

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th June, 2006

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

BAN ON GENETICALLY-MODIFIED FOODS AND PRODUCTS

Capt. Nakitare: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, taking into consideration that most developed countries have banned genetically-modified foods and products due to their dangers to human beings and the environment; further aware that the Government has not put in place any policy guidelines to guard against the introduction of such foods and products in this country, this House urges the Government to ban all genetically-modified products in Kenya.

Mr. Speaker: Order, hon. Members! As we go into Question Time, we should finish all Questions by 3.30 p.m. With that in mind, let us proceed!

QUESTIONS BY PRIVATE NOTICE

POLICE MOTORCYCLE OUTRIDERS FOR GOVERNMENT SPOKESMAN ON KISUMU VISIT

Mr. Sungu: Mr. Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question
Question by Private Notice.

- (a) Could the Minister explain why the Government Spokesman was escorted by a convoy of eight vehicles and police motorcycle outriders during the visit to Kisumu on 4th April, 2006?
- (b) Why was it necessary to give him this type of motorcade during the visit?
- (c) How much money was spent during the visit?

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

(a) I am not aware that the Government Spokesman was escorted by a convoy of eight vehicles and motorcycle outriders during his visit to Kisumu on 4th April, 2006.

(b) What is referred to as a convoy was, in fact, transport vehicles for 24 local and international journalists who had accompanied the Public Communications Secretary or the Government Spokesman to a tour of projects in Kisumu.

(c) There was no extra expenditure in respect to the visit other than the normal routine

expenses by the District Security Intelligence Committee (DSIC).

Mr. Sungu: Thank you very much, Mr. Speaker, Sir. There are so many strange things happening in this country. It is common knowledge that Dr. Alfred Mutua went to Kisumu in a chartered plane and a convoy of over eight vehicles escorted by two motorcycle outriders. That was reported [**Mr. Sungu**] even in the Press. I was called by my people in Kisumu who asked what I was doing when President Kibaki was in Kisumu.

(Laughter)

That shocked me.

Mr. Speaker: Mr. Sungu, do you know what you are talking about or you are relying on what you were told?

Mr. Sungu: Mr. Speaker, Sir, I have "ears" on the ground. I represent the people of Kisumu Town East. Why was it necessary to take the Press from Nairobi to Kisumu, and yet there are members of the Press, with cameras in that City?

Mr. Kingi: Mr. Speaker, Sir, I have already said that the Government Spokesman was on a tour of development projects in Kisumu. He was free to be accompanied by any reporter from any media house he chose to travel with.

Mr. Billow: Thank you, Mr. Speaker, Sir. The office of Dr. Mutua is referred to as the Office of Public Communications. Ideally, that officer should have been under the Ministry of Information and Communications, but as you can see, he is under the Office of the President. The role of that officer is not clear. You have heard the Assistant Minister say that the Government Spokesman goes round inspecting Government projects. Last month, I complained about a provision in the Supplementary Budget and I hope it is in this year's Budget, that allocates huge amounts of money to that office. Could the Assistant Minister explain the role of the Government Spokesman? Why does he have to tour development projects?

Mr. Speaker: Order, hon. Members! I must help the House because I approve all the Questions that are asked in this House. Among the Questions I approved this morning is one about the job description of the Government Spokesman. So, that Question will be asked in this House and we should not anticipate it. So, could we focus on the Kisumu visit?

Mr. Omingo: Mr. Speaker, Sir, we have learnt about rampant Government extravagance. Now that the Budget of this country is about to be read in this House, could the Assistant Minister explain why it is necessary to lead such luxurious lifestyles at the expense of our taxpayers? Knowing very well that some of the funds allocated to the Office of the President are used even in funding terrorists, why can they not be allocated to the Constituency Development Fund (CDF) to be used in development projects?

Mr. Kingi: Mr. Speaker, Sir, there is no luxurious spending that has been portrayed by the answer I have given. The Government Spokesman was on an ordinary inspection tour of Government projects. He took along with him people from the media. So, I do not know how the issue of luxurious spending comes in.

Mr. Speaker: Mr. Sungu, ask the last question!

Mr. Sungu: Mr. Speaker, Sir, could Prof. Anyang'-Nyong'o ask the Question?

Mr. Speaker: Then he will finish! Prof. Anyang'-Nyong'o, ask the last question.

Mr. Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, granted that the Government has decided that the Government Spokesman should be inspecting its projects, and apparently Kisumu is the first one, could the Assistant Minister give us a programme to show when the Government Spokesman will inspect the other projects in the Republic, to be fair to the rest of Kenyans? Could

he also tell us how much it will cost the nation?

Mr. Kingi: Mr. Speaker, Sir, in fact, the Government Spokesman did not start inspecting Government projects in Kisumu but he started from Nairobi. If the hon. Member wants a programme to show how he will visit the rest of the country, we will provide it later on.

EXPIRY OF PARASTATALS CEOs' CONTRACTS

Mr. Maore: Mr. Speaker, Sir, I beg to ask the Minister of State for Public Service the following Question by Private Notice.

(a) Is the Minister aware that the contracts of all parastatal Chief Executive Officers appointed in the first half of 2003 have expired?

(b) What action is he taking to ensure continuity of operations based on new performance contracts?

(c) Could the Minister table a list of the affected Chief Executive Officers?

The Minister of State for Public Service (Mr. Akaranga): Mr. Speaker, Sir, if you can recall, this Question was answered, apart from part "c" where you directed that I come and lay on the Table a list of the Chief Executive Officers. So, I hereby---

Hon. Members: Read out the list!

Mr. Speaker: How many are they?

The Minister of State for Public Service (Mr. Akaranga): Mr. Speaker, Sir, they are 32.

Mr. Speaker: That is okay!

The Minister of State for Public Service (Mr. Akaranga): Mr. Speaker, Sir, the first Chief Executive Officer is W. Kirwa of the Agricultural Development Corporation (ADC) under the Ministry of Agriculture. He was appointed on 17th June, 2003. His contract will expire on 16th June, 2006 but it was renewed following the Board's recommendation.

The second Chief Executive Officer---

Mr. Speaker: Order! Mr. Akaranga, if you will read at that pace, lay the list on the Table and give a copy to the hon. Member.

Mr. Maore: I have a copy, Mr. Speaker, Sir.

*(Mr. Akaranga laid the list
on the Table)*

Mr. Speaker, Sir, the public corporations that have boards of management that expire in June, 2006 are a whopping 32. If you look at what is happening, you will realise that this Question is a bit omnibus in that the management boards in those parastatals are supposed to appoint the Chief Executive Officers but their mandate has also expired. You have a paralysis. This mess is caused by the Attorney-General, the Head of Civil Service and the Secretary to the Cabinet and the Minister. How can the boards of management and the Chief Executive Officers, whose mandate has expired run public corporations?

Mr. Akaranga: Mr. Speaker, Sir, I do not know which management board whose mandate has expired. The hon. Member should be specific. He should tell me the management board whose mandate has expired and has appointed a Chief Executive Officer. It is not all those boards whose mandate has expired.

Mr. Maore: On a point of clarification, Mr. Speaker, Sir. The argument I brought forward when I asked the Question was that the boards of those corporations and the Chief Executive Officers were appointed in the first half of 2003. Their mandate has expired, and yet they are still in office. How do they operate?

Mr. Akaranga: Mr. Speaker, Sir, when the NARC Government came to power, it did not sack members of the board because their term had not expired. Board members were not appointed at the same time as the Chief Executive Officers.

Mr. Weya: Mr. Speaker, Sir, four months down the line, some of these Managing Directors are still under suspension. Could the Assistant Minister tell us when they concluded looking at the cases that led to the suspension of those chief executives in those offices?

Mr. Akaranga: Mr. Speaker, Sir, could the hon. Member repeat the question because there were loud consultations when he asked it?

Mr. Weya: Mr. Speaker, Sir, I said that some of the Chief Executive Officers have been on suspension even up to four months ago. When will his Ministry conclude investigating the reasons that led to the suspension of those Chief Executive Officers?

Mr. Akaranga: Mr. Speaker, Sir, if the hon. Member peruses this particular paper, he will note that we have clearly stated what action we will take in each case.

Mr. Maore: Mr. Speaker, Sir, this Ministry has been in the forefront in carrying out performance contracts. What has the Assistant Minister done to the 32 State corporations whose CEOs cannot sign performance contracts?

Mr. Akaranga: Mr. Speaker, Sir, I would like to confirm that the 32 CEOs mentioned here have all signed the performance contract. If the hon. Member has a name of a particular CEO who has not signed the performance contract, I am prepared to act.

Mr. Maore: Mr. Speaker, Sir, that is exactly what I have raised and the Assistant Minister is repeating the same. I have said that the 32 people are not supposed to be in those offices because their mandate has expired. When they sign the performance contracts, who is supposed to implement them?

Mr. Akaranga: Mr. Speaker, Sir, when an officer signs a performance contract and he leaves the institution, that does not mean that it is the end of that particular institution because the work has to continue, whether the officer is there or not. We have appointed people in an acting capacity who are performing the work.

CLOSURE OF UCHUMI SUPERMARKETS

Mr. Marende: Mr. Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) Under what circumstances were Uchumi Supermarkets closed on 1st June, 2006?

(b) What urgent measures has the Minister taken to safeguard the public interest in Uchumi Supermarkets Ltd., as represented by the Government, parastatals and individual citizens' shareholding?

Mr. Speaker: Is Dr. Kituyi here? Is there an Assistant Minister from that Ministry?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Speaker, Sir, the Minister will make a Ministerial Statement related to the same Question.

Mr. Speaker: Hon. Members, I got information through the Clerk that Dr. Kituyi wanted to make a Ministerial Statement before answering this Question. The rationale being that what he has to say on this matter could better be captured through a Ministerial Statement rather than responding to this Question, given the complexity of the issue and the time available for Question Time. I do not know whether Mr. Marende will accede.

Mr. Marende: Mr. Speaker, Sir, I will not accede because if you recollect, this Question was on the Order Paper last Thursday and it was postponed to today at the request of the Minister because he had an answer which was then half-baked. The Minister has had another five days to

bring to the House a more comprehensive answer. This is a matter of serious national concern. It, therefore, calls for a lot of urgency.

Mr. Speaker: Indeed, Mr. Marende, I did not contemplate that the Minister would not be here to respond. My impression was that he would be here and that the issue whether the response would be by way of Question/answer, he would give a more comprehensive response through a Ministerial Statement. Could we see whether he will come to the House?

Mr. Marende: Mr. Speaker, Sir, you have previously ruled in situations where Ministers have come with Ministerial Statements; that the questions we can ask are restricted because the matter has not been raised as a Question. So, I think if it was answered as a Question then it will give more opportunity to Members of the House to interrogate the Minister.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Speaker, Sir, we do not intend to dilly-dally on this Question. I have no doubt that the Minister is coming with the Ministerial Statement based on the same and I expect---

Hon. Members: Answer!

Mr. Speaker: Mr. Abdirahman, does your Minister know the time for the sittings of the House?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Speaker, Sir, I want to assure you that if he does not appear in the next few minutes, we will be able to answer this Question sufficiently this afternoon. Give us a few more minutes until he comes to the House.

Mr. Speaker: Well, I have one more Question by Private Notice, then I will revert to you after that. So, you had better be prepared.

NON-PAYMENT OF SALARIES TO MEDICAL INTERNS

Eng. Nyamunga: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the new graduate medical doctors and dentists who started internship in January, 2006 in various hospitals countrywide have not been paid their salaries for the last five months ending 31st May, 2006?

(b) Why have these doctors and dentists not been paid yet they are responsible for running the public health system?

(c) What action is she taking to correct the situation and ensure it does not recur?

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

(a) I am aware that some of the intern doctors and dentists have not been paid. The Ministry has processed payment for 231 doctors.

(b) The Ministry has not paid 175 doctors because they have failed to provide the required documents.

(c) The Ministry is awaiting the documents to request the Directorate of Personnel Management to provide personal numbers.

Eng. Nyamunga: Mr. Speaker, Sir, I think the Assistant Minister is avoiding the Question. The Question is very specific. These employees have been working for the last five months. Have they received their five months salary or not?

Dr. Kibunguchy: Mr. Speaker, Sir, that is precisely what I was trying to say. We have paid some doctors who have provided the required documents that we have asked for. Those who have not provided us with the required documents have not been paid to date. The Ministry has employed 406 doctors and interns. Out of these, the Ministry has paid 231 and has yet to pay 175 doctors. Some of the documents that we require these doctors to give us are signed letters of first

appointment, acceptance letter from the officer, arrival or reporting letter, personal particulars, next of kin, copy of identity card, copy of pin number, duly signed Official Secrets Act form *et cetera*. Once they provide these documents, we shall pay them.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that they have not paid 175 doctors because they have not provided the right documents when those documents should be with the Ministry when the doctors are being employed?

Dr. Kibunguchy: Mr. Speaker, Sir, one issue that some of the hon. Members fail to understand is that I am actually a medical doctor. As a medical doctor, I sympathise much more with my junior colleagues than most Members in this House. It is the Government policy that intern doctors are not employed. We have to understand that. Internship is part of training. It is only after they finish internship that they get employed.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Is this *daktari* in order to mislead this House when he knows that even if it is a temporary appointment, interns are employed. They have personal numbers and they get salaries. Why is he misleading the House?

Mr. Speaker: Order! The two of them are doctors. I suppose each one of them has been an intern at some stage. I am sure they should honestly tell us what is happening. Dr. Kibunguchy, what happened to the interns?

Dr. Kibunguchy: Mr. Speaker, Sir, Dr. Ali and I are both doctors, but I am his senior. I cannot be clearer than what I have said. There are certain requirements that must be fulfilled before the payment is made. You do not just walk in and you are given a personal number. We are asking for certain basic requirements like an identity card. Once we get them, we shall pay those doctors.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that the Ministry did not get this information when they were selecting those doctors? Were they not aware that they had identity cards at the time of employment? Were they recruiting foreigners?

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, the identity card is just one of the requirements. There are 11 requirements which I read out. If you want me to go through them, I could do it again. Some of these are basic requirements. These interns should forward this information to the Ministry so that we can forward it to the Directorate of Personnel Management for them to be given personal numbers.

You cannot be paid in the Civil Service unless you have a personal number. Prof. Anyang'-Nyong'o knows this very well.

Mr. Speaker: Hon. Members, first of all, you know the kind of work doctors do. It is so essential and important to the citizens of the country because they save lives. I also understand that there are people called hospital superintendents. What do they do if they cannot collect basic information of the doctors in their hospitals? Can you not get this information from the hospital superintendents?

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I have been a Minister in the Government and I know exactly how civil servants are hired and fired. You cannot have a civil servant serving for five months when you do not know how you hired him; his name or pin number. Five months later, you are asking for that information from the same person whose services you secured five months ago. This particular Assistant Minister is inefficient!

Dr. Kibunguchy: Mr. Speaker, Sir, I do not want us to start throwing mud at one another. I would not want to do that. As I said earlier, I am a medical doctor and I know very well what these young men and women are going through. I feel it more; I have travelled that journey, some of you have not. I know what they are going through but there are some basic requirements that we truly want. Internship is part of training. When we talk of an intern, we are talking about training that

individual.

Mr. Mwancha: On a point of order, Mr. Speaker, Sir. This Assistant Minister is shedding crocodile tears for his professional colleagues.

Mr. Speaker: Order! That is not a point of order.

Mr. Mwancha: Mr. Speaker, Sir, would I be in order to request this Assistant Minister to go and bring a better answer to this House and tell us why these interns have not been paid because this is not a proper answer?

Mr. Speaker: Why are you holding Dr. Kibunguchy back?

An hon. Member: He has not brought a proper answer!

Mr. Speaker: Let him answer the question.

