

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th October, 2006

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.416

OPERATIONALIZATION OF LAND/TRIBUNAL BOARDS IN MASINGA

Mr. Mbai asked the Minister for Lands:-

- (a) whether he was aware that Lands and Tribunal boards formed three years ago in Masinga and Ndithini divisions have never held any sitting, and;
- (b) what measures he is taking to ensure that the boards start working.

Mr. Deputy Speaker: Is the Minister for Lands not here? Well, we will move on to the next Question.

Question No.279

GOVERNMENT FINANCIAL CONTRIBUTION TO CONSTRUCTION OF ASTU AT KINENI

Mr. Masanya asked the Minister of State for Administration and National Security:-

- (a) how much money the Government has contributed for the construction of the Anti-Stock Theft Unit (ASTU) at Kineni in Nyamira District, and;
- (b) what the cost estimates of the project are.

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

(a) The Government has not contributed any money for the construction of the ASTU at Kineni in Nyamira District. The temporary buildings occupied by the officers were constructed on *Harambee* basis by members of the public.

(b) There are no cost estimates for the project.

Mr. Masanya: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for the answer. However, I am surprised because since this camp started on a self-help basis, it has brought a lot of peace. Previously, many people were killed because of cattle rustling. A lot of livestock was stolen but since this camp started, the cattle rustling has reduced almost to a quarter. Could the Assistant Minister tell us why the Government is not taking interest in this project which has been initiated by the community?

Mr. Kingi: Mr. Deputy Speaker, Sir, the ASTU is not supposed to be a unit that is posted to

any place on a permanent basis. It is supposed to be deployed whenever there is need. Therefore, that is why we never take it upon ourselves to construct any permanent structures. We deploy them and they use temporary structures. When they accomplish their mission, they are either sent back to their headquarters or deployed elsewhere.

Mr. Kimeto: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity. The place mentioned in this Question is where we share a border with Mr. Masanya. The ASTU is suffering because the officers are living in rooms that are not well roofed. We did it half way because we did not have enough money. Could the Assistant Minister endeavour to make an undertaking to provide some money to assist the ASTU to be permanently there? This will ensure that we have ASTU in every part of the country to check on cattle rustling.

Mr. Kingi: Mr. Deputy Speaker, Sir, I have already said that this is a unit that we deploy whenever there is a problem. It is not a unit that is posted to any place on a permanent basis. However, if the unit the hon. Member is taking about has any problems at all, he should visit our office. I am sure we will solve those problems so that the unit can operate effectively.

Mr. Masanya: Mr. Deputy Speaker, Sir, I am surprised to hear from the Assistant Minister that this unit is not supposed to be stationed in a particular place. Where does the Ministry think these people are operating from? Are they operating from the bush? They use some machines. Where are they supposed to use them? This unit even uses walkie-talkies to track down stolen livestock. Where are they supposed to operate from when the Assistant Minister says that they are not supposed to have a camp where they operate from?

Mr. Kingi: Mr. Deputy Speaker, Sir, I have said that they are not supposed to be posted to a place permanently. They have temporary camps which they set up and they are able to operate from those camps. Therefore, it is not the intention of the Government to start constructing permanent camps all over the country to accommodate these units. Whenever there is need, we have the provincial and district administration committees which can sit and advise us. We will then post these units. They normally have tents and other accommodation gear.

Question No.452

IRREGULAR ALLOCATION OF PRISON
LAND IN KITALE

Mr. Deputy Speaker: Capt. Nakitare is not in the House. It is not normal for him not to be in the House. There must be a problem. Nevertheless, I will drop the Question.

(Question dropped)

Question No.316

JOB LOSSES IN KENYA DUE TO WTO
DOHA NEGOTIATIONS

Mr. Oparanya asked the Minister for Trade and Industry:-

- (a) if he is aware that Kenya will suffer job losses and increase in poverty as a result of the WTO Doha Round Trade negotiations; and,
- (b) what the Ministry is doing to mitigate against the anticipated catastrophe.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware. There is no evidence that Kenya will suffer job losses and increase in poverty as a result of the WTO Doha Round Trade negotiations.

