was pounced upon by five strong men who robbed me. This is my coat and see how it was torn! I say I am worried because some hon. Members here would think that when we talk about the insecurity system in this country, we are trying to malign others.

Mr. Deputy Speaker, Sir, I would wish that the hon. Minister tells me what he needs, I will give him.

(Mr. G.I. Ndwiga removed his jacket)

Hon. Members: Lay it on the Table!

Mr. G.I. Ndwiga: Mr. Deputy Speaker, Sir, what we are saying is: Either the Government takes measures to arm hon. Members or even those people who matter, because to us, we feel totally insecure. Let us not point fingers at the Opposition side as the enemies. I wish to say that enemies are within the system itself.

(Applause)

We know of the operations. The other day we were told that there is a police officer who is going to revenge, implying that he is known. Why should you wait for somebody to revenge with the lives of the innocent Kenyans instead of apprehending this man and taking him to court? It is high time now that the Government realises the needs of the community and the need for the security of any person in this country. If not so, then one day we are going to wake up and find there is no Government. Let us not point fingers at others when we are talking about security matters. Let us not talk about Somalis, or the Ethiopians, because we have the whole Government set-up who should know that somebody is coming in from Ethiopia, Somalia, Tanzania and so on. If they have guns, it is the responsibility of the Government to surround all these people and get hold of the guns so that they can be able to control the rate of crime.

Mr. Deputy Speaker, Sir, if you go to town now, the rumour is that there are two retired police officers, maybe one is in the service and the other is retired. Everybody is trying to malign these officers. Why do we not get them? If not them, who is doing it and the Government has the whole machinery and is able to protect us and the common man? If an hon. Member of Parliament is hooked in town, how about that common lady who is selling vegetables? How about that man who is walking with his Kshs10,000 or Kshs1,000? I think we need to be serious.

When we talk about cattle rustling, it is a matter of seconds or minutes that the Samburus or Turkanas who are close together, we know what they have stolen from each other and it should be recovered. But I think something is happening inside the Government system itself. Let it be counted that we have decided (inaudible) and I would say---

(Applause)

Hon. Members: Toboa!

Mr. G.I. Ndwiga: Mr. Deputy Speaker, Sir, maybe within the system, there are others who would like to malign and topple the system.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the question of security is a very serious matter. The whole of this week, the people of Lari Constituency, although I do not want to be parochial, have been living under fear. When we talk about security, it is not a question of being in the Opposition or the Government. It is the problem which has engulfed the whole country. Only the other day when the President came to Lari, he was there on 7th October, 1996, and the question of security was raised. The following day, the gangsters came and terrorised the whole of Kimende area where a young man was shot dead. This was, perhaps, to me, or to the people of Lari, a question of really thinking that the Government has become a toothless bulldog. They are not in a position to protect their own citizens.

Mr. Deputy Speaker, Sir, they are not in a position to protect their own citizens nor are they protected by this Government. The whole problem is that, a week later, the thugs came again and terrorised the whole of Kemende Central and several people ended up in hospital having been seriously injured. Instead of the police trying to get the people who were involved because they knew them, they have done more than what the thugs did. The police and the members of Provincial Administration are terrorising anybody they can come across. The people are now living under fear that they can be attacked by the Government and not the criminals. If you ask the people of Lari, they can tell you the individuals and, instead of the Government getting those individuals, they are now terrorising the people who were not involved.

One of the hon Members here spoke about the Government going to shoot the people who were not involved. They should get the people who were involved and take them to court. Today, as I speak, there are hundreds of people from Lari who have been locked up in Upland Police Station. Those who could not be locked up in the cells at Upland Police Station were taken to Githunguri and others have been locked up in Kikuyu. Nobody has been taken to court up to this time within the last few months, although three people had been murdered. People are taken to police stations and beaten up and, yet nobody has been arrested, taken to court as a criminal and charged with an offence. So, unless this Government becomes serious and uses the CID and Special Branch machinery who know where the guns are coming from, there is no way people will trust the Government any more. If the Government cannot protect its own citizens, it has no business ruling this country. The Government should resign and should admit that it has failed to protect its own citizens. So, Mr. Deputy Speaker, Sir, all that we are asking is that the Government should be serious and should not pass the buck, as some of the Ministers on the other side are trying to do. They are passing the buck when they say that this insecurity is coming from the refugees. It is not the refugees who are doing this. Insecurity belongs to the Kenyans and the Kenya Government should be able to protect its own citizens. So, the Government should not pass buck to the refugees or say that the guns are coming from the neighbouring countries. They should stop these guns from coming across our border. They should take the responsibility and not pass the buck, as the Vice-President, Minister for Planning and National Development is trying to do out.