Dr. Kibunguchy: Mr. Speaker, Sir, I do not want to appear rude in this House. But when an individual hon. Member says that I have not brought a proper answer, I do not know what yardstick he is using. We require these junior doctors to give us certain information. It is as simple as that! Once we get the information, we will pay them. This information was requested from them on the first day they reported on duty and those who have provided it have been paid. Let us look at it this way, because we are talking about slightly less than half of them who have not been paid. The rest of the doctors are going to be paid their outstanding dues since they started working once they provide us with the information requested. I do not know why we are making---

Mr. Speaker: Last question, Eng. Nyamunga!

Eng. Nyamunga: Thank you, Mr. Speaker, Sir. I would just like to inform the Assistant Minister that all professionals, including engineers, go through a period of internship before they can register. So, doctors should not be treated differently. You realize that these employees are working very hard, including working on shifts, but they have not been paid for five months. He has said that they have paid the 231 interns for one month, but they have been suffering without pay for four months. Is that fair?

Dr. Kibunguchy: I do not know where he got the information that we have paid the 231 interns for one month. The 231 interns have been paid up to date since they started working. For the benefit of the House and my junior colleagues, let me say that I am going to make sure that---

(Loud consultations)

Mr. Speaker: Order! Order! What is it, Rev. Nyagudi?

Mr. Nyagudi: On a point of order, Mr. Speaker, Sir. Did you hear the Assistant Minister say that they are "junior colleagues"?

Mr. Speaker: I really do not know in what respect he refers to hon. Members as being junior.

Dr. Kibunguchy: Mr. Speaker, Sir, I did not refer to hon. Members as "junior colleagues". Right from the word go, I said that I am a doctor and these interns are my junior colleagues. Those are the ones I am referring to. Wherever they are, I will make it a personal commitment to make sure that they are paid as soon as possible.

Mr. Speaker: Well done! We should not even have spent all that time if that was the spirit. Now I come back to Mr. Marende's Question.

CLOSURE OF UCHUMI SUPERMARKETS

Mr. Marende: Thank you, Mr. Speaker, Sir. I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) Under what circumstances were Uchumi Supermarkets closed on 1st June, 2006?

(b) What urgent measures has the Minister taken to safeguard the public interest in Uchumi Supermarkets Ltd. as represented by the Government, parastatals and individual citizens' shareholding?

The Minister for Trade and Industry (Dr. Kituyi): I am sorry, Mr. Speaker, Sir, that I was not present when the Question was asked for the first time. But I was consulting with the Questioner and I told him that since I have a comprehensive Ministerial Statement concerning the collapse of Uchumi Supermarkets, with the indulgence of the Chair, I would request that I make that statement and the Chair allows the hon.

Member and the one who had requested for the Ministerial Statement to seek for any clarification regarding the Ministerial Statement.

Mr. Speaker: I think that makes sense, does it not?

Hon. Members: No! No!

Mr. Marende: Mr. Speaker, Sir, as you can gauge from the mood of the House, this Question does not belong to me nor does the request for a Ministerial Statement by hon. Muite. The Question belongs to the House.

(Applause)

Mr. Speaker: Order! Order! In fact, footing-thumping in a Question like that does not give an indication of what we are talking about, unless we do the foot-thumping just for the sake of it. The question is: How best is this House better served? Is it by having this Question dealt with in three minutes or by having a comprehensive Ministerial Statement and then allowing hon. Members to seek clarifications?

Mr. Marende: Thank you, Mr. Speaker, Sir. I hear you and I am grateful for that guidance. Could you allow the Minister to read the Ministerial Statement but you indulge supplementary questions to follow?

Mr. Speaker: I will do better than that. In the interest of this House and the public, I will allow the Minister to read the Ministerial Statement. If hon. Members know their rules, it means that they can only seek clarifications and not ask questions. So, I will allow the Minister to make a Ministerial Statement later today so that we can get the details of this matter.

I will allow hon. Members, beginning with hon. Marende, to seek clarifications. If he is not quite happy about it, then he may seek my indulgence to allow the Question to continue, the Ministerial Statement notwithstanding. But I truly think that this House and the nation deserve a comprehensive Ministerial Statement from the Minister. Is that agreed to you, Mr. Marende?

Mr. Marende: Yes, Mr. Speaker, Sir.

Mr. Speaker: So, I will temporarily defer this Question, pending what we hear from the Minister, and then we can revisit the Question.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.043

ALLOCATION OF LAND TO SQUATTERS
IN KOITABURO LOCATION

Prof. Olweny asked the Minister for Lands:-

(a) whether he is aware that over 1,000 families comprising of Koguta Community have been living in Koguta Village within Koitaburo Location of Soin Division in Kericho District as squatters;

(b) whether he is further aware that since Independence, the community has made several efforts to have the land on which they are living allocated to them without success; and,

(c) whether he could consider allocating the community the land since they have been living in that place since 1908.

The Assistant Minister for Lands (Mr. Kamama): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am also not aware.

(c) My Ministry will undertake an on-the-spot investigation to establish the truth on the ground with a view to taking appropriate action together with other relevant Government agencies.

Prof. Olweny: Thank you, Mr. Speaker, Sir. I am not satisfied or impressed with the answer for parts "a" and "b", where the Assistant Minister has said that he is not aware. For the information of the Assistant Minister, these people are staying on a parcel of land which was given to Muhoroni Sugar Company. The parcel numbers are LR No.3977 and LR No.3979/2. Is the Assistant Minister aware that these communities have been communicating with the various officers of the Government since 1963? The last communication was on 2nd February, 2004, when they wrote to the Ministry of Lands. The letter was addressed to the Assistant Minister for Lands. Is he aware of these correspondences, particularly to the Ministry of Lands?

Mr. Kamama: Mr. Speaker, Sir, Koitaburo Location is within Kericho District. This area was declared an adjudication section under the Land Adjudication Act, Cap. 284, on 1st January, 1969. This area covers an area of 4,936 hectares. So, the land adjudication was finalized and registration done on 30th June, 1976 and---

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, we are in business and we cannot follow the proceedings of the House. I truly plead with the House that, when we are sitting, it is serious national business! Please, lend us your ears! You can always go and consult outside.

In fact, I plead with hon. Members, if you want to consult, just go to the Lobby. Let us make this a business premise.

Proceed, Mr. Kamama!

Mr. Kamama: Mr. Speaker, Sir, I was saying that land adjudication process was finalised and registration done on 30th June, 1976, realising 747 parcels of land. To date, the residents have been given the title deeds and there is no extra land for the squatters. The land has been given to those who applied and there is no extra land.

Mr. Sungu: Mr. Speaker, Sir, it appears that the Government is trying to institutionalise tribalism because these people have been living in that area since before Independence, during the colonial times. This was part of the cause of the land clashes where people were evicted and some were killed. Could the Assistant Minister tell us the policy of the Government in terms of letting the people who live in certain places own land - whether they are from different districts or not they have title deeds - rather than favouring other sections of our community?

Mr. Kamama: Mr. Speaker, Sir, I would like to assure the hon. Member that the Government is not and will not institutionalise tribalism. This Government is against tribalism and personally, I am against tribalism. Therefore, I would like to assure the hon. Member that on-the-

spot checking will be done to establish the exact number of these squatters. We will explore all ways of assisting them. However, at the moment, that particular area belongs to individual members and it cannot be given to somebody else.

Prof. Olweny: Mr. Speaker, Sir, the Assistant Minister has indicated that the land was adjudicated and title deeds issued. At the same time, he is indicating that they are going to carry out an investigation. Are they going to carry out an investigation on an already adjudicated land that is given out or on a group that is supposed to be squatting on some land that actually belongs to Muhoroni Sugar Company? We are probably talking about different things here.

Mr. Kamama: Mr. Speaker, Sir, we want to establish the exact number of squatters. As we all know, at the moment, we have a programme of trying to resettle squatters in this country, some in the Rift Valley, Mombasa and Central Province. We will investigate to find out the exact number of these people. We will even exchange notes with Muhoroni Sugar Company and find the most amicable way of addressing this matter.

Mr. Waithaka: On a point of order, Mr. Speaker, Sir. When the Assistant Minister was answering the Question the first time, he said that he was not aware about parts "a" and "b". Therefore, he was not aware that there are squatters. Now he is saying that he is going to investigate the exact number of squatters.

Mr. Speaker, Sir, is he in order to mislead the House that he is not aware that there are squatters and that he is going to investigate their exact number? That is what is causing a problem. We are getting confused whether there are squatters or not. He does not know the number of squatters. He has also promised to investigate. If it is so, he is not ready to answer this Question.

Mr. Kamama: Mr. Speaker, Sir, I would like to assure the House for the second time that we will carry on-the-spot investigations to find out the exact number and whether these squatters are there or not. We will then take appropriate action when we find out the exact situation.

Question No.231

FREEZING OF WORLD BANK/IMF FUNDING TO KENYA

Mr. Ndambuki asked the Minister for Finance whether he could inform the House why the World Bank and the International Monetary Fund (IMF) froze their funding programme to Kenya.

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, I beg to reply.

The World Bank and the IMF have not frozen their funding programme to Kenya.

Mr. Ndambuki: Mr. Speaker, Sir, if that is the case, could the Minister table the figures he has got for budgetary support? We know that he is only getting support on specific programmes and not budgetary support.

Mr. Kimunya: Mr. Speaker, Sir, I do not know where the hon. Member got the impression that the IMF and World Bank would be giving budgetary support. They do not!

Contrary to what is out there, I would like to explain, for the benefit of hon. Members, that we are in a programme with the IMF that began in November 2003, which is the Poverty Reduction and Growth Facility (PRGF). It has a couple of reviews that were scheduled. The first review was completed in 2004. The second review was due in November 2005. However, it was rescheduled to February 2006, and it has been partially completed in May 2006. They will be coming back to finish the review on the information that was available, part of which was hinged on the anti-corruption plan that was being launched at the end of May 2006. We are also on course on all the macro-economic factors and we expect that by the time we finish the second review, the

matter will be going to the board in July, 2006.

In terms of the World Bank, we have 13 running projects that are funded by the World Bank; 11 of which have been commenced within this administration. Two were commenced previously. We only have five programmes that we are currently negotiating and are awaiting approval by the board. Therefore, we have 18 projects in total. Thirteen are running, five are awaiting sitting of the board and approval which we expect to be any time between now and December 2006.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, the Minister has explained to my dear friend, Mr. Ndambuki, that there are on-going reviews by the IMF on the PRGF. Mr. Ndambuki asked why the reviews are on-going and without conclusion. That is what amounts to a freeze!

(Applause)

If they had agreed, the reviews would not be so many, one after the other and not being conclusive.

Could the Minister explain to Mr. Ndambuki, in a down-to-earth language, what is the content of the review and why are they not concluding them so that the PRGF can actually be a growth facility and not a stagnant facility?

Mr. Kimunya: Mr. Speaker, Sir, I will try to be very down to earth. The PRGF is a programme that we entered with the IMF through which the Government agreed to do certain things to operate within a civil macro-economic framework. What that means in simple terms is that we are going to hold our inflation at less than 5 per cent and ensure that our borrowing is maintained between a certain level. There are also some certain things we needed to do, including some Bills we needed to bring to Parliament, which are basically called "Performance Criteria Items".

There are some actions that are called "Prior Actions" that say: "If you do this, we will come for the review." The PRGF is divided into five reviews. The first review was completed. The second review was due last year, like I said, and is being done now and will be completed. It is satisfactory! The third review will come next year. It is a four-year programme during which there is an annual review.

Mr. Speaker, Sir, basically, the delay in the review last year was partly due to the political situation and issues about governance. We went and said that we would like the Kenyan case put within a context that people can understand and appreciate it for what is happening. The IMF has come here, they have looked at the issues and they are coming back to complete it within the next week. The World Bank has been on-going and they are happy with the programme.

So, I think there is misinformation out there, that the Fund has frozen aid. There is no freeze in their funding and there is no freeze in our relationship with the Fund.

Mr. Speaker: Very well; let us have the last question.

Mr. Ndambuki, you can see that your time is up!

Mr. Ndambuki: Mr. Speaker, Sir, you have heard the Minister say there were some things which they were supposed to do. Could he be more specific and tell us what these things are? He has only mentioned one thing, inflation. He also talked about debts, but did not tell us where these debts are. Could he be specific and tell us about all the conditions?

Mr. Kimunya: Mr. Speaker, Sir, the poverty reduction strategy is a fairly technical programme. I am trying to simplify this matter for the benefit of the hon. Members. But, if the hon. Member so wishes, I believe the best thing is to set a day for me to take him to where we are implementing these programmes. In that way, he will understand where they are and what we are expected to do. This is a fairly technical thing, but the bottom line is that, on all the things that we

committed ourselves to, as a Government, we are up and running. I can say with confidence that we are doing very well. In terms of the issues that are outstanding, we have an idea as to how they are going to be resolved.

Mr. Speaker: Mr. Kajwang's Question.

Mr. Kagwima: Mr. Speaker, Sir, you have skipped my Question!

Mr. Speaker: Okay; I will leave Mr. Kajwang's Question until we get to it.
Mr. Kagwima, ask you Question.

Question No.214

COMPENSATION FOR MR. NYAGA RWENJE

Mr. Kagwima asked the Minister for Health whether she could consider paying Mr. Nyaga Rwenje, P/No. 327412, compensation for having been forced into retirement five years before attaining the mandatory retirement age for civil servants.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Speaker, Sir, this Question was substantially answered on Thursday last week. It was just a question of hon. Kagwima looking at the papers that we tabled, so that he could ask any supplementary question.

Mr. Kagwima: Mr. Speaker, Sir, I looked at the papers that were tabled by the Assistant Minister last week. We had a short discussion and finally we agreed that he would bring here a copy of the identity card (ID) of the said employee for us to conclude the matter. Could I, therefore, look at the copy of the ID that was submitted by the employee, so that we conclude this matter?

Dr. Kibunguchy: Mr. Speaker, Sir, our contention is that this employee had reached the mandatory retirement age of 55 years. He was born in 1927 and retired in 1983. So, at the time of retirement he was actually 56 years old.

Mr. Speaker: Mr. Kagwima, do you want to contest what the document shows?

Mr. Kagwima: Mr. Speaker, Sir, just a few minutes ago, the same Assistant Minister was saying that among the requirements for employment is an ID. Could he produce the employee's ID, so that we can go on?

Mr. Speaker: But, quite frankly, it is the retired employee who is challenging the ID! The ID belongs to him and he should have shown it to you to prove that he was under 55 years of age when he retired. The burden of proof is not on the Assistant Minister; surely, it is not!

Mr. Kagwima: Mr. Speaker, Sir, I should have carried the ID, but I expected that the Assistant Minister, like any other employer, keeps records of his employees.

Mr. Speaker: Do you have any further question, then?

Mr. Kagwima: Mr. Speaker, Sir, the point is that this man was not born in 1927. He was born in 1932.

Mr. Speaker: You know that neither me nor the Assistant Minister knows this fact.

Mr. Kagwima: Mr. Speaker, Sir, this is the truth---

Mr. Speaker: Order, Mr. Kagwima! I think you can prove it elsewhere. You should have brought the ID with which to convince the Assistant Minister. Since you cannot do that, our discussion is not serving any useful purpose.

Question No. 265

FAILURE BY HEADTEACHERS/PTAS
TO COMPLY WITH FEES GUIDELINES

Mr. Ojaamong, on behalf of **Mr. Kajwang**, asked the Minister for Education:-

(a) whether he is aware that certain head teachers of secondary schools, in cahoots with parents teachers associations and District Education Boards, conspired to beat the Ministry's guidelines on fees by:-

(i) publishing two fees structures, one for public consumption and the other between the parents and the school administration;

(ii) introducing numerous projects charged annually outside the prescribed fees;

(b) whether he is further aware that this is a conspiracy of the rich against the poor; and,

(c) what steps the Government is taking to contain this mischief.

Mr. Speaker: Mr. Ojaamong, where were you the first time I called out the Question?

Mr. Ojaamong: Mr. Speaker, Sir, you had skipped hon. Kagwima's Question.

Mr. Speaker: No! You did not know that I had skipped it. Be careful. If you want me to defer the Question for him, I will.

Mr. Ojaamong: Mr. Speaker, Sir, Mr. Kajwang is at the MP Shah Hospital.