The Doha Round Trade negotiations was tasked to maintain the process of reform and liberalisation of trade policies to ensure multi-lateral trading systems are placed in full path in promoting recovery, growth and development of the global economy. Kenya has, indeed, benefited from that facility.

(b) Kenya with other development partners has been at the forefront insisting that the Doha Round Trade negotiations must deliver development at the end of its conclusion. In this regard, Kenya has tabled a negotiating proposal on issues and concerns associated with long-term decline and sharp fluctuations in the process of commodities in global markets. Kenya has also called for a multi-lateral solution to these concerns in order to meet the Millennium Development Goals' (MDGs) challenges. Kenya's proposal has been accepted by the World Trade Organisation (WTO) for negotiations and, indeed, it is on the table.

Mr. Oparanya: Mr. Deputy Speaker, Sir, it is unfortunate that I do not have a written answer. However, I do not know if the Assistant Minister is aware that the WTO Doha Round Trade negotiations have collapsed. So, the issue he is talking about has been overtaken by events. However, my concerns are that quite a number of trade negotiations which affect our country, which is a member of the WTO, are going on. We, as a developing country, are supposed to mitigate against some issues which arise because of these negotiations. We are supposed to carry out impact assessment of all these negotiations. I would like to know from the Assistant Minister if Kenya, as a country, has taken up the issue of impact assessment, which will arise because of the results of the negotiations? How much money has been set aside and spent to ensure that Kenya is safe as we get involved in these negotiations?

Mr. Miriti: Mr. Deputy Speaker, Sir, I am very sure the hon. Member is aware of the interest and involvement of the Minister in these negotiations. In fact, he has always led the regional delegation in this respect. The Ministry is concerned about this issue. This issue is on top of our agenda, to ensure that Kenya does not lose in these negotiations. At the moment, I might not be in a position to say the amount of money which has been allocated to this programme, but the Ministry is interested in the development. We are watching this programme very closely.

Mr. Midiwo: Mr. Deputy Speaker, Sir, the Assistant Minister has alluded to the Government's commitment to the MDGs. This basically means eradication of poverty by the year 2015. The Minister for Trade and Industry keeps talking about the MDGs. The President also talks about the same. Could the Assistant Minister tell this House what the Government is doing as regards the MDGs and the issue of funding, especially where that funding is targeting to alleviate poverty in this country by the year 2015?

Mr. Miriti: Mr. Deputy Speaker, Sir, although a lot has been done towards the MDGs, you might observe that this Question is not in any way related to the question we are discussing now. I would like to advise the hon. Member to file a substantive Question for us to respond to.

Mr. Deputy Speaker: Nevertheless, Mr. Miriti, that is a very important question. I think it all relates to trade. You do not need to have a separate Question for this. However, if you feel that you do not have the information on it, it is not bad to say that you have no information on it. The question by Mr. Midiwo is not misplaced. Maybe you do not have the facts on your finger tips, but it does no harm to admit that.

Mr. Miriti: Mr. Deputy Speaker, Sir, this is a very important area, and equally an important question. We would like to do justice to it. The issue of the MDGs deals with poverty reduction. We have done a lot towards this. I would like to come with all the facts to table in the House.

Mr. Deputy Speaker: Last question, Mr. Oparanya!

Mr. Oparanya: Mr. Deputy Speaker, Sir, Kenya, as a CPA country, is also negotiating

under the ACTA Agreement with the European Union to ensure that the previous agreements with the WTO are compatible. Kenya, as a country, is also negotiating under the Eastern Southern Africa Countries (ESAC). However, within East Africa, Tanzania is negotiating under the Southern Africa Development Corporation (SADC) while Kenya and Uganda are negotiating under the ESAC. Putting into consideration that we have the East African Trade Management Act, what is the Ministry doing to ensure that what Tanzania is doing as an East African country, and what Kenya and Uganda are doing, are in agreement because we have a common external tariff?

Mr. Miriti: Mr. Deputy Speaker, Sir, the hon. Member is right. We have the East Africa Community, COMESA, SADC and so on. Some of the approaches are conflicting. We are negotiating with all the countries to ensure that there is harmony in our approach.

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

Mr. Deputy Speaker: What is your point of order?