Mr. Deputy Speaker, Sir, it is impossible for us to continue asking this Government to provide security. The people of Lari are now considering taking law into their own hands although I would not like to see this happening. But the people have a right to protect themselves. In doing so, we are likely to get casualties on either side. This is something that the people would not expect to happen. If the Police Commissioner cannot get the policemen to do their work properly, then he should resign today and should not continue to serve as a Police Commissioner because the police is not protecting the citizens. We have had incidents whereby when the Kenya public goes to report the matter to the police, the police go and tell the criminals that so-and-so reported him, then that man becomes the next victim of this terrorism.

Mr. Deputy Speaker, Sir, with those few words, I beg to support.

The Minister of State, Office of the President (Mr. Kalweo): Thank you for giving me this chance. When I was sitting there I was listening attentively to the contributors. What I would like to tell the House is that when it comes to the lives or security of Kenyans, it is not a game that the Government would like to play. Our Government is keen and capable of eradicating this problem. I would like the Members to understand that these are human elements and we are human beings. The other day I said that we are not sparing policemen but we are scrutinising, inspecting and we are doing everything possible in order to get to the root cause of this problem. Now, when we gun down some of the suspected criminals, some leaders speak against it. I would urge Kenyans, especially, leaders like hon. Kibaki, for example, who said that somebody was being pursued after withdrawing Kshs50,000--- He said the man went to an office and said "I am being chased by these policemen". The Government has provided police hotlines. Why then could any of them not ring the police and reveal the suspects?

Mr. Mutere: On a point of order, Mr. Deputy Speaker, Sir. In view of the importance of this Motion, I was wondering whether we could extend the time for another 30 minutes so that we can accommodate all the views?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, what I would urge the Members to know is that as a Government, we do not have a thermometer or any gauge to determine who is a crook or who is not. So, our thermometer would be the members of the public plus the police. But you should also reveal the names of those policemen whom you say are thieves. Why do you not tell us their names? You can help the Government by forwarding the information. These are some of the points whereby---

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that the people do not tell them who these criminals are, whereas when they are told, the volunteers of this information are victimised?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, that is his opinion. Hon. Kibaki has already said here that he knows some of the names of the people who trade in guns illegally. Now, if a Member like Kibaki who has been in this Government since Independence and he was even the Vice-President and yet he says things which he cannot prove in this House--- This is a matter of security and I am answering it so that they can come forward and help. For four years they have been trying to malign the Government.

Dr. Opere: On a point of order, Mr. Deputy Speaker, Sir. Instead of the Minister being worked up, he is looking for names to be given to him. He does not have to look beyond the police stations where women and MPs are beaten up!

The Minister of State, Office of the President (Mr. Kalweo): The police force does not constitute the Government. I am the representative of the Government. Come and tell me who is responsible for all this insecurity. I will not reveal you.

(Several Members stood in their places)

Mr. Deputy Speaker: Order! Order! hon. Members, I appealed at the beginning that it is in the interest of both sides of this House and, I suppose as part of its primary duty, the Opposition wants to put the Government on its toes and hear from the horses mouth, the Minister in charge of Internal Security. I do not think with this kind of interjections, you will get anywhere or get anything fruitful out of it.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, sir, for example, I am a christian and I believe in trustworthiness. So, you fear the police, do you also fear me? If you fear me, do you fear everybody else? If you do so, you are also a crook!