Mr. Speaker: I will defer the Question.

Mr. Ojaamong: That is okay.

(Question deferred)

Question No. 298

NUMBER OF FOREIGN FISHING TRAWLERS
LICENSED TO OPERATE IN KENYA

Mr. L. Maitha asked the Minister for Livestock and Fisheries Development:

(a) how many foreign fishing trawlers are currently licensed to operate in the Kenyan territorial waters; and,

(b) what the total revenue generated by the Government from these licenses is.

The Assistant Minister for Livestock and Fisheries Development (Mr. A.C. Mohamed):
Mr. Speaker, Sir, I beg to reply.

(a) Kenya has no foreign trawlers licensed to do fishing along its territorial waters. However, 33 long liners and 33 purse seiners have been licensed as foreign vessels to operate in the exclusive economic Zone (EEZ).

(b) In the Financial Year 2005/2006, my Ministry collected Kshs91 million as Appropriations-in-Aid (AIA) from licensing of the long liners and purse seiners.

Mr. L. Maitha: Mr. Speaker, Sir, I am surprised because the Assistant Minister answering this Question comes from Coast, and has a fishing background. What he is calling long liners are actually trawlers.

Could he tell us the value of the corresponding harvests these long liners make from our EEZ?

Mr. A.C. Mohamed: Mr. Speaker, Sir, the Ministry is planning to double the licence fees by next year.

Mr. Kombe: Mr. Speaker, Sir, trawlers are doing a lot of damage to the local fishermen. The local fishermen have suffered great losses. What is the Assistant Minister doing to compensate the local fishermen, both in Malindi and Lamu Districts?

Mr. A.C. Mohamed: Mr. Speaker, Sir, both hon. Members are aware that the Ministry launched nine patrol boats last year. That is for the purpose of controlling illegal fishing by trawlers.

Any money we will get from those trawlers will be used to increase the capacity of the local fishermen. The trawlers are not allowed to fish beyond two nautical miles towards the shore.

Mr. Omingo: On a point of order, Mr. Speaker, Sir. The Assistant Minister is deliberately running away from an obvious simple question. He has been asked: What is the revenue derived from trawler fishing? Secondly, he has been asked how he is going to compensate the fishermen. He is not answering any of the two questions!

Mr. A.C. Mohamed: Mr. Speaker, Sir, the trawlers have a zone in which to fish. They cannot go beyond two nautical miles inshore. If they do that---

An Hon. Member: What are you talking about?

Mr. A.C. Mohamed: They are not allowed to fish beyond two to three nautical miles inshore. If they do that, they will be illegally fishing and their boats can be apprehended.

Mr. Kombe: Mr. Speaker, Sir, the Assistant Minister is dodging the question. Instead of telling this House how much money, in form of compensation, the Ministry has paid the local fishermen whose nets have been damaged by the trawlers, he is dodging the question. Is he really in order to avoid that question?

Mr. A.C. Mohamed: Mr. Speaker, Sir, whenever the trawlers cross the waters of the ocean beyond three nautical miles, there is a law that provides for such trawlers to be confiscated and the people involved taken to court. Whatever damage they cause, the people involved are supposed to pay the fishermen promptly.

Mr. L. Maitha: Mr. Speaker, Sir, I am totally not satisfied with the Assistant Minister's answer. Now, since the substantive Minister is present and seated here, I beg you to defer this Question so that he be the one to answer it. I wanted to know the value of the catch obtained by the fishing trawlers which should correspond to the amount of money these people pay to the Government. This is our wealth, but it is being stolen!

(Loud consultations)

Mr. Speaker: Order! Order, Members! Probably this is the only Parliament in the world where you cannot hear what goes on in the House because there are private conversations going on. I am sure all of you have visited other Parliaments and you know that Members of Parliament do not engage in private talk when the House is in Session. They listen to what is being said. So, can you, please, return back to Parliament? Even as I talk now there are others who are still talking. Why do we love talking so much? Please, listen for a change.

Mr. Assistant Minister, you are being asked how much money---

(Loud consultations)

Now, listen to those others! One can simply give up trying to give directions to this House! Please, listen!

Mr. Assistant Minister, how much money does the Government get out of foreign trawlers fishing in Kenya? The question is as simple as that.

Mr. A.C. Mohamed: Mr. Speaker, Sir, there is nothing.

(Laughter)

Mr. Speaker: Order, Members! The balance of the Questions will be put forth tomorrow in the afternoon.

Question No.348

CONSTRUCTION OF NGELENYI
WATER DAM

(Question deferred)

Question No.020

REVIVAL OF HOMA BAY
INDUSTRIAL ESTATE

(Question deferred)

Question No.263

KPLC'S REFUSAL TO PAY
FOR WAYLEAVES IN YATTA

(Question deferred)

**COMMUNICATION FROM
THE CHAIR**

DEFERMENT OF COMMITTEE OF THE WHOLE HOUSE: THE KENYA MARITIME
AUTHORITY BILL

Mr. Speaker: Hon. Members, before I come to the next Order, you will remember that I had asked hon. Dr. Kituyi to make a Ministerial Statement on Uchumi Supermarkets.

As we come to that part of our proceedings, I want to advise the House---

(Loud consultations)

Order, Members! I think I am now tempted to expel hon. Members who cannot keep quiet so that those who remain can listen to what is being said. I will begin with anybody who speaks now.

We may have to deal with Order No.7 tomorrow. The reason is that the amendments proffered by the relevant Departmental Committee to the Attorney-General for fine-tuning have not been received at the beginning of this sitting. Therefore, it will not make sense to deal with the Committee of the Whole House when all possible amendments that have already been submitted have not been received. After listening to the Minister and finishing matters arising out of that, we will go to Order No.8 and continue with the business of the House in that order. So, for the benefit of the House, there will not be a Committee of the Whole House today. However, it will be

there tomorrow and I hope that the Attorney-General will have completed the fine-tuning of amendments proffered by the relevant Departmental Committee.

(Committee of the Whole House deferred)

**NOTICE OF MOTION FOR THE ADJOURNMENT UNDER
STANDING ORDER NO.20(2)**

**BREACH OF SECURITY AT
JKIA BY ARMENIANS**

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

Mr. Speaker: What is it?

Mr. Kenyatta: Mr. Speaker, Sir, as you are aware, I saw you earlier this morning and even notified you in writing that in accordance with Standing Order No.20(2), I desire to raise a Motion of Adjournment concerning an urgent matter of national importance and relating to the security of this nation.

The matter relates to the recent events at the Jomo Kenyatta International Airport that have put this country at a big security risk. It also involves the conduct of foreigners who have continuously abused not only the hospitality of the Kenyan people, but have also insulted and denigrated our national values and sovereignty as a civilised nation.

Mr. Speaker, Sir, I request you to accede to my request and enable this House, as a symbol of this nation, re-assert our lost glory amidst the international community. I have the necessary support of not less than 15 Members of Parliament in accordance with Standing Order No.23.

*(Several hon. Members stood
up in their places)*

Mr. Speaker: Order, Members! Order! First, for the guidance of the House and the hon. Member, you may have the support of the whole House, but still lose the Motion if the Speaker is not convinced of several issues. First and foremost, the Speaker must be convinced that the matter is urgent, definite and of national importance. I have to decide that before you seek any support.

What is the matter? According to the paper you presented to me, it is the matter of foreigners who caused some stampede and other antecedent problems in Kenya. Is that urgent?

Hon. Members: Yes!

Mr. Speaker: I think the matter has been exercising the minds of Kenya since it happened. Is it of national importance?

Hon. Members: Yes!

Mr. Speaker: Order, Members! I am asking myself!

Hon. Members: We are assisting you!

Mr. Speaker: Order! I do not need any assistance! I ask myself those questions and I will answer them either in the positive or in the negative, as the case may be. Yes, I think it is of national importance. That is my decision. The next issue that follows now is, do you have the support of the House?

*(Several hon. Members stood up
in their places)*

Very well. I am convinced, without counting, that the number before me is more than the requisite 15 Members. Please, take your seats now!

Hon. Members, in accordance with the Standing Orders, at 5.00 p.m. I will ask the Minister to move the Motion that the House do now adjourn so that the hon. Member can move his Motion.

As you do that, I want to warn the House, well in advance, that Motions of this nature occasionally tend to be abused by Members. I want the House to understand that when the Speaker is convinced that a matter is definite, urgent and of national importance, that matter requires sobriety. I will demand of this House sobriety in debating that issue. Those of you who think that this will be an occasion for mudslinging, insults and other outrageous and unsubstantiated allegations, you will probably find that you are in the wrong place. I will want a sober debate on a matter that touches on the integrity and security of the Kenyan people. I hope hon. Members take that as we prepare for that debate, and I am dead serious about it.

(Applause)

MINISTERIAL STATEMENT

COLLAPSE OF UCHUMI SUPERMARKETS

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I rise to issue the following Ministerial Statement regarding the circumstances of the collapse of Uchumi Supermarkets Ltd.

Uchumi Supermarkets Company Ltd. was incorporated as a private company on the 17th of December, 1975. On its incorporation, the Government had a total of 51.5 per cent of the shareholding through ICDC---

*(Several hon. Members stood up
in their places)*

Mr. Speaker: Order, Members! Take your seats, please! Now, just a little earlier, when we were deciding whether or not to have a Ministerial Statement or a Question, I thought the Members, particularly on the Opposition side, were united that this matter is absolutely important, and I agree. But when the Minister takes the Floor to tell you what you demanded of him, saying that it was important, he cannot even be heard because you cannot pay attention! So, please, pay attention to matters of national importance. The collapse of Uchumi Supermarkets Ltd. is a monumental problem to the people of Kenya. So, please, give 15 minutes to this issue.

(Applause)

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Speaker, Sir. At inception, Uchumi Supermarkets Ltd. was 51.5 per cent owned by the Government through 24.9 per cent shareholding by Industrial and Commercial Development Corporation Investment (ICDCI), Kenya Wine Agencies Ltd. (KWAL) 18.8 per cent and ICDC, 7.8 per cent.

Mr. Speaker, Sir, Uchumi Supermarkets Ltd. was the largest locally-owned supermarket chain in the country, at one time operating 28 branches distributed across the land. It provided an outlet to Kenya's small-scale farmers, manufacturers and created direct employment for more than 1,000 Kenyans. The company had grown to be seen as a symbol of Kenyan local enterprise.

Mr. Speaker, Sir, Uchumi Supermarkets Ltd. became a public company in 1992 when it was listed at the Nairobi Stock Exchange. However, the Government continued to maintain its majority shareholding until October last year when the rights issue to the public led to the reduction of Government shareholding to the level of 9.03 per cent, ICDC 2.78 per cent and KWAL 6.25 per cent.

What led to the collapse of Uchumi? The collapse of Uchumi has been a culmination of many years characterised by managerial weaknesses, unsound investment decisions, including tying resources into non-core business, and over-accumulation of dead stock, all of which denied the company resources needed for its operations. While these problems could be seen on a later period, they were particularly acute during the period between the years 2000 and 2004. The expansion programme undertaken by the board and management in that period resulted into additional fixed assets in buildings, chillers and other equipment, and increased working capital, mainly additional inventory.

Indeed, a Committee of this House was given details earlier on, of how Uchumi, around the year 2002, purchased Christmas cards that could not be completed in more than 10 years. Unfortunately, sales did not match the enormous increase in operational expenses created by the five-year expansion programme. The economic downturn in the country at the turn of this millennium and rising competition from other retailing outfits, piled pressure on this company. In addition, the expansion programme without appropriate investment in human resources put pressure on the management capacity which escalated the challenges facing the company. Consequently, from the year 2002, the company has been experiencing serious cash flow difficulties, which particularly worsened starting in 2003.

Although the Government has a minority shareholding in Uchumi, my Ministry considers its public responsibility to the producers and consumers of Uchumi services to be greater than a mere assessment of our shareholding. Indeed, I believe that Uchumi is a brand name that encodes certain patriotic history of this country which we all desire to nurture. I have in the past sought to find the best possible method to deal with the problems of its liquidity, short of handing it over to a foreign company. While I was away in Washington, I was accused of resisting an attempt to sell Uchumi to a South African company. I plead guilty. I have always thought, short of all other options, Uchumi should remain a Kenyan enterprise to the best of our ability. We sought to find what method would best be used to satisfy this.

Mr. Speaker: Order, Mr. Minister! Could the officers rectify that microphone? It is not coming out well.

Okay, proceed, Mr. Minister!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I have been operating between a rock and a hard place; my desire to nurture Uchumi as a Kenyan enterprise and the limits put on me by law as a minority shareholder in the company, in spite of my desire to nurture the public interest.

Faced with this reality in late 2004, I convened a meeting in my boardroom with the principle creditors of Uchumi Supermarkets, members of the board and the management at that time. We deliberated on what is the best way to avoid it going under. We agreed on a number of actions as a way of raising the requisite Kshs2.5 billion to keep it afloat. The measures we agreed upon included the following: Recapitalization of the company through issuance of the rights issue, change the management and identify a strategic partner and delete it from the Nairobi Stock Exchange market until it regained a healthy situation.

In addition to all these, the Government extended further credit, in the year 2004, amounting to Kshs104.14 million through the ICDC and ICDCI. The Uchumi Board of

directors and management also closed down ten of their branches in February 2005 and laid off 577 employees through a restructuring programme.

Through the rights issue of October 2005, a number of loans including the ICDC credit facility were repaid. Despite the successful rights issue and the sale of fixtures and fittings amounting to Kshs173 million, the targeted capital requirement of Kshs2.5 billion for the turn-around programme was not realised. When we sought a strategic partner, the three companies which showed interest, including Shoprite of South Africa and Transcentury of Kenya, later on, retreated after looking at the financial health of the company. As a result, the company was unable to meet most of its operational obligations and had to resort to sale revenue to repay bank loans obligation. This, in turn, denied the company the necessary working capital that significantly contributed to the current situation. Mr. Speaker, Sir, against this background, come the events of the last two weeks, which are the main issues that have raised concern among members of the public. A special board committee was formed on 23rd May, 2006 to assess the viability of Uchumi Supermarkets as a profitable business entity. The special board committee reviewed the performance of the company for the last one year and noted that poor profit margins and increased debt portfolio meant that the business was untenable and should be declared insolvent.

(Loud consultations)

Mr. Speaker: Order! Please, the hon. Ministers out there, will you, please, give this House the opportunity to hear this matter?

Proceed, Dr. Kituyi!

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Speaker, Sir.

That far it might appear objective, but what has raised much concern is the following: Although the business of Uchumi Supermarkets has been struggling, I am not satisfied with the speed, substance and transparency, if any, that were displayed in the process of winding it down. The closure was done in a record period of one week, with key players being kept totally in the dark. As the Minister concerned, my key representative on its board is the Managing Director of ICDC. He never informed me or sought my opinion on what was going on during that week although I was in Nairobi throughout that week. I have spoken to the President of the PTA Bank who attended the AGOA Forum with me in Washington. He gave me his word that, as a creditor, the PTA Bank has not asked for its money. It had taken the position that let the Uchumi Supermarkets struggle and they could recover their money later. Similarly, the Chief Executive Officer of the Kenya Commercial Bank; the two principle creditors, did not call for a closure. They were not even informed of the decision by the committee of the board that the company should be declared insolvent. Usually, the creditors should be the ones asking the board to declare the company insolvent, and not the board closing it behind their backs. They were not even aware or consulted about the declaration of insolvency.

We all need to know whether the interests of the suppliers and shareholders were considered in making the decision to declare it insolvent. It is the duty of Government to balance between the interests of a free market economy and a critical interest of stakeholders in an enterprise of a nature as Uchumi Supermarkets.

Mr. Speaker, Sir, I am taking this matter seriously. Today, I have constituted a high-level task force comprising the Permanent Secretary, Ministry of Trade and Industry, the Solicitor-General and the of this matter and make the report public for the interest of Kenyans who want to know the truth. Today, I have also relieved Eng. Munene of his duties as the Managing Director of the ICDC.

Thank you.