Mr. Oparanya: Mr. Deputy Speaker, Sir, is the Assistant Minister in order just to answer that question very casually the way he has done? That is a very interesting and important area.

Mr. Deputy Speaker: Mr. Oparanya, the Assistant Minister gave you the answer as he thought fit. Why do you classify it the way you did, as casual? Mr. Miriti, was your answer casual?

Mr. Miriti: Mr. Deputy Speaker, Sir, that answer was substantive, it was not casual. It contains a lot of substance because the hon. Member knows very well that this is a question of negotiations. We are in dialogue with Tanzania and Uganda. We are trying to harmonise our approach towards the multi-lateral trade and trade with the European countries.

Mr. Deputy Speaker: Thank you, Mr. Miriti.

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

Mr. Deputy Speaker: Mr. Bifwoli, what is it? I had called the last question by Mr. Oparanya and he asked it.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the reason I am raising the point of order is---

Mr. Deputy Speaker: Order, Mr. Bifwoli! There is no point of order on that Question. Next Question, Mr. Kombe!

Question No.456

PAYMENT OF SALARIES TO NURSERY SCHOOL TEACHERS

Mr. Kombe asked the Minister for Local Government when he will start paying nursery school teachers in the country.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, I beg the indulgence of the House to answer this Question tomorrow afternoon.

Mr. Deputy Speaker: Mr. Assistant Minister, what reason do you have? This House has been on recess for a long time. I do not think civil servants also went on recess!

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, I am uncomfortable with explaining the reasons because the answer that I have is inappropriate. May I beg your indulgence.

Mr. Kombe: Mr. Deputy Speaker, Sir, I have a written answer! I do not know why the Assistant Minister wants to answer the Question tomorrow.

Mr. Deputy Speaker: Mr. Assistant Minister, the hon. Member has a written answer. I can see you have also received another answer just now. Would you like to give it a go?

Hon. Members, I think we are experiencing a lot of pressure with Questions. When a Question appears in the Order Paper, all parties must endeavour to do justice. The hon. Member must

ask the Question and the Minister must attempt to answer it.

Are you ready now, Mr. Assistant Minister?

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, with another apology, they have brought the answer with the correction.

I beg to reply.

Mr. Deputy Speaker: Go ahead! But does the hon. Member have that corrected version of the answer?

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

Mr. Deputy Speaker: Mr. Assistant Minister, could you pass a copy of the corrected version of the answer to the hon. Member?

The Assistant Minister for Local Government (Mr. Tarus): My Ministry does not have---

Mr. Deputy Speaker: Mr. Assistant Minister, listen to the Chair!

(Laughter)

You just stated that you have a corrected version of the answer. I asked you whether you can avail a copy of it to the hon. Member and then proceed!

Maybe, I will let you go ahead!

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, I have supplementary information which I can use to answer the Question.

Mr. Deputy Speaker: Very well, the Chair has also just received a copy of the answer.

So, go ahead!

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

The Ministry of Local Government does not have a pay policy for nursery school teachers in the country. Nursery school teachers are employed by some councils who pay them. Not all councils employ nursery school teachers.

Mr. Kombe: Mr. Deputy Speaker, Sir, the former Minister for Local Government, the late Mr. K. Maitha, pledged in this House to pay all nursery school teachers. Bearing in mind that nursery schools are not built by local councils - they are built by the community - could the Ministry consider honouring that pledge in honour of the late Minister?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have two points to address the concerns of the hon. Member. In 2005, the Ministry of Education presented Sessional Paper No.1 on Policy Framework for Education, Training and Research. They laid emphasis on early childhood education development. The Ministry of Local Government is of the opinion that issues to do with education should be adequately addressed by the Ministry of Education.

Secondly, the proposed new Constitution, which I hope the hon. Member had read, had provided for compulsory education. When the people rejected that proposed Constitution, they rejected that compulsory education from early childhood.

Mr. Karaba: Mr. Deputy Speaker, Sir, that is a very serious omission by the Government! We should pay nursery school teachers who teach our children to enter free primary education. Could the Assistant Minister ensure that all county councils, who are misusing their funds now, make it a priority to take care of nursery school teachers?