Mr. Deputy Speaker, Sir, there are white collar jobs.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. In Kiambu District, Kuria Kanyingi and Viscount Kimathi are perpetrators of crime. Since he needs the names, he could start from there.

Mr. Deputy Speaker: That may be a point of information and not a point of order.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, that is misinformation.

Mr. Deputy Speaker, Sir, this afternoon we have gunned down two suspects and recovered two guns in Lang'ata. In Murang'a, a teacher was killed and we have arrested 10 people who are in custody today. What else do you want us to do? You should lay the names of the people you know are trading in guns, those who sell opium (bangi) or whatever, then you will be of help. But mere shouting will not help. The other day somebody who was contributing here said that those criminals who are guerrillas were police officers. They want to discredit the Government in all forms, but you will never penetrate the Government. I am telling Kenyans that we are taking charge.

On Cattle rustling, some tribes who deal and live with livestock for example, the Samburu, Maasais, Turkanas and many others, those cattle rustlers like today---

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

Mr. Deputy Speaker: Order! Order, Leshore! Mr. Minister, do not bang the Table.

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. The Minister has just said, wananchi should voluntarily give information to the Police or the Government. We in Samburu said clearly that the OCPD who was in Isiolo, Abdul Mzee was behind cattle rustling between Isiolo and Samburu. What action has the Minister taken?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, the Government will take action even against the hon. Member. He is an inciter of the people in his area. So, where the OCPD will be taken, he will also be taken there.

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said I am an inciter. If he has any evidence, let him take me to court. He should not come and bubble in this House and say that I am an inciter. You are a Minister for Internal Security for Merus only, and not for the entire country.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, if you touch

somebody's wound, he makes a lot of noise.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. It is a well known fact that the will of Parliament is supreme and it is unfettered. If Parliament wishes to sit until midnight, so long as it is the will of the House, it is allowed. In the past, we have had occasions when a Motion of this nature by demand of the House has been extended and it looks to me like everybody in this House would like to contribute. So, why do you not establish the will of the House?

Mr. Deputy Speaker: Order! Order! Hon. Wamalwa, I take it, as a lawyer, a long standing Member and the leader of the Official Opposition, courtesy would demand that you consult with the Chair if you wanted to do that.

An hon. Member: You are ambushing!

Mr. Deputy Speaker: I am not ambushing. In any case, this Motion was brought to me by hon. Orenge this morning; you know what the Standing Order reads. In my wisdom I decided to allow it and initially told him it will take 30 minutes, which he did not object to. However, with consideration, I felt it is a matter which perhaps needs longer time and without even notifying him, I indicated to him when he moved the Motion that it will be for one hour. We have gone through the Motion and we are now dealing with the Government respondent. You cannot therefore ask for extension, when it is only five minutes to time. Rejected! Proceed, Mr. Kalweo!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, incidences of cattle rustling, robberies and people breaking into other people's houses have increased, but we have beefed up our security. We are doing everything possible to see that the wananchi of this nation can go about their daily activities without fear. We are running short of time and I should not be interrupted---

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that if anybody has evidence he should bring it to him? This is the way police officers behave. Immediately after hon. Leshore said he has evidence, the Minister threatened to take him to the police. Is he in order to do such a thing, to threaten a Member of Parliament?

An. hon. Member: He is a cop!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, the Government has already arrested 400 suspects. **[The Minister of State, Office of the President]** We have now shot down seven suspects and we have recovered 10 firearms. I will go on---

(Hon. Leshore stood up in his place)

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Hon. Kalweo's life is in danger!

(Loud consultations)

(Hon. Leshore moved to the Front Bench)

*(Hon. ole Ntimama stood up in his place
and gestured at hon. Leshore)*

Mr. Deputy Speaker: Order! Order, hon. ole Ntimama!

The Minister of State, Office of the President (Mr. Kalweo): There is a point which I want to clarify. I did not say that Mr. Deputy Speaker, Sir, and if I said so, I withdraw my remarks.

Hon. Members: Leshore! Leshore! KANU `A! KANU `B!

ADJOURNMENT

Mr. Deputy Speaker: Order! Order, hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 29th October, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.