(Applause)

Mr. Speaker: Obviously, Mr. Marende, will have the first shot!

Mr. Marende: Thank you, Mr. Speaker, Sir. I want to thank the Minister for that Ministerial Statement. However, it falls short of our expectations. First, under Section 22 of the Constitution, the Minister is under duty to exercise control and direction over activities that fall under his portfolio. From what he has said in the Ministerial Statement, it is clear that he has lost control of the activities of Uchumi Supermarkets Company Limited.

Mr. Speaker, Sir, the former chairman of the board of directors of Uchumi Supermarkets, Mr. Chris Kirubi, has gone public to say that he told the Minister, in his office, at a meeting two years ago, that there was something wrong with the Uchumi Supermarkets Company Limited and that he must take action to correct it, to avoid it going under. What action did he take two years ago, after Mr. Chris Kirubi talked to him?

Secondly, the Minister, in his Ministerial Statement, says that Uchumi Supermarkets Company Limited needed just over Kshs2 billion so as to earnestly revive its activities into profitability. In October, 2005, there was a rights issue at a point when the Government was the majority shareholder. Why did the Government not participate in that rights issue, so as to keep its majority shareholding? Was the Government, in fact, aware that the Uchumi Supermarkets Limited was no longer profitable, and abdicated its duty of informing the rest of the Kenyan public that, that was the situation, so that they would save their shareholding?

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Speaker, Sir. I will take the issues as they come. I started with a preamble that one of the limiting factors in my ability to do anything, particularly making radical decisions about Uchumi Supermarkets, was the fact that, as of the time that it collapsed, the Government shareholding was less than 10 per cent. Therefore, it was not an organization under my Ministry. It was not a parastatal.

Secondly, it is broad Government policy that has been put in the public domain that the Government is de-investing from commercial enterprises. Parastatals which are of the nature of commercial enterprises are being sold out to the public through the Nairobi Stock Exchange, where possible.

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

Mr. Speaker: Order, Mr. Marende! Will you sit down, please? You have had the occasion. So, please, let the Minister also say his bit. These interruptions in this House actually blur matters, and they stop this House from getting the correct position.

Proceed, Mr. Minister!

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Speaker, Sir. So, there are two reasons as to why the Government did not purchase more equity in Uchumi Supermarkets. One, it was a deliberate Government policy, which is still on-going now, to get itself out of commercial enterprises and pass it on to Kenyans through the Nairobi Stock Exchange. Therefore, that was part of the decision.

Secondly, we were looking up to the private market to raise a contribution through the shares issue in order to beef up the process to make it operational again. Those are the issues that I explained.

Mr. Speaker, Sir, as to the issue about the statement that seems to have been made by one Chris Kirubi, I was out of the country when the said statement that was made. First of all, I am inhibited by the fact that I have not got first-hand information on what Mr. Kirubi said but I can say for sure that when I invited the management and the Board of Uchumi Supermarkets Limited to a meeting in my office, Mr. Kirubi was the Chairman of the Board of Uchumi Supermarkets

Limited. It was during his tenure when Mr. Tahiri was the Managing Director; the disastrous four years during which they were purchasing Christmas cards to last for ten years. That was the period that they doubled the number of their shops, including five hyper stores on borrowed money at high interest rates. It was during that period that they entered lease agreements without escape clauses; a lease contract for 20 years, so that even now as the company becomes bankrupt, they are indebted to pay rent for the next ten years. If I was presiding over such a period, I would not draw attention to myself.

(Laughter)

Mr. Muite: Mr. Speaker, Sir, could the Minister clarify whether the high powered committee he has appointed will look into the following issues: One, the specific role of the previous Board because corruption is not just in the public sector but also in the private sector? Could he clarify whether he will engage the Kenya Anti-Corruption Commission (KACC) and the police to do the investigations?

Secondly, he should look into the issue of goods worth Kshs1 billion having been purchased from China as well as the issue of the inflation relating to the company's buildings, have the culprits prosecuted and sent to prison.

Mr. Speaker: Dr. Kituyi, I would like you to take two more questions from Mr. Billow and then Mr. Musila.

An hon. Member: And one question from Mr. Mutula Kilonzo! He has just come from there!

Mr. Speaker: Where do you think I was? I am from there!

Mr. Billow: Mr. Speaker, Sir, I appreciate the Minister's instructions for investigations although it is a bit late given that the receivers have already announced the auctioning of the assets of the company. I have a couple of concerns: One, the Minister is very clear about the role of the directors in the collapse of the company. Under Cap.486, the Companies Act, directors have a fiduciary responsibility to exercise due care and diligence.

(Loud consultations)

Mr. Speaker: Order! Order! Who are those? I demand this House to be a House of debate. I demand the right of hon. Members to be heard and to hear what is being said. It is the right of an hon. Member on the Floor to be heard and that of an hon. Member seated to hear what is being said. That, we must implement.

Proceed, Mr. Billow!

Mr. Billow: Thank you, Mr. Speaker, Sir. I was saying that the directors failed to exercise due care and diligence in accordance with the Companies Act, Cap.486 and I wanted to know from the Minister what action he has taken, or the Government intends to take, against those directors who are responsible for the collapse of the company. At the same time, I would like to find out from the Minister whether he intends to bail out this company which is very important, as he said, to this country.

Mr. Speaker, Sir, last year, this House passed a policy Paper giving guarantees to the tune of Kshs2 billion to Kenya Farmers Association. If we can give a guarantee of much less than that to the suppliers and creditors of this company, that company will continue trading. Could the Minister also consider that suggestion?

Mr. Musila: Mr. Speaker, Sir, first, I would like to thank the Minister for his Ministerial Statement. From the Ministerial Statement, it is clear that Uchumi Supermarkets Limited is going

under because of inside trading and manipulation of its shares. This can be equated to the recent case of Enron in the United States of America, whereby the US Government has taken action against the directors of Enron. We know that prosecution took place and people were jailed. We know for sure that Mr. Kirubi, who has been bragging around that he is extremely rich, was responsible for the collapse of the Kenya National Transport Company (KENATCO) Limited but nothing happened to him. He was subsequently given Uchumi Supermarkets Limited to manage, which has now suffered the same fate as KENATCO Limited.

Could the Minister assure this House that proper and genuine criminal proceedings will be taken against the Directors responsible for the collapse of Uchumi Supermarkets Limited and that we will see convictions?

An hon. Member: Mr. Mutula Kilonzo now!

Mr. Speaker: Hon. Members, I think we have had reasonable ventilation on the matter. I think the House agrees with me that the Ministerial Statement is better than the Question. So, the Question has died.

Proceed, Minister!

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Speaker, Sir. First, I will address the matters raised by Mr. Muite. The terms of engagement for the task force, whose membership includes my Permanent Secretary (PS), the Solicitor-General and the Investments Secretary, is to look at all aspects culminating in the collapse of Uchumi Supermarkets Limited. Any hon. Member with suggestions on issues to be looked at is welcome to present such to my Permanent Secretary.

I want to assure the House that the issues that I have personally been interested in include the movement of the stocks of Uchumi Supermarkets Limited within 48 hours before the collapse of the company. Was there insider trading?

Similarly, after the rights issue was announced in October, 2005, four Kenyan independent directors resigned from the Board of Uchumi Supermarkets Limited. They have never been replaced. What were the concerns? What were the issues that were related to that?

Thirdly, the Managing Director of Uchumi Supermarkets Limited hired a South African consultant who was a key player on the sub-committee which moved up to the insolvency stage. Is there any conflict of interest between the people managing the process of killing Uchumi Supermarkets Limited and any subsequent interest?

Four, the days when receivership means you are put in the hands of an undertaker are supposed to be behind us. A receivership attempts to rescue an enterprise. If it fails, then it can look to bury it. How do we, within a week, get into announcing the funeral of Uchumi Supermarkets Limited when we thought that we were taking cue to help turn it around? These are issues of public concern that we are interested in answers to. We have already informed the KACC to assist with investigations to establish whether there have been any fraudulent activities associated with the decline and collapse of this important public company.

Mr. Speaker, Sir, whereas I share the sense that I have the responsibility of ensuring that the law is obeyed, and that the consumer, investor and public interests are protected in all registered commercial enterprises in this country, I have limits on managerial decisions of the boards of companies quoted at the Nairobi Stock Exchange. Similarly, as an under 10 per cent shareholder in Uchumi Supermarkets Limited, the Government cannot, on its own seek a unilateral bail-out solution. However, we are inviting suggestions of solution.

Last week, I had a meeting with the leaders of a special purpose vehicle owned by Kenyans in the diaspora living in the United States of America who were looking into the possibility of raising money among themselves to redeem Uchumi Supermarkets Limited and not let it go out of the Kenyan hands. Similarly, members of the Kenya Private Sector Alliance (KEPSA) are coming

up with proposals about possible ways of redeeming the company.

Mr. Speaker, Sir, we cannot make major decisions on the matter of the attempt to start selling off the assets of Uchumi Supermarkets Limited, which is before court right now. However, my position is that the custodian of public interest must look to the ultimate possibility of forestalling the pilfering of public historical assets before letting go.

Mr. Speaker: Hon. Members, it has just been brought to my attention by Prof. Anyang'-Nyong'o that there are some crucial matters that may not have come up in this issue. They include matters involving the Capital Markets Authority and the Nairobi Stock Exchange. I think it is in the interest of the House that I allow him to raise that particular aspect on this issue. Allow me to close this matter thereafter.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, thank you for allowing me to raise this issue. The Minister is very right. The Government holding of less than 10 per cent in Uchumi Supermarkets makes it handicapped in interfering with Uchumi's affairs. However, the Government has regulatory agencies which should have warned Kenyan investors like myself - I am a shareholder in Uchumi - about what was coming. These are the Capital Markets Authority and the Nairobi Stock Exchange.

Could the Minister explain to the House what steps the Capital Markets Authority took to make sure that the affairs of Uchumi Supermarkets between 2000 and 2006, when things were going wrong, are made public? Uchumi continued to be quoted at the Nairobi Stock Exchange when it was jeopardising the interests of the investors, about whom the Government must take care. The Capital Markets Authority and the Nairobi Stock Exchange have something to account for in the affairs of Uchumi Supermarkets.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I totally concur with Prof. Anyang'-Nyong'o that the development of capital markets requires that certain predictable decency is seen in the Capital Markets Authority and the Nairobi Stock Exchange in registered brokerage firms. Indeed, part of their initiative is coming from beyond ourselves.

The Institute of Certified Public Accountants of Kenya is trying to find out on what basis PricewaterhouseCoopers, as the issues adviser, recommended to the Kenyan investors about the nature of the share issue when it came out in October last year. This is a correct step to be taken. I hope that different agencies of Government, not just those under my Ministry, will also play their due role in looking at the diligence and conduct of public institutions which are supposed to be custodians of public interest.

Similarly, I expect that the role, if any, of the directors or some of the directors in this debacle, will be investigated.

Mr. Speaker: That is enough!

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. One of the investors who have lost in Uchumi Supermarkets---

Mr. Speaker: Mr. Angwenyi, I have said that, that is enough. You are not the only one!

Mr. Angwenyi: Mr. Speaker, Sir, you have given five chances to the Opposition side. I am the only one on this side who wants to comment on this issue. We belong to this House and we need to respect ourselves!

Mr. Speaker: Order, Mr. Angwenyi! You do not run this House, but I do! You must respect the Chair! I have given more than reasonable time for this issue.

Mr. M. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order!

An hon. Member: He is a Shadow Minister!

Mr. Speaker: It does not matter whether he is the Attorney-General or not! I have given this matter sufficient time. We cannot conclude everything. I must now go to other business. Mr.

Minister, when you have more information, could you please come back to the House on a continuous basis?

Mr. M. Kilonzo: On a point of order, Mr. Speaker, Sir. I rarely interrupt you, but if you could allow me, would I be in order to ask the Minister to tell us what is the fate of the former Uchumi workers? He did not mention the 1,000 Uchumi Supermarkets workers. It has been alleged that the workers have been given Kshs20,000 each. These are people who have worked for the Uchumi Supermarkets since the 1970s.

Mr. Speaker: I have already closed this matter! Mr. Minister, please come back to the House, maybe in a week's time, and let the House know of any new developments, so that the hon. Members who have not had the opportunity today to raise issues like Mr. Angwenyi and Mr. M. Kilonzo, which I have no doubt are valid, can do so then. We could probably revisit the issue on Thursday next week.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. The stocks will be sold on 19th June, 2006. That will be before Thursday next week.

Mr. Speaker: Mr. Angwenyi, I am asking the Minister to come back to the House on Thursday next week because Thursday this week will be Budget Day! He should come back on Thursday next week just to let the House have an up-date of what is happening. Is that okay for everybody now?

Hon. Members: Yes!

Mr. Speaker: Very well.

BILL

Second Reading

THE NATIONAL MUSEUMS AND HERITAGE BILL

*(The Minister of State for
National Heritage on 8.6.2006)*

*(Resumption of Debate
interrupted on 8.6.2006)*

Mr. Speaker: The Minister was on the Floor.

The Minister of State for National Heritage (Mr. Shakombo): Thank you, Mr. Speaker, Sir, for giving me this opportunity to continue with my submission on the Second Reading of the National Museums and Heritage Bill.

Kenya has been sidelined in the presentation of international awards to those who normally look after their heritage. We have been sidelined, particularly, in the International Convention on Heritage Forum because our country did not have the legal instruments which would have allowed us to do that. If this Bill is passed, we will extend the term heritage to include monuments, antiquities, ship-wrecks in lakes and waters within Kenya or the sea bed within the territorial waters of Kenya.

Mr. Speaker, Sir, Clause 47 of this Bill is very clear. It states that whatever is under or above the ground and whatever is discovered there will belong to the Government.

[Mr. Speaker left the Chair]

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

This Bill seeks to protect open spaces that are meant for recreational activities such as parks for people to enjoy. A clear example is the other day when the City Council had to demolish a church which had been put up at Uhuru Park. There was nothing that we could have done to protect the park. The Bill seeks to allow the registration of private museums. It also seeks to give more time to those who may want to appeal against certain decisions that the Minister or museums might have taken on any issue.

Currently, the period given is only one month, but once this Bill is passed, we will give---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! As you can hear, there is too much noise in the House! Could you please consult in low tones, so that we can hear what the Minister is saying? Please, proceed!

The Minister of State for National Heritage (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, I am requesting the hon. Members to pass this Bill.

Previously, when any offender under Acts 215 and 216 of the Penal Code was taken to court and judgement passed, the maximum penalty was only Kshs10,000. This Bill intends to make this punishment more harsh, so that we can now be able to control and stop anybody from doing whatever he wants to do. I wish to call upon the Deputy Leader of Government Business, hon. Ms. Karua, to second the Bill.

With those few remarks, I beg to move.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Bill.

In the title, the Bill clearly states:-

"It is an Act of Parliament to amend and consolidate the law relating to national museums and heritage, and to provide for the establishment, control, management and development of national museums, and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya, and to repeal the Antiquities and Monuments Act and the National Museums Act and for connected purposes".

Mr. Temporary Deputy Speaker, Sir, it is a matter of public concern that, so far, we have not been able to develop our museums. We have not been able to consolidate our laws to develop and manage our cultural and natural heritage.

Like many countries that underwent colonialism, some of our antiquities were illegally taken abroad by our former colonial masters. They are lying out there in museums abroad. We have not been able to take reasonable steps to trace and repatriate them. That is because we do not have an adequate legal framework to do so. I, therefore, welcome this Bill. It is a step in the right direction. But I would like to point out to my colleagues that we need to, specifically, enlarge the mandate of the national museums as set out in Clause 4 of the Bill. We should include another clause which will, specifically, give the mandate of tracing and repatriating those antiquities that are part of our heritage from wherever they are.

We have seen countries like South Africa being able to repatriate antiquities that were held in France and other countries. Likewise, we know that many antiquities belonging to Kenya are held in various museums abroad - including Britain - our former colonial master.