Mr. Tarus: Mr. Deputy Speaker, Sir, I appreciate the proposal given by the hon. Member. But the Ministry of Local Government, together with the Ministry of Education, will have to consult with a view to have one Ministry in charge of policy and development of education across all levels.

Mr. Kajwang: Mr. Deputy Speaker, Sir, does the Assistant Minister appreciate the

contradiction? On one hand, he is speaking about free primary education and, on the other hand, he does not look at early childhood as a foundation for those who are enrolled in primary schools. Does it not make a lot of sense that we put money at the foundation of our education so that, nursery schools can give the children the necessary foundation to help them during the free primary education?

Mr. Tarus: Mr. Deputy Speaker, Sir, what the hon. Member is saying is true. However, there is no contradiction because Sessional Paper No.1 of 2005 recognises the importance of early childhood education development. That is the policy of the Ministry of Education. Therefore, the emphasis should be on the provision of adequate funding for purposes of remunerating that very important sector of the society.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the Government has not been serious about nursery school education. I do not see why that very important function should be left to the Ministry of Local Government. The Assistant Minister is just speaking about policy papers. Could he tell us when they will incorporate early childhood education into the Ministry of Education? Local councils have completely failed. When are they going to do that?

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not think that the Government is not serious about that issue. The fact that the Government has prepared a sessional paper covering that important sector shows that it is very serious.

Secondly, it is not only about policy papers. It has to do with the entire reforms of the education sector. I understand that resources have not been provided in the past to cater for that very important sector. Local authorities are now going through reforms with the support of the Government to ensure that they deliver. If they are given additional resources, I am sure they will deliver on that mandate.

Mr. Deputy Speaker: Last question, Mr. Kombe!

Mr. Kombe: Mr. Deputy Speaker, Sir, could the Assistant Minister undertake to champion the proposal to have free primary education included in the new Constitution?

The Assistant Minister for Local Government (Mr. Tarus): I do not know whether I got the hon. Member well, but I am happy that he is part of the team that has been fighting for the rights of the young children in this country.

Question No.487

TARMACKING OF KITUI-KIBWEZI ROAD

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

- (a) how much money has been set aside for tarmacking the Kitui-Kibwezi Road this financial year; and,
- (b) if the Government could undertake to tarmack this road which is the only untarmacked class "B" road.

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

(a) The Government has not set aside money for the tarmacking of Kitui-Kibwezi Road. However, the road has been included under the World Bank funded Northern Corridor Transport Improvement Project.

(b) The Government will commence the feasibility study and engineering design study for the Kibwezi-Kitui-Kisiro Road in the current financial year. The studies are a prerequisite for the future upgrading of the road to bitumen standards. The Kitui - Kibwezi Road is not the only class "B" road that is untarmacked.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say clearly

that in this financial year the Government will not tarmack this international road which links Kitui to Maua all the way to Ethiopia. We all know that the President himself came to Kitui one time and publicly promised the people of Ukambani that his Government was going to tarmack that road. Given that this Government has a knack for lying to its people, could the Assistant Minister own up in this august House that, indeed, they have lied to the Kenyan people and that the idea of the Northern Corridor---

Mr. Deputy Speaker: Order, Mr. K. Kilonzo! This is not a debating session; it is a Question session. Please, ask your question.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I am just expressing the anger of my people.

Mr. Deputy Speaker: This is not time to express anger. It is time for you to ask your question.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, could the Assistant Minister then tell us when this road is going to be tarmacked under the current programme of the World Bank?

Eng. Toro: Mr. Deputy Speaker, Sir, hon. K. Kilonzo should appreciate the fact that after so many years, the current President promised that the road will be tarmacked. That is why, in my answer, I said that the Ministry has commenced working on the designs of this road.

Mr. Deputy Speaker, Sir, six consulting firms have been prequalified to do the actual feasibility studies and engineer a design for this road. A request for proposals from this six consulting firms - all of them are foreign - is being awaited and is going to be evaluated by latest February, 2007 so that designs can commence in March, 2007. Since it is a very long road, in order to upgrade it to bitumen standards, the design period will take 18 months.

Mr. Manoti: Mr. Deputy Speaker, Sir, the road network in this country is very poor because most of our roads have not been repaired. The hon. Member asked when the Kitui - Kibwezi Road will be tarmacked. He has been told that the design work on the road is yet to commence. How much money has the Ministry set aside for design work and how long will it take the Ministry to prepare tender documents for the same road to be tarmacked?