It is, therefore, important that we give that specific mandate to the museums. The other day,

there were celebrations in Nandi, at the home of a great Kenyan - the late Samoei Koitalel. I recall reading in the newspapers that his head may be in the United Kingdom (UK). We want to see the responsibility of repatriating such remains, otherwise referred to as antiquities, given to the museums. We would like to see a national institution taking the responsibility of repatriation. We should not leave that responsibility to the communities concerned. We would like to see the repatriation of any other cultural and natural heritage that was stolen by foreign powers.

Mr. Temporary Deputy Speaker, Sir, just like this Bill indicates, we need to have a legal framework that can control such cultural or natural heritage. There should be a legal framework that can enhance our management, development, conservation and transmission of the same. As it is, we have seen people taking advantage of our culture for commercial purposes. That is done continuously by some of our local settler communities. There is need to have a body that will oversee all that. That way, we will not be exploited unnecessarily. We have also seen foreigners doing the same way. That needs to be looked into so that, as a nation, we can ensure that we conserve what our children and grandchildren will see as part of their cultural and natural heritage.

Mr. Temporary Deputy Speaker, Sir, I have read this Bill and I urge hon. Members to take an interest in it. They should suggest ways of strengthening it where necessary. That way, we shall pass this Bill and have an adequate legal framework.

When you look at the Memorandum of Objects and Reasons, the law relating to the establishment of museums and their functions will now be set out very clearly in a better and more elaborate manner than before. Part III deals with financial provisions. We know that, if our museums are properly managed, we can raise revenue. We can use the same revenue to manage, develop and conserve what they are looking after.

Mr. Temporary Deputy Speaker, Sir, I have visited museums in Egypt and United States of America (USA). One cannot help but admire the manner in which they conserve their natural and cultural heritage. It is, therefore, very important that we, in Kenya, arrest the situation before it is too late. If we do not conserve what we have now, bearing in mind that time keeps on changing, we shall have nothing to show in future. It may be too late to engage in the exercise of conservation and repatriation where necessary.

This Bill also provides that the annual financial reports of the affairs of the museums be laid before this august House by the Minister concerned. That is important because museums are relevant to our life as a nation. It is important to brief this House every year, so that we can contribute to what is happening.

Mr. Temporary Deputy Speaker, Sir, I have looked at the Bill in general terms. I commend it and urge hon. Members to pass it with the necessary amendments to strengthen it. It will expand the mandate of museums and consolidate the various Acts that are there at the moment. It will also enable this important task, which was supposed to commence a long time ago, to commence now.

With those few remarks, I beg to second.

(Question proposed)

Mr. Balala: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support the Bill.

Hon. Members: Move to the back!

Mr. Balala: You want me to move to the Back Bench?

*(Mr. Balala moved from the Dispatch
Box to the Back Bench)*

Mr. Temporary Deputy Speaker, Sir, I am used to the Front Bench. Do not forget that I was the Minister in charge of heritage. This is my Bill. That is why I have to stand in solidarity with my

colleague from Coast Province, to support him.

Mr. Temporary Deputy Speaker, Sir, when the Government does well, I come here to support it. When it goes wrong, I object and help it to rectify the problem. That is because I, as well, am a Member of this Government.

Mr. Temporary Deputy Speaker, Sir, the entire heritage of this country is based on two Bills, which have outlived their usefulness. We are in the 21st century, where we need proper home-grown Bills like this one. These are relics of the colonialists. The National Museums of Kenya have done a good job on this. I was involved in the amendments that were agreed on in the Committee of the Whole House and unfortunately it has taken three years for this Bill to be brought back to this House without being approved. We have talked a lot about this Bill. It is important to uphold the dignity of our heritage, both cultural and natural. I know in terms of natural heritage, the Ministry of Tourism and Wildlife and the Ministry of Environment and Natural Resources are taking good care of it, but on cultural heritage we are not doing the same. We have the perception that some aspects of our culture are primitive and yet culture upholds the dignity of our people and our civilisation. So, I am glad this has been captured appropriately in this Bill.

Mr. Temporary Deputy Speaker, Sir, on the issue of our heritage sites being grabbed by the so-called developers, I can say that we have seen this abuse in Lamu and in Nakuru where Hyrax Hill is situated. We have seen it in areas like the rock arts in the rural areas of this country where I have travelled to safeguard these artistic cultures of our people. We need to give the National Museums of Kenya and the Minister the power to "bite" and not just to be a Minister in terms of facade, but I believe he has the power to go and possess those properties because of national interests. We do not take the Ministry of National Heritage as a serious Ministry. We want to see the Minister for Finance not only doubling but tripling the budget of the National Museums of Kenya because it is under-funded. Its money is only used for salaries of its personnel and it is not enough. This is where research work can be done. This is where discoveries can be carried out. As my colleague, Ms. Karua has mentioned, this is where we can use the National Museums of Kenya to raise funds like Egypt and many other countries have done.

Mr. Temporary Deputy Speaker, Sir, I want to say that for the first time Kenya is now sitting at the World Heritage Committee in United Nations Educational, Scientific and Cultural Organisation (UNESCO). That is a very rare opportunity for a black African nation. South Africa being a powerful nation has got that opportunity but we are proud that our country is also sitting among the 155 countries in this committee of the UNESCO.

Mr. Temporary Deputy Speaker, Sir, special elements need to be looked into very seriously, particularly when we carry out discoveries. We should give the National Museums of Kenya the sole authority to carry out discoveries in this country. When we use the Ministry of Education to carry out research and they discover skeletons or any artefacts in this nation, they will take it as their private property. I am particularly talking about the millennium man. We want to bring the millennium man to the attention of the Minister for National Heritage. That is Kenya's property and not a communal museum's property. It is very important that the Government takes over the operations of museums and they should not be left in private hands.

I think this is the first time that we have done a good job by bringing a home-grown legislation, particularly on the heritage sector that needs to consider all aspects of both natural and cultural heritage. These includes the geo-parks, Uhuru Gardens, Uhuru Park and national monuments which need to be protected. Such areas should not be left under the jurisdiction of the Nairobi City Council which has no capacity because this will lead to problems.

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

The Vice-President and Minister for Home Affairs (Mr. Awori): Bw. Naibu Spika wa Muda, nasimama hapa vile vile kuunga mkono Mswada huu kwa sababu ni wa maana sana.

Nimefurahi sana kwa kuwa nazungumza kama mwenzangu aliyeuwasilisha Mswada huu. Kusema kweli ni lazima tuupitishie Mswada huu kwa sababu ya mambo mengi. Jambo la kwanza, tunataka usaidizi kutoka kwa wadhamini ambao wanatoka upande wa Ulaya na walitaka sana tuunganishe mambo mawili ili tuweze kuendeleza mipango ya makavazi katika nchi hii.

Bw. Naibu Spika wa Muda, Mswada huu utatusaidia ili tuweze kuhifadhi vitu vingi sana hasa upande wa mkoa wa Pwani kama vile Mhe. Balala alivyosema. Kusema kweli, ukiangalia historia ya nchi hii, majengo mengi sana ya kihistoria yako upande wa Pwani na tunataka tuwe na sheria ya kutosha ambayo itakataza, kwa mfano watu wa Lamu ambao ni walafi na wenye haja ya pesa tu kuharibu majengo ambayo yalijengwa miaka mingi iliyopita. Ningependekesha kwamba ye yote ambaye ana mali huko ambayo ni ya umma ichukuliwe kwa sababu hatuwezi kupoteza hii mali ambayo itasaidia vizazi vijavyo. Wahenga walisema: "Yule ambaye hana mila ni mtumwa" na hili ni jambo ambalo tunataka tulifikirie na tulikumbuke.

Bw. Naibu Spika wa Muda, vile vile katika nchi hii tuko na watu wengi sana ambao walichangia ujenzi wa taifa hili kutoka miaka mingi iliyopita na tunataka sasa tuweze kuwa vile vile na pesa ambazo zitaweza kutusaidia tuone kwamba wale mashujaa waliokuweco, vitabu vyao na vitu vingine viweze kuwekwa katika makavazi katika sehemu hii. Hii itatuwezesha kuwa kama taifa moja ambalo linatoka mahali pamoja.

Kwa hayo machache, naunga mkono Mswada huu.

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, thank you, for giving me this opportunity. Let me take this early opportunity to add my voice in supporting the proposed Bill.

Mr. Temporary Deputy Speaker, Sir, it is rather late for such a Bill to come at this time. It should have been there yesterday or in the previous Parliament. Our cultural values have been lost all over. I am glad the Minister has just talked about visiting other museums the world over and indeed I had the privilege of visiting some British museums where I found our Kenyan artefacts lying there and earning them good revenue. The pre-historic man was discovered in Kenya and yet his bones are preserved in the British museums. Such a legislation will help us to trace all the Kenyan artefacts lying all over the world so that we can bring them back to our museums.

Mr. Temporary Deputy Speaker, Sir, the legislation will help us also to conserve our cultural and heritage values. Some of our cultural and heritage values are dying very fast thereby our great grandchildren might not even be able to trace them. This Bill will help us to conserve and preserve those values for posterity so that our grandchildren and great grandchildren could visit the museums and have a look at them.

Mr. Temporary Deputy Speaker, Sir, we all know that cultural values die fast, however, we do not notice them. This is because of the changing of civilisations which comes about with new cultural values in our communities. If we do not preserve our cultural heritage, our great grandchildren will never appreciate our ways of life. Therefore, this Bill is very timely.

Mr. Temporary Deputy Speaker, Sir, at the moment, there are some species of birds, plants and animals that are almost becoming extinct. Many of us may not notice this, but it is happening. Unless we preserve them in our museums, they will become extinct. Our grandchildren and great grandchildren will never have an opportunity to see them. Today, we have got very few lions in our parks. A few years ago, they were roaming all the streets of Nairobi. This Bill ought to have been brought to this House yesterday, so that we preserve our heritage for our posterity.

Mr. Temporary Deputy Speaker, Sir, we need to come up with a piece of legislation which will enable us to trace our artifacts preserved in foreign countries. If they are traced, this country will earn the much needed foreign exchange revenue. It is a pity that our artifacts are found in foreign museums. I remember a few years ago, the Ethiopian Government traced their artifacts preserved in Italy. They were taken there by the colonialists. Kenya should also follow the same route so that we trace and bring back all our artifacts that are preserved in foreign museums.

Mr. Temporary Deputy Speaker, Sir, we have foreigners in this country collecting our artifacts. If this Bill is enacted, it will stop such people from collecting our artifacts in the rural areas. We should not allow them to do so in Maasailand. Tourists who are interested in seeing our artifacts and heritage should pay a visit to our museums instead of roaming in the rural areas.

Mr. Temporary Deputy Speaker, Sir, we should establish cultural centres in the provincial headquarters. This will help researchers and tourists get cultural information at the provincial level instead of them going all the way to the National Museum in Nairobi. I suggest that we have diversification of collection of cultural artifacts that emanate from different cultures at different provincial levels.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Bill.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, I will now give the Floor to Mr. Muturi and then I will give a chance to one hon. Member from the other side of the House.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Bill. It has come at the right time. The reasons as advanced in the memorandum of objectives are quite clear.

I wish to pick one or two issues on this Bill. I am quite happy that for the first time in this country, as would be seen in the definition section, that open space within our cities and municipalities will now be protected from the mania that we have witnessed in the recent past of land grabbing and be declared part of our national heritage.

Mr. Temporary Deputy Speaker, Sir, I am a bit worried about the composition of the board as provided for under Clause 6. It appears to me that virtually everybody who will be serving in the board will be an appointee of the Minister. In this age and era, there is need to have some members of the board who may not necessarily be direct appointees of the Minister. Clause 6(1) says:-

"There is established a Board of Directors of the National Museums of Kenya which shall be the governing body of the National Museums and shall consists of the following members:-

(c) the Permanent Secretary in the Ministry for the time being responsible for national museums;

(d) the Permanent Secretary in the Ministry for the time being responsible for finance;

(h) a Director-General appointed by the Minister after consultations with the board who shall be an ex-officio member and secretary to the board."

This is just a game of musical chairs. We are just going round in circles. It means that the Director-General will be an appointee of the Minister granted that the Minister is the one who will be appointing virtually every member of the board, indeed, including the chairman. The chairman is appointed by the Minister after consultations with the President. I want to urge the Minister to bring this provision in tandem with the provisions of the State Corporations Act Cap.446.

I can see the Minister is not listening to me. What I am trying to tell him is that there is conflict because under that Act, the body being created here is a body corporate and, therefore, a parastatal. Being such a parastatal, it will be governed by the provisions of the State Corporations Act, Cap.446 which places the power to appoint chairmen of parastatal boards in the President. However, in this particular case, we are making some very interesting innovations, that the chairman will be appointed by the Minister after consultations with the President. I think this is unnecessary. If you want the President to continue appointing, just let him do so.

Mr. Balala: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have discussed this issue at length. Would I be in order to request the Chair to call upon the Mover to respond?

The Temporary Deputy Speaker (Mr. Poghisio): Well, if that is the case---

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. You had indicated

earlier that you would give an opportunity to one of us on this side to contribute to this Bill.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, I indicated that, but there is a request that the Mover be called upon to reply. You can vote to keep debate on or not.

(Question, that the Mover be now called upon to reply, put and agreed to)

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

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, for the record of the House, is it in order for the hon. Member who has just requested that the Mover be called upon to reply, to do so, when he has already contributed to this Bill?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omingo! That is not a point of order.

Proceed, Mr. Shakombo!

The Minister of State for National Heritage (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, before I reply, I would like to donate a few minutes of my time to Hon.---

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I am rightly informed that Mr. Balala had contributed to this Bill. Surely, we have done something we should not have done because if a hon. Member has contributed to the Bill, then another hon. Member should have requested that the Mover be called upon to reply.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, could I be that other hon. Member who moves that the Mover be called upon to reply? We want to move on to other business.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Oloo-Aringo, what did you say?

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I have moved that the Mover be called upon to reply. I think there is a technical hitch.

The Temporary Deputy Speaker (Mr. Poghisio): Well, that was technical. If that be the wish of the House, I will put the question again.

(Question, that the Mover be now called upon to reply, put and agreed to)

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

[Mr. Speaker resumed the Chair]

The Minister of State for National Heritage (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, I would like to donate two minutes of my time to the Chairman of the Departmental Committee on Administration, National Security and Local Authorities, another two minutes to hon. Angwenyi and then I will reply.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. I just want to---

Mr. Speaker: Order! Order! Hon. Shakombo, you cannot do that on a Bill because you have no time limit. It is for you to respond. When your response is finished, I will put the Question.

The Minister of State for National Heritage (Mr. Shakombo): Thank you, Mr. Temporary Deputy Speaker, Sir. I thought I was being generous to my friends.

Mr. Speaker: Hon. Shakombo, do you know what that is? It is actually circumventing the

ruling of the Chair.

The Minister of State for National Heritage (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank my colleagues who have contributed to this Bill.

I also want to take this opportunity to assure them that all their observations and concerns will be taken care of.

Mr. Speaker, Sir, one of issues which was raised here concerned the seriousness of my Ministry and the museums. The fact that we have brought up this Bill indicates how serious we are in trying to protect our artifacts and enhance the opportunities of ensuring that each and every child of this country will be proud of his or her heritage. We have friends, particularly in the European Union (EU), who recently gave us grants to develop and improve our museums.

I am sure there will be many more friends who will want to come to our aid in so far as we have the legal empowerment that will protect whatever we think will be the best for this country.

Mr. Speaker, Sir, I am sure that, from now onwards, those who have been operating private museums will have to be licensed by the Ministry and those who have been making money out of the national heritage of this country should also know from now that, each one of them must be governed and ruled by the law. Those times when anybody could come to this country, pick or buy whatever he or she wanted to pick or buy and get away with it are over. That is why we have brought this Bill to the House and I am so grateful that my colleagues have taken time to support this Bill.

With those few comments, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)

Mr. Speaker: Order, hon. Members! We still have five minutes. I would like to know from the Deputy Leader of Government Business whether they can transact any business in five minutes or whether we should proceed to the next Order.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I think hon. Members are anxious to get to the next Order, so we would like to give way.

Mr. Speaker: Therefore, I am asking you to proceed and move the Motion.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO. 20

BREACH OF SECURITY AT
JKIA BY ARMENIANS

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Speaker: Where is the Minister of State for Administration and National Security? Please, just because of the timing, I am sure the Minister knew that the Motion of Adjournment was scheduled for Five O'clock, and we are beginning five minutes earlier. I really want to be very even-handed in this matter. I think I am inclined to just have a lull until Five O'clock, then hon. Kenyatta will move his Motion at that time so that the Minister does not say that we began before the appointed time.

Mr. Oloo-Aringo: Mr. Speaker, Sir, I beg you to allow the Debate to proceed, because the

Government is present. The Deputy Leader of Government Business is here, the Leader of Government Business is listening from his office and a majority of Government Members are present. So, let this House function all the same and we should proceed.

(Applause)

Mr. Speaker: Well, I always let the House function. You know that. But as I let the House to function, it is the business of the Chair to be even-handed and not only to be fair, but to appear to be fair.

An hon. Member: What does that mean?

Mr. Speaker: It does not mean anything. It simply means that we will begin when he arrives. I think we have only one more minute.

(Loud consultations)

Order! Order! Order! I will reiterate what I said earlier on in the afternoon. This is an absolutely important Motion. It appears so to me, although from the look of the emptiness in the Chamber, it is not supported by the original support that this Motion had. But that notwithstanding, I would like this Motion to be debated in a sober manner. I would like us to approach it with all dignity and due respect.

Finally, now that the time has arrived, I wish to seek the House's concurrence. The rules are that the Mover and the official Government responder have 15 minutes and every other hon. Member has ten minutes. I want to ask for the concurrence of the House that every other hon. Member speaking takes five minutes. Is that agreed to?

(Applause)

Very well! It is so ordered. We shall have hon. Kenyatta and the official Government responder speaking for 15 minutes. Every other hon. Member will speak for five minutes. Further, after this debate has been introduced by the Leader of the Official Opposition, I propose to give to the Government responder a very early opportunity to state the Government's position so that other hon. Members who will be debating will debate with the full knowledge of what the Government has had to say. But they have a right to decline, if they please. But that is my thinking.

Hon. Kenyatta, you have the Floor!

(Applause)

Mr. Kenyatta: Mr. Speaker, Sir, I requested this opportunity in order to enable the Government to inform Kenyans, in no uncertain terms, that the security of our nation has not collapsed. This is not only an opportunity for hon. Members to ventilate the feelings and views that they hold on this particular matter but also the feelings and views of millions of Kenya who are as perplexed as hon. Members on the recent shenanigans going on in our country.

Mr. Speaker, Sir, this issue relates to foreigners who entered into our high security area armed with weapons and threatened security forces and Customs Officers. They then proceeded to threaten Kenyans outside and drew guns in security areas and zones. If something like this was done by a normal Kenyan, he would not move five steps away before the same officers riddled him with bullets. However, foreigners have been given an opportunity to behave as they will in a sovereign nation.

Mr. Speaker, Sir, there are issues that we would like the Government to dwell on. You have said that we shall not and should not be emotional about this particular issue. You have also said that we should rise above politics because this is an issue that concerns the security and integrity of our nation. It is actually an issue about the sovereignty of Kenya as an Independent self-governing nation. Mr. Speaker, Sir, questions arise! It is barely five months since the Minister in charge of Internal Security informed Kenyans that it was, indeed, the Government that had conducted the raid on *The Standard*. He further went on and indicated that he would do it again for the sake and interest of the national security of this nation.

(Hon. Members consulted loudly)

Mr. Speaker: Order, hon. Members! Can you believe it that even on a matter like this, we are still talking on the sides? Is it believable?

Proceed, Mr. Kenyatta!

Mr. Kenyatta: Mr. Speaker, Sir, when these two gentlemen were eventually followed into their compound after much confusion, as was reported in the media, as the Government tried to decide whether or not to raid that compound, when it was eventually raided and the two gentlemen put under arrest, we were made aware of a number of items that were recovered from that house. I would like to go in order so that I can allow the Minister to understand the issues that we would like addressed. They are; namely, jackets, hoods and caps all bearing the Quick Response Unit (QRU) emblem that we all saw on national television from the Closed Circuit Television (CCTV) footage of the raid on The Standard Group of Newspapers. These were recovered from the house. Given the fact that the Government has told us that they were responsible, what is the connection between that raid that was conducted by Government security officers and these two mercenaries in whose compound these items were recovered? Were they also part and parcel of that raid?

An hon. Member: Shame!

Mr. Kenyatta: Mr. Speaker, Sir, we also understand that weapons that belonged to Kenya security agencies were also discovered at the same compound. What were those weapons doing in the hands of private individuals?

Mr. Speaker, Sir, more than that, what were these weapons doing in the hands of foreigners? What were their intentions? Who provided them with those arms? Ultimately, for what purpose were

those weapons provided? That is the second question we would like this Government to address itself to.

Mr. Speaker, Sir, we also understand that Kenyan passports bearing funny names were discovered but they had photographs of the two individuals. This puts at risk the integrity also of this nation. It puts at risk the integrity of every single Kenyan travelling. It begs the question as to whether our documents are actually valid. Every Kenyan travelling in any part of this world will be questioned as to whether his documents are legitimate or not.

We are also aware that Government number plates are made by the Prison Services and are issued by the Department of Motor Vehicle Registration. A series of number plates; GK, diplomatic and civilian registration number plates were discovered at the home of these two gentlemen. What, in God's name, were they doing there? Since when did the Artur brothers become the Department of Motor Vehicles Registration?

(Applause)

Mr. Speaker, Sir, police identity cards were also found in their house. These are identity cards that identify the two individuals as senior deputy commissioners of police. Has the law changed? We know that any rank above the rank of Chief Inspector of Police must be gazetted. Could the Minister tell us which Gazette Notice appointed these two individuals as police officers? Secondly, for what purpose were they issued with police ID cards and by whom? These are questions that I think the Government should and can answer if it is in control of its activities.

The integrity of this nation is at stake. The issue as to who these gentlemen are has been on the minds of Kenyans for a very long time. That issue has been the subject of debate in this very House. None other than the Minister in charge of Immigration and Registration of Persons informed this House that these two gentlemen were investors in this nation.

An hon. Member: That was a cover-up!

Mr. Kenyatta: Mr. Speaker, Sir, the Minister said that those individuals were here legitimately to do legitimate business. One wonders whether that legitimate business that involves having guns that belong to Kenyan security forces and involves having equipment belonging to police forces and that have been used against Kenyan business, are noble causes. Are they here for a purpose other than that? If so, this Government must tell us!

Mr. Speaker, Sir, the sad incident that took place at the JKIA is not just an issue of concern to Kenyans. Today, we live in a world where terrorists abound. Foreigners who travel to our country as tourists and provide us with much needed foreign exchange will begin to ask questions. Rather than dealing with those issues promptly, we are told that a Commission of Inquiry has been set up. This House wants to know how those individuals were issued with high security passes to high security areas, all areas of the Airport for that matter. The Minister must tell us who issued those passes and for what purpose.

Mr. Speaker: Mr. Kenyatta, do you mean even to the runways?

Mr. Kenyatta: Yes, Mr. Speaker, Sir. All areas including runways. We need to know who issued these passes!

Mr. Speaker, Sir, these gentlemen have been calling us all sorts of things. They said that they can buy our President, Commissioner of Police and even girls. One wonders what the connection is between this Government and those two individuals. This Government needs to come clean on this issue. If it tells us that it will need a commission of inquiry to deal with this matter, then a number of questions will come to mind. One question that will come to mind is: Who is in charge? Is the Commissioner of Police in charge of his force, if this kind of thing can happen? We are told that a commission of inquiry will give us the answer. Is the Minister in charge of internal security in control of his docket, if, indeed, we are told that we require a commission of inquiry? Ultimately, we must ask ourselves whether the President is also in control, if those whom he has appointed cannot provide this House with adequate answers to satisfy not just it but the country at large.

As you said earlier, this is an issue that concerns Kenyans. This is not an issue of politics. It is an issue of security. This is an opportunity for this House to show anger and concern that Kenyans have on it. Our debating does not in any way prejudice the investigation by the House Committee on the Administration of Justice and Legal Affairs. We believe that more will be done by this Committee. It is the responsibility of this House to restore the dignity, integrity and sovereignty of our nation and Government. That is why we need to speak out loudly. We need to demand answers from the Government. We cannot have foreigners walking around our country as if they own it and our Government is not in a position to tell us what is going on and what they are doing. Instead of being given answers, we are told to wait for a commission of inquiry to give us answers.

We will not wait. We demand answers and we demand answers now. Failure to give them

means we are not in control of our nation and destiny. Something then will need to be done by this House to ensure that we bring back order and restore our ability to protect not only our borders, but also 30 million people who call themselves Kenyans.

Mr. Speaker, Sir, the honour of our country is at stake. The integrity of our country is at stake. We are being called a banana republic, yet we are a nation that is considered, alongside South Africa, Nigeria and Egypt, to be a pillar of this continent. We are reducing ourselves to a nation that has no respect for the rule of law, and that is a banana republic. This House must not allow that to happen. This House must stand for the dignity and sovereignty of this nation.

With those few words, I would like to stop there, because I know that many hon. Members would like to contribute to this particular issue. Let us all, as you said, debate this matter with sobriety, be clear and know what we are about to do. This is not about us versus anybody else; this is about this nation.

(Applause)

(Question proposed)

Mr. Speaker: As I indicated earlier, I would like to know from the Government side at what stage they would like to respond?

Hon. Members: Right now! Right now!

The Minister of State, Public Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, yesterday, I communicated to you my intention to make a Ministerial Statement this afternoon, with your permission. I came here prepared to do that. That was not to be because the Leader of the Official Opposition had given a Notice of a Motion of Adjournment, which is what we are debating now.

I would, therefore, wish to speak within the period allocated to me for two reasons, first, to respond to what the Leader of the Official Opposition has said. Secondly, I wish to use the same statement in order to achieve what I had originally requested you to allow me to do. Therefore, my statement is as follows.

"In February\March this year the attention of the Government was invited to the presence of two foreigners going by the names Mr. Artur Margaryan and Mr. Artur Sagarsyan, after questions were raised regarding their true motives in Kenya. At that time it was alleged that the two were mercenaries, whose mission in Kenya was to assassinate certain political leaders. These allegations prompted the Government to carry out investigations to establish the identities of these men, their origin and immigration status. Statements were recorded by police from those who had either known or made claims against the two. The individuals were also questioned by the police and statements were taken from them. Our record showed that the individuals had valid business visas, and were in the country legally. Investigations, which involved the International Police Organisation (interpol) and other security agencies, are nearing their completion.

Mr. Speaker, Sir, on Thursday, 8th June, 2006 at about 5.30 p.m, the two Armenians together with two others arrived at the Jomo Kenyatta International Airport to receive three guests who were arriving from Dubai. One of the Armenians entered the airport, while the other remained behind in a car. While their guests were going through customs, they were directed to open their bags for inspection by customs officers. They reluctantly opened one bag but refused to open the other three; they had four bags. The Customs officials insisted that the other three bags be opened. There was a stir due to the resistance and because the

Armenian hosts started making telephone calls and threatening Government officials."

Mr. Bahari: On a point of order, Mr. Speaker, Sir. You have consented debate on a Motion of adjournment. The Minister is reading a full text instead of contributing to that Motion. Is he in order to do that?

Mr. Speaker: Mr. Bahari, I do not think you ever got the gist of my thoughts from the very beginning. This House wants to know the facts and he is giving the facts. So, let him go ahead.

The Minister of State for Administration and National Security (Mr. Michuki): Thank you, Mr. Speaker, Sir. If I may repeat that sentence, the second Armenian who had remained behind in a car rushed to the rescue of his colleagues and brandished a gun. This scared members of the public and enabled the Armenians and their guests to board their cars and flee the airport.

I was informed of the incident as it was unfolding. There are witnesses in this House who will confirm that they informed me of what was going on. As the Commissioner of Police had stated in his Press release of yesterday, I ordered that the men should be arrested immediately. By the time the Commissioner of Police directed his officers, the men had already left the airport grounds. I was telephoned again and informed about this matter and I then directed that they be pursued and arrested wherever they would be found. Indeed, this House would want to know that I also demanded to be woken up any time of the night to be informed that they have been arrested. I was informed at 4.00 a.m that they had been arrested.

Mr. Speaker, Sir, the police carried out an operation and apprehended the following people: Artur Margayan, Artur Sargasyan, Arman Dimidri, Alexander Tashchi, Lucas Makena, Nyakarshan Trenor and Shefana Ralakaya. The police also undertook a search of the premises and found several items among them: Two forged Kenyan passports and other forged documents; 13 vehicles; three assortments of motor-vehicle registration number plates including GK and diplomatic plates; illegal firearms and ammunition; three bullet-proof vests and facial masks.

After consultations amongst various security organs, the Government reached the conclusion that the presence of the two foreigners in Kenya was a threat to national security. It was, therefore, decided, under the circumstances and in the interest of national security that the foreigners be expelled from Kenya. It was at that point that the Minister in charge of immigration and registration of persons issued orders declaring these people *persona non grata*.

Following initial investigations in the circumstances surrounding this case, the hon. Members of Parliament are aware that His Excellency the President has set up a Commission of Inquiry to investigate security lapses associated with this case. He has also ordered the suspension of several Government officials whose omissions or commissions led to the security lapse. To this effect, I want to lay down on the Table of the House the official gazette which set up that Commission of Inquiry today.

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

Mr. Speaker: Mr. Minister, you have about three minutes left. Remember, you must also respond to hon. Uhuru Kenyatta.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, I appeal to the hon. Members to give the Commission of Inquiry time to get into the root cause of this matter.

(Loud consultations)

Let those who have contributions to make on this security issue do so freely to the Commission of Inquiry.

Mr. Speaker, Sir, that is the end of my Statement and address on this issue.

(Several hon. Members stood up in their places)

Mr. Speaker: His time is not over yet.

(Loud consultations)

Very well, I will give this chance to hon. Prof. Anyang'-Nyong'o.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to contribute to this Motion---

The Minister of State for Administration and National Security (Mr. Michuki): On a point of order, Mr. Speaker, Sir. I got the impression from your comments that my time was up.

Mr. Speaker: No, I warned you that you had three minutes to go. I was just asking you to finish the Statement so that you could go on with your oral response. You have your time.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, I agree entirely with the Leader of the Official Opposition that this is a matter of national importance. It is a matter that seriously has something to do with the image of this country. Therefore, it requires early clarification.

In order not to be setting up kangaroo courts--- Some people want to persuade us that even as this matter unfolded from the very beginning, without empirical evidence, they wanted us to take action at that time. However, I want to say that there are now issues that require to be examined. The Government can now apply the law because there is an issue. It is for this reason that the Commission of Inquiry has been set up. It will delve into the activities of individual officers within

[The Minister of State for Administration and National Security]

Government who took the liberty to cause the security lapses that occurred.

I think it is fair that if we have to do justice to this matter proper investigations should be carried out and this House needs to co-operate with that Commission of Inquiry in issuing the---

Capt. Nakitare: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is your point of order?

Capt. Nakitare: Mr. Speaker, Sir, the Minister has laid on the Table a document that we do not know about. However, is he in order to say that there is a Commission of Inquiry that has been set up without mentioning the names of the people comprising it.

(Loud consultations)

Mr. Speaker: Order! Order, Members! I do not want frivolous points of order. What is purported to have been laid on the Table by the Minister is a Kenya Gazette Notice. It is a public document. It need not be laid on the Table because every hon. Member is deemed to have knowledge of it whether you have seen it or not. It is law.

Secondly, hon. Members, unless you have a serious point of order, let us not make interruptions on debates that have been timed. Let us hear out what everybody else has to say.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, through the Chair, I want to assure this House that the Government has no intention of hiding any truth about this matter. But we have to go into it because we must also follow the rule

of law.

Maj-Gen. Nkaisserry: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House that there is nothing the Government is hiding on these individuals when it has not been forthright from the beginning? On the 4th of April, a Question was asked on these individuals. On the 26th of April, a Motion of Adjournment was moved by hon. Kamotho concerning the same individuals, and the Government came out to defend these individuals that they were businessmen. Is the Government not hiding something on these individuals? Is the Minister in order to mislead the House?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, there was nothing we hid at that time. This House remembers that I, too, was actually insulted by the same, but I was not going to take the law into my hands.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I beg to contribute to this Motion of Adjournment. I would like just for us to go down memory lane a bit to early this year. It was strongly stated by the Minister for Immigration that these two gentlemen were investors.

Mr. Speaker, Sir, I would have expected the Minister for Finance or the Minister for Trade and Industry or the Minister for Planning and National Development to give us that information. The wrong Minister gave this country the wrong information. So, the Minister of State for Internal Security has been operating with false information from the wrong Minister that these people were investors, while these people were busy collecting number plates and balaclavas and all kinds of things to commit crimes in this country.

Mr. Speaker, Sir, I am getting very worried that since I left the Government, things seem to be going wrong on a daily basis.

(Laughter)

I would have expected that the right procedure ---

(Loud consultations)

Mr. Speaker: Order, hon. Members! We are not communicating. On this one, I want Members to listen. It is not a joking matter.

Proceed!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I appreciate the hon. Minister's statement. But I would like to add the following. These two gentlemen have been driving in Nairobi with cars without number plates since the beginning of the year. That is a crime in this country. Secondly, these people have been bringing goods into this country without proper procedure. If you ask anybody at the airport, and we have friends there, these two gentlemen have been importing parcels into this country very regularly without proper procedure. These parcels are alleged to be either counterfeit money or drugs. Because very many strange things were found in these people's house, it is not far from the truth that they were so given to behaving with impunity that they could actually import drugs and counterfeit money into this country, jeopardising the security of our airports and this country.

Mr. Speaker, Sir, Mr. George Muhoho has been doing a very good job to improve the airport. Those of us who travel through that airport regularly knowing that since he was appointed, we have seen improvements. Indeed, if you talk to our partners in the world, they will tell you that Jomo Kenyatta International Airport has been improving on a daily basis.

It takes two individuals, coming from we-do-not-know-where, with names we have never heard of, to come into this country and ridicule our international airport with impunity. These

people drove out of the airport at breakneck speed, contrary to the traffic rules of this country. These people further went out of this country without their passports being stamped, contrary to immigration laws.

Mr. Speaker, Sir, is the Minister aware that these so-called Armenians have been receiving these parcels through the airport illegally? Is the Minister further aware that there are many more shadowy characters in this country? The two so-called Armenians were being defended by the Government, but there are some we do not know about who are going to emerge one of these days, perhaps shooting their ways out of our hospitals. This is a very serious matter. Every public utility in this country is in danger of the Margaryans and Sargasyan whom we do not know about.

Mr. Speaker, Sir, in my humble opinion, therefore, rather than let the Executive investigate the Executive, the Executive should be humble enough and give this House the responsibility of forming a Select Committee to investigate the Executive. Whether you like it or not, let us not hide the truth. The highest echelon of this Government is compromised. You cannot expect that highest echelon to be a judge in his or her own case. It, therefore, makes a lot of sense for the Minister and his appointees to be humble enough to allow the august House to establish a Select Committee to look into this matter.

I rest my case.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I want to admit that this is a very embarrassing lapse for the Government. It undermines our national security. It is necessary that we get to the bottom of this matter in order to restore confidence in ourselves.

Mr. Speaker, Sir, among the items recovered at the house of these persons were security items. They were all seen on television footage, and I want to repeat something I have said before, that this Government does not and did not, even at that time, intend a cover-up. If it was intended, the media would have been excluded from that search in the house. It was at night and it was possible to go on without including the Press.

Mr. Speaker, Sir, having realised that this embarrassing lapse which ought not to have occurred in the first place, had occurred, the Government realises fully that the police cannot investigate itself. That is why today, His Excellency the President, under the Commission of Inquiries Act, appointed a Commission of civilians to look into this matter. It will be chaired by a retired former Commissioner of Police, Mr. Shadrack Kiruki, who will be deputised by Bishop Etemesi and also one lawyer. This matter involves those who would ordinarily investigate, but we need to get to the bottom of it. It is an emotional issue, but we are asking everybody to realise, just like the Leader of the Official Opposition has said, one cannot be a judge in their own cause. So, we realise that we cannot, as a Government, be the ones probing ourselves.

Let anybody with information that he thinks that we, as a Government, have previously not taken full advantage of, let it out there in the public domain, then the Government be told that it refused to act. The actions taken so far are just interim. The Government intends to deal with this matter decisively and expeditiously.

I want to agree with my good friend, Prof. Anyang'-Nyong'o, that this matter must be concluded in a manner that satisfies the public. Therefore, as per that Gazette Notice which is out in the public, this particular Commission of Inquiry will report within 45 days. One of the things they will be recommending is not only whether there should be criminal prosecution or investigation--- It is not limited to those suspended. It is also to those who have not yet been netted. We realise that there could be other lapses that have occurred without our knowledge regarding entry of the undesirable. I am, therefore, telling influence peddlers that their days are numbered.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House that there can be any thorough inquiry into this matter when the people we are

inquiring about have been spirited away by the same Government?

Mr. Speaker: Order! That is a point of argument!

Proceed, Madam Minister!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Speaker, Sir. I totally agree with your direction on the matter.

Mr. Speaker, Sir, when one is deported, he or she does not choose what to go with. By the time of deportation, the Government had recovered what was recoverable at that house. It was done openly. Influence peddlers who go uttering names to get passage, and those who facilitate them, I am saying again, their days are numbered. Action will be taken not only against those who have already been netted, but also against those who are yet to be named, from whom we expect cooperation and information. We also expect information from all Kenyans of goodwill, irrespective of their rank in the system, so that we, as a nation, can be proud of our security system.

Mr. Speaker, Sir, the Government will do the best that it can. I would urge that any genuine Kenyan with information should take it for what will be there for the public record. Only then, if we fail to act as a Government, can we be condemned collectively.

Mr. Speaker, Sir, lapses occur even in the best, and I am not excusing at all this lapse.

With those few remarks, I beg to support.

Mr. Speaker: I think I must give this opportunity to the Shadow Minister in charge of security, Maj-Gen. Nkaisserry.

Maj-Gen. Nkaisserry: Thank you, Mr. Speaker, Sir. The security of our country is under threat. What happened at the Jomo Kenyatta International Airport (JKIA) was an act of terrorism. What the Armenians did showed to the world the security in this country is defiled. It was like watching a Rambo movie; seeing two individuals running away to their hideouts with unopened bags and passports which had not been stamped.

Mr. Speaker, Sir, this is the third time the Government is defending these individuals. The first time was when a Question was asked on 4th April, 2006. The second time was when a Motion of Adjournment was moved in this House. These individuals were issued with security passes to all parts of the JKIA and all other Kenyan airports. In addition, they were in possession of Quick Response Unit (QRU) uniforms. If these fellows were not under the Government's supervision, what was their mission? As a security trained person, I can conclude that the only mission these individuals were to carry out was political assassination. Why should we have individuals with military weapons, QRU uniforms, communication handsets which belong to the police, GK and diplomatic vehicle number plates?

In addition, the Ministry of Immigration and Registration of Persons issued them with passports. They were also issued with police identification cards. Why were they promoted to the rank of Deputy Commissioner of Police, only a rank below that of the Commissioner of Police, if this Government is not hiding something? Why deport criminals if we are not hiding something? It is only the court which would order deportation of an individual. Why did the Government not take these fellows through the court of law? Is it not a travesty of the law?

Mr. Speaker, Sir, my conscience is actually challenged by this Government; a Government which defends the defilement of national security. It is interesting to see a Government Minister coming to this House and telling it that he had to be woken up at 4.00 a.m. because the police were arresting two criminals. If he does not know something about these individuals, why would he be woken up at 4.00 a.m? Why would he be woken up at 4.00 a.m. if the police were doing their job?

I have to commend the Commissioner of Police for refusing to take instructions. Otherwise, these individuals today would still be enjoying their freedom in our country.

I think the buck stops with the Commander-in-Chief. The only action I would demand from him is not to dismiss junior officers, but to deal squarely with the situation. He should deal with

those involved, starting with the Minister in charge of Internal Security, Minister for Immigration and Registration of Persons and Mr. George Muhoho.

With those few remarks, I beg to support.

(Applause)

Mr. M'Mukindia: Thank you, Mr. Speaker, Sir. I will take a very short time, if the hon. Members will give me a chance.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Can you hear him? Any hon. Member not prepared to listen will be made to facilitate the proper conduct of the business of this House by exclusion.

Proceed!

Mr. M'Mukindia: Thank you, Mr. Speaker, Sir. As a Kenyan, I stand in this House ashamed for the first time. I never thought I would see the day that the well-known and respectable, Mr. John Michuki, could crawl in front of foreigners. I never expected to see the day that somebody coming from Kangema in Murang'a; a proud traditional freedom fighter, would crawl in front of foreigners.

(Applause)

Mr. Speaker, Sir, it is a shame that this Government has gone out of its way to tackle the *matatu* touts, Mungiki and cattle rustlers, and yet, it cannot deal with just two individuals.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir.

An hon. Member: *Mwache aendelee!*

Mr. Speaker: Order, Mr. C. Kilonzo! You can hear the mood of the House!

Mr. M'Mukindia: Mr. Speaker, Sir, I would plead with my colleague to allow me to speak for just a few minutes.

I join the rest of the hon. Members of this House in saying that the whole country has been let down. Since November last year, some people have been gun-running, drug-running and carrying out money laundering in this country freely, while at the same time, the Government has been very busy disarming the Pokots, Samburus and Mungiki. It has not been handling the people who are actually threatening the security of this country. We should not handle these people who shamed us in front of the whole world. Today, the Government officials, or Minister who is responsible for this mess has brought even the Head of State to shame. It is not the Head of State who handles security matters but the people who have been assigned the responsibility to do so. Why have they, consistently, refused to do their job? It is for this reason that this House believes that they have something to hide.

Time has come for hon. Members of this House to speak in one voice and say that enough is enough. We must tell the people in charge of the Government: "Enough is enough. We cannot go on like this. You people are shaming us." Therefore, I join my colleagues in asking the Head of State to take charge of these matters. It is quite clear that some people in the Government, be they Ministers or others, are quite incapable of discharging their duties, are unwilling to do so or they are so compromised that they cannot act. Therefore, I would like to call upon those people to pave the way for other people to do that job.

(Applause)

Mr. Speaker, Sir, we already have an example from hon. Members of this House who were previously Ministers of this Government; two very senior hon. Members from my own community resigned from their Ministerial positions to pave way for investigations to be carried out when they were implicated in the Anglo Leasing Scandal. Therefore, I wish to encourage the Minister of State for Internal Security and the Minister for Immigration to step aside to allow investigations into the matter.

(Applause)

The two Ministers are friends of mine. I think it is important that the investigations should be carried out without them being in office.

Mr. Speaker, Sir, another very serious issue that Maj-Gen. Nkaissery has just mentioned is that, you should not deport a criminal before he is charged in a court of law. It is only after the determination of the criminal charges that one is either acquitted or convicted and, subsequently, deported. On what basis were the two Armenian brothers deported? Why were they deported instead of them being charged under our laws? Why have people like Kamau, the former CID Director, and others been sacked whereas the real culprits; the "big guys", are in Dubai or wherever else?

It is no wonder that this House and the country as a whole feel strongly that some people in this Government are hiding something. The matter must be dealt with openly with a view to clearing the implicated Ministers, Assistant Ministers, Permanent Secretaries and immigration officials, so that we can know the truth. Anything short of that will not do.

With those few remarks, I beg to support.

Mr. Speaker: I have a problem reaching out to hon. Members. Shall I have Mr. Kilonzo?

*(Messrs. K. Kilonzo and C. Kilonzo
stood up in their places)*

(Laughter)

An hon. Member: They are both Kilonzos!

Mr. Speaker: Order! Order! I am talking about the Kilonzo to my left.

*(Messrs. K. Kilonzo and C. Kilonzo
continued standing)*

(Laughter)

Mr. Speaker: Order! Order! If the two Kilonzos cannot understand my language, I will give this chance to somebody else.

Mr. C. Kilonzo, you may proceed!

Mr. C. Kilonzo: Thank you, Mr. Speaker, Sir. The issue of the two Armenian brothers should not be taken lightly the way the Government has done. From the onset, the Government was cautioned. Indeed, hon. Members raised the issue of the character of the two Armenian brothers. It is obvious that the two Armenian brothers were hired to carry out political assassinations in this country. There are several questions which are begging answers: How does somebody pull out a gun at Jomo Kenyatta International Airport (JKIA) and walk away scot-free? How can that happen in Kenya, where we have a serious problem of terrorism? From available information, no

policeman would have dared the two brothers.

Mr. Speaker, Sir, it is common knowledge that we have been running two police forces; one which belongs to the CID Director, Mr. Kamau, and another one which belongs to the Commissioner of Police. The truth of the matter, which is based on information we have, is that the Police Force was divided. We had senior police officers who were issuing orders for the arrest of the two Armenian brothers, and others who were issuing orders against effecting the arrest. That is the Government we are talking about today. Some Ministers seated in this House were issuing orders for the deportation of the two Armenian brothers, while certain Cabinet colleagues of theirs were issuing orders to the contrary. Is this the Government we are talking about?

Mr. Speaker, Sir, we had occasion when Prof. Kibwana, Mr. Konchella and Mr. Michuki, all of whom are Cabinet Ministers, defended the two Armenian brothers on the Floor of this House. The Ministers were happy and satisfied the duo were clean businessmen. How can a clean businessman be found in possession of a gun belonging to the Presidential Escort? When a Minister says: "We called the Press", that is mere public relations. What is the role of a certain senior civil servant by the name of Wangui in this matter?

Hon. Members: Wangui Mwai!

Mr. C. Kilonzo: Mr. Speaker, Sir, why did the two Armenian brothers get police escort? They were escorted to the Carnivore entertainment spot by officers in police cars blaring sirens. The vehicles carrying the two Armenians did not bear any registration numbers, but the police cars had GK registration number plates. Who raided the *KTN* newsroom and The *Standard* production plant? The uniforms found at the home of the two Armenian brothers are, indeed, similar to the ones which were worn by the persons who raided the premises of the *KTN* and the *Standard*. Even somebody who has never been to school could see that the Government was behind this raid.

A few years ago, when the NARC administration took over the leadership of this country, they said that even political assassination is an option. That statement is on record. It is only that the fellows who are doing it are amateurs. The current Police Commissioner is the first officer to have come from a different security outfit to lead the Police Force. So, indeed, the Police Force is already divided by the Government's action of sourcing somebody from the military to head the Police Force. Consequently, discontent developed in the Police Force, leading to appointment of a crony police commissioner. That was done by none other than the same Minister responsible for the Police Force.

Mr. Speaker, Sir, we need not remind you how these Cabinet Ministers have let down this Government. They cannot even perform the simplest task of coming to Parliament to answer Questions. The fact that His Excellency the President has given them powers to act on their own makes them think that they are small presidents running small governments in the Ministries. The President has only one option left. He should spend the whole of tomorrow sacking Ministers over the radio at intervals of 30 minutes and make Kenyans happy. The current Ministers have let down the Government and Kenyans generally. It is a shame that we share the same House with them.

With those few remarks, I beg to support.

Mr. Speaker: Hon. Members, I am in a very difficult position. I am inclined---

An hon. Member: Give each hon. Member speaking three minutes!

Mr. Speaker: Hon. Members, is it your view that we reduce the time to three minutes?

Hon. Members: Yes!

Mr. Speaker: It is okay, but I am inclined, first, to give the Minister for Immigration a chance, so that we can hear his side of the story.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to ask my colleagues to listen to me because we should not judge anyone before he is heard.

(Loud consultations)

First of all, I feel like any other hon. Member. I am not only disappointed and annoyed about the whole issue, but also disgusted like the rest of the hon. Members. I am going to talk about my Ministry. I will not talk about the NARC activist or the Armenians in Kenya because that is none of my business. As you know, I am not a policeman.

I would like to correct some wrong impression. It has been alleged that the Ministry of Immigration and Registration of Persons issued passports to the two Armenian brothers. The alleged passports are Nos.1031195 and---

Mr. Cheboi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House? He is on record as having said that the two brothers are Czechs and he is now telling us that they are Armenians.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Mr. Speaker, Sir, allow me to correct this impression because that is neither here nor there.

On 2nd May, 2006, the Immigration Department reported that three passports had been stolen. The suspect was Ms. Beatrice Akoth Adongo, a cleaner with M/s Cells Cleaning Services. This is a cleaning company which is contracted to clean the Immigration Department offices. She was arrested and handed over to the Central Police Station. She was charged in court vide case No.CA810 of 2006. These passports were, therefore, not issued to these people and all the entries on the passports were fraudulent.

This is a case of theft. A cleaner went to an office and picked blank passports. The loss of the passports was discovered by our officer within two minutes. The lady was arrested. She had given the passports to a Somali man, whom the police are following. She was locked at the Central Police Station. Two of the passports were found with the two Armenian brothers.

(Loud consultations)

Mr. Speaker: Order, hon. Members! I want to make my intentions known in advance. I am informed that the Minister for Trade and Industry was at the airport at that very moment. So, I intend to call upon him, after Ms. Abdalla, to tell us his actual experience.

Ms. Abdalla: Thank you, Mr. Speaker, Sir. I am extremely disappointed by the statement by the Minister of State for Immigration and Registration of Persons. I come from a community, whose members are required to produce the birth certificates of their grandmothers and grandfathers for them to be issued with passports. For the Minister to have the audacity to say that Somalis steal passports is in line with the culture of this Government and the previous Government. Marginalised people will continue to be harassed when the Government is in trouble.

The first thing that the Minister should have done when he stood up is to apologise to this nation for misleading us. He is telling us about an individual who stole passports in his Ministry. Those are trivial matters. We want serious issues pertaining to our security to be dealt with.

I am very annoyed because when we moved the Motion of Adjournment to discuss the issue of the Armenians, we asked him to tell us how he was going to deal with the issues that we raised. He trivialised the matter by saying that people who owed the Armenians money are the ones who had brought the Motion to the House. He is now telling us that they have information that they should have taken the matter more seriously.

These people who are to be investigated are nowhere. Who is going to bring them back? Whose word are we going to believe? Are we going to believe information from the Kenyans who are going to be harassed to give information or the accused persons who are not here? We have a

very bad culture as a nation. First, as leaders, we do not accept our mistakes and apologise, and secondly, we do not want to step aside when we have made blunders. This is a culture that we must get rid of. This Government told us that its members will not work with powers from above.

Mr. Speaker, Sir, I am very interested to hear that the Ministry of Immigration and Registration of Persons has blank passports to be stolen. I have been told that my colleagues in Eastleigh at Garissa Lodge are the producers of the passports that are on sale. Now I am aware that the Minister is admitting that they also produce them for sale.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): On a point of order, Mr. Speaker, Sir. I am not going to sit here and listen to lies. These are lies being perpetrated by some people here!

Mr. Speaker: Order, Mr. Konchella! We do not use that language in the House. Will you withdraw and apologise?

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Mr. Speaker, Sir, I substitute the word "lies" with "untruths". I withdraw and apologise.

Ms. Abdalla: Mr. Speaker, Sir, the other thing is that the people who were deported could be Kenyans because they have identity cards showing that they are Deputy Commissioners of Police. The last time I checked, the Police Department was only open to Kenyan citizens. So, the Ministry could have deported the wrong people.

Finally, I have an issue with this Government because when problems arise, the big shots are left free and it is the "small persons" who are dealt with. Why would you suspend the Deputy Director of the Criminal Investigations Department (CID) when the Director of the CID is in office?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, one of the biggest challenges that we face as a country, as we attempt to democratise, is to fight the culture of impunity. What was said of scandals in the past is as true of this one as of any other scandal. We are dealing with influence peddlers and informal Government, which fly in the face of rational Government. This debate is not about scoring points between the Government and the Opposition. It is about Kenya fighting for formal Government against informal Government.

Mr. Speaker, Sir, on the evening of Thursday last week, I arrived at the airport in Nairobi, on board British Airways 065 from London. As I arrived at the airport, there was a fracas going on. My driver who had come to pick me up was involved in restraining one of the Artur brothers who was attempting to pull a gun on a Government officer.

I was buoyed because I had had a very good trip after holding a very good meeting with the Administrator of the Millennium Challenge Account. There were prospects of Kenya getting credibility and an official statement from Washington that they are taking the Kenyan Government seriously. However, all of a sudden, I was deflated. I felt a bitterness and a cold in the bottom of my heart. I asked: "Where is the Government here?" But there is one thing that was redeeming for me. Before I left the airport, I called hon. Michuki and I told him of the outrage and the shame that I was feeling. He told me: "You will see that tonight, there will be action to prove that the Government is not behind this madness". We can have disagreements about the Armenians being sent away or not being taken to court. I would have wanted these guys sent away in February this year. To me, this is evidence that some action was taken.

The more fundamental thing that I want to say is the following: All citizens of this country must be interested in the war against impunity. All well-meaning citizens of this country must be interested in the fight against informal Government. The Government must be accountable to the National Assembly and to the population of Kenya. Shadowy characters who peddle assumed influence have to be fought by all of us who want formal accountable Government to be the yardstick for measuring whether democracy is maturing in this country or not. I take every project as

part of the war against the culture of impunity. A culture cannot be defeated by one act. But the cumulative effect of those acts does not pay. Corruption, impunity and misuse of Government resources must be proved.

Mr. Muite: Mr. Speaker, Sir, for the time that those Armenians have been in the country, they have behaved the way they have because they have been protected by high ranking people in the Government. Some of the items that were found in the house in Runda where the Armenians were staying were the same ones that were stolen when there was a raid at the Kenya Television Network (KTN) and the Standard. The Minister of State in charge of internal security said that, that was a Government operation. Where is the dividing line between the Armenians and the Government?

(Applause)

Mr. Speaker, Sir, available evidence shows that those Armenians were part of the raid. Therefore, this Government has consistently protected those Armenians until today, when the embarrassment got out of hand.

Mr. Shadrack Kiruki was once a Commissioner of Police. I was the last person to see him as the Commissioner of Police that morning. I went to see him to protest about his violations of the law. He was sacked at 1.00 p.m. But now, you are appointing him to head a Commission of Inquiry to inquire into the activities of the Armenians. Only Parliament can conduct independent and impartial investigations. We must do that!

(Applause)

Some of the issues that need investigations are with the individuals in the Government who have been protecting the Armenians. They must assume responsibility! The culture that we have in Kenya of passing the buck downwards has to come to an end. You should pass the buck upwards! You should assume responsibility. Therefore, we need to have the evidence of the Commissioner of Police and others before we can believe Mr. Michuki, who has been defending the Armenians, actually ordered for their arrest. It is very difficult to believe that he went through that metamorphosis!

(Laughter)

Mr. Speaker, Sir, it is not right for the hon. Member for Central Imenti to say that people from Murang'a fought for our Independence. Not all of them were freedom fighters. Some were not!

(Applause)

So, Mr. Speaker, Sir, what we are saying is that, if His Excellency the President wants to be taken seriously, let him start from the top in terms of sacking people. We have seen other Ministers being told to step aside to allow investigations to be conducted. Why are the Ministers responsible in that case not being told to step aside in order to allow investigations to be conducted? We want to know how high up in the echelons of power the protection went. We must bring that scandal to an end once and for all!

Mr. Ojode: Mr. Speaker, Sir, I think it is better for this country to know what has been happening. I want to join my friends and colleagues and talk about those Armenians.

Mr. Speaker, Sir, the Minister in charge of internal security is aware of the activities and is completely implicated in this matter. He is! We have a company known as Kensington Holdings. Who are the partners with the Armenians? Could the Minister tell us the directors and partners of that company? The Director is Ms. Wambui - the NARC Activist. It is better for us to call a spade a spade!

(Applause)

You are aware that, last time, the same Minister told us he was aware of who raided KTN and the Standard Group of Newspapers. He is the one who ordered for that raid, and he is here! If I were him, I would have stepped aside and allowed the younger person to perform his duties.

Mr. Speaker: Order! The Motion is not about the personal conduct of the Minister!

Mr. Ojode: Mr. Speaker, Sir, that statement was issued by the Minister in charge of internal security himself! It was not Mr. Ojode.

Mr. Speaker, Sir, the Government vehicle registration number GK A66L belongs to the Minister in charge of internal security. Let him come up and say he is not aware of that Government vehicle. Why were they given that vehicle?

An hon. Member: Who?

Mr. Ojode: The Margaryans. Why? Let us call a spade a spade. The Minister is completely implicated in this issue. Even if we will not deal with this issue now, there will be a time when the same Minister will be called upon to tell us what he knew!

(Applause)

Mr. Speaker, Sir, let us talk about the issue of cocaine, counterfeit currencies and arms. We want the Minister to tell us what was contained in the bags that the Armenians had. Could he tell us that?

An hon. Member: There is a container!

Mr. Ojode: There is a container which was cleared in mysterious circumstances. Could this Minister - this one here - tell us?

(Laughter)

Mr. Musila: Mr. Speaker, Sir, the events of the last few days have made all Kenyans, wherever they are, ashamed to be Kenyans. The theme of this year's Madaraka Day was: "I am proud to be a Kenyan". Today, how many Kenyans can stand up and say that they are proud to be Kenyans after what has happened?

Mr. Speaker, Sir, this country has become a haven of foreign criminals. We are talking about the so-called Armenians. We have many more remaining, especially from West Africa. Drug trafficking is rampant in this country; thanks to Ministers of this Government, who are protecting criminals!

(Applause)

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. A.I. Mohammed) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, this country is awash with counterfeit currencies, thanks to the Government for protecting criminals. This country is awash with illegal firearms. Those criminals are known by the Government. Those particular foreigners went ahead and infiltrated the most important security organs of the State. They infiltrated the Kenya Police, the Kenya Revenue Authority (KRA), the Immigrations Department and the Kenya Airports Authority (KAA). What is left for this Government to remain in power? In the civilised world, a government that condones such security lapses resigns.

(Applause)

Mr. Temporary Deputy Speaker, Sir, what is remaining in this civilised world is that those responsible for this lapse of security should resign. There is nothing else that is honourable other than the resignation of this Government to pave way for another one.

*[The Temporary Deputy Speaker
(Mr. A.I. Mohammed) left the Chair]*

[Mr. Speaker resumed the Chair]

Mr. Speaker, Sir, these criminals were deported and booked in Business Class as per the manifest of the airline that flew these people out and yet they were criminals. This House must reject the appointment of a commission of inquiry because in the history of this country, commissions are appointed to cover up crimes and hoodwink Kenyans that something is being done. This House must be given the mandate to investigate this matter thoroughly and we reject the appointment of any commission of inquiry.

With those few words, I support.

Mr. Billow: Thank you, Mr. Speaker, Sir. This nation is owed an apology by this Government because it was misled in March this year. The consequences, when the nation was misled on the raid on the *Standard* newspaper is that a number of international institutions suspended aid to this country including the World Bank, the International Monetary Fund (IMF) and many others. Kenyans were ridiculed and treated to insecurity at levels we have never seen before. We were also told about investments in hot air and because of all this, this nation is owed an apology by this Minister and his Government.

Mr. Speaker, Sir, when the whistle blower on these two individuals talked about the existence of mercenaries, he was vilified in this House. He was accused of merely trying to avoid paying his loans and so forth, and we need this Government to apologise to him.

Mr. Speaker, Sir, on the issue of terrorism, all the acts that have been mentioned by my colleagues really point to suspected terrorism. When you look at gun running, contraband goods and false nationalities, it is evident that these are people who in any other country in the world would be suspected of being involved in terrorism. This same Minister who said that this Government was "rattled" by a harmless article in a newspaper and had to order a raid on the same cannot today say he is not "rattled" at all by the national airport in this country being attacked in the manner that it has been done.

Mr. Speaker, Sir, in conclusion, all these actions of these two men revolve around two people who none of these Ministers would want to mention. They keep talking about influence peddlers and using other languages, but we want to be told the truth about them. I want to thank His Excellency the President for coming out clearly and saying that one NARC activist by the

name Wambui and her daughter known as Wangui have no relationship with the President. If, indeed, they have no relationship, why are those people "sacred cows" in this country because they are the people who have made these two individuals be what they are in this country? We need to be told who they are. Why are they enjoying Government security, vehicles and protection if indeed they are not people who have any role in this country? Unless we resolve that issue, we will have other Artur Margaryans coming in tomorrow and this Government will still be left helpless. Due to their involvement in all this gun running, drug peddling and so forth, I want to argue as the representative of Mandera Central that the District Criminal Investigation Officer (DCIO), Mombasa Port, who was from my constituency and who was killed in February this year because of tracing such containers that we are being told of, was most probably a victim of this same kind of individual garb we have seen.

I support.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Speaker, Sir, thank you for giving me an opportunity to contribute to this Motion. Anybody who does not feel the shame of this incident does not have a patriotic feeling. These two Armenians have brought incredible shame to this country.

If you recall, in the 1970s, mercenaries launched coup plots in the Comoros and Seychelles from Kenya, supported by a one-time Attorney-General. The culture of impunity and indifference to matters of national importance has to come to an end. While the deportation of these two Armenians, on the face of it, is legal under the Immigration Act, but when you look at the circumstances surrounding it, these Armenians committed offences. They could have been charged with violating security at the airport, being armed in a prohibited place, in possession of Government stores and forged passports. They were also in possession of GK number plates and being in this country illegally. Above all, they had committed serious security breaches that go to the very root of our Government.

It is regrettable that these people were deported. What happens in other jurisdictions is that such people would have been charged and convicted. If convicted, they would have served their sentences and thereafter be deported. This is what is done all over the world. However, it is now spilt milk. What we, as a House, must stand up today and say loud and clear is that we should not have such cases repeated in this country. We should not have suspicious foreigners coming into this country, swaggering in the streets like Rambo and getting away with it. We must protect our country in the future.

Mr. Speaker, Sir, let us not mourn the past; let us be wiser from this event and look to the future and say, let it never happen again.

I beg to support.

Mr. ole Ntimama: Mr. Speaker, Sir, this country is going through a very dark time. This Government has been completely engulfed with crises for the three years it has been in power. It is true, I stood here last time and said the police force is divided down the middle. The hon. Minister stood up and denied it.

Mr. Speaker, Sir, now we know the police force is divided in the middle; those who support criminals and those who fight criminals. This includes the Ministers and senior officers.

The most important point here is that the President has a sacred duty to---

Mr. Sirma: On a point of order, Mr. Speaker, Sir. Since this Motion is attracting a lot of attention could I request for extension of time for the sitting of the House?

Mr. Speaker: Mr. Sirma, I think you are coming in late in the day.

Mr. ole Ntimama, proceed!

Mr. ole Ntimama: Mr. Speaker, Sir, the President of this country has got a sacred obligation to restore confidence to the people of this country and to the nation as a whole. The only

way he can restore confidence in this country is by sacking those who are involved in this saga, including the Ministers. I know they will not step aside; they are so arrogant. There is a culture of arrogance and impunity. However, if they do not change, this House will probably have to think about censuring them.

It is a fact that we have got a "Wambui" and a "Wangui" in this saga. If the Armenians left the country, then we should arrest and prosecute their business associates. These are the Wambuis and Wanguis. If they are not prosecuted, the whole seed of the Armenians will still come up again.

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business of the House. The House is, therefore, adjourned until tomorrow, Wednesday, 14th June, 2006, at 9.00 a.m.

The House rose at 6.30 p.m.