Eng. Toro: Mr. Deputy Speaker, Sir, this project is being undertaken by the World Bank under the Northern Corridor Transport Improvement Project. They are the ones who are going to fund the feasibility study and the final design up to the documentation stage. The Government has not set aside any funds for this road until the designs are completed and we know the scope of work and the amount of money that will be involved. It is at that point that the Government's component will be negotiated, that is, what percentage the Government and the World Bank will both contribute towards the construction of this road.

Prof. Anyang'-Nyong'o: Mr. Chairman, Sir, a phenomenon---

Mr. Deputy Speaker: I am not the Chairman here. Would you, please, address me in a better way?

(Laughter)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, a phenomenon is arising in the construction of roads in the country where roads are tarmacked without the use of culverts for drainage purposes and without putting the asphalt on the surface of the road when it is being completed. This means that the longevity of these roads can only be two years. Could the Assistant Minister assure this House that this phenomenon is going to cease now because the Government is wasting a lot of money tarmacking the roads without proper standards of construction being adhered to?

Eng. Toro: Mr. Deputy Speaker, Sir, I can assure hon. Prof. Anyang'-Nyong'o that road construction in this country is now serious business and that is why, as opposed to previous years, we

are taking a bit longer in our engineering design studies so that we come up with proper pavements. The contractors, nowadays, know that they have to do a good job.

Sometimes you can have a bad pavement because of bad supervision and a poor design. We have rectified all that and I can assure the hon. Member that this time round there will be a very big difference.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, since it is clearly evident that this road is not going to be tarmacked soon, could this Government undertake, as an emergency measure, to gravel this road because it is currently impassable? This will, at least, enable vehicles to pass as they continue to do their public relations exercise.

Eng. Toro: Mr. Deputy Speaker, Sir, I do not understand why the hon. Member thinks that tarmacking of a road is the same as gravelling of a road. To show the seriousness of the design and the nature of the pavement we want to do on this road, I said that the design period itself will take 18 months to complete. So, it is not a joking matter.

I also said that this is not a public relations exercise. I do not know why the hon. Member is insisting that it is a public relations exercise. We should appreciate that since the President said that the road will be tarmacked, the process of doing that has already begun and that is why we have now prequalified six consulting engineers to go to the final stage. The hon. Member should rest assured that this road will be done, but it is not possible to do gravelling because it is a very long road. In any case, gravelling will require that we do another design. It will be a waste of money to do two designs, that is, one for gravelling and the other for tarmacking.

Question No.454

NON-PAYMENT OF PENSION DUES TO
MESSRS. LANGAT AND MITEY

Mr. Keter asked the Minister for Education:-

(a) if he is aware that Mr. John Nondian Langat, TSC No.108532 and Mr. John Kimutai Mitey, TSC No.19542/27 (Ref.APN/PC-35175) who have long retired, have not yet received their pension; and

(b) what urgent action he is taking to ensure that these retirees are paid their pension dues expeditiously.

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, I request that we defer this Question, because there is some additional information we need to look for.

Mr. Deputy Speaker: Mr. Keter, you have heard what the Assistant Minister has said. I think it is in your interest. What do you say?

Mr. Keter: Mr. Deputy Speaker, Sir, it is okay for this Question to be deferred, but I will not be available for the next one week. May be you defer it to after 15th October, 2006.

Mr. Deputy Speaker: Very well; it is agreed that this Question be deferred.

Mr. Assistant Minister, when will you want it to be answered?

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, the hon. Member says that he wants it to be answered after 15th October, 2006. I will be ready for it even tomorrow. We can answer it whenever he wants.

Mr. Deputy Speaker: Will tomorrow be okay, Mr. Keter?

Mr. Keter: Mr. Deputy Speaker, Sir, I will not be around until after 15th October.

Mr. Deputy Speaker: Very well. The Question is deferred indefinitely.

(Question deferred)

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

Mr. Deputy Speaker: We are still on Question Time. What is it, Mr. Kombe?

Mr. Kombe: Mr. Deputy Speaker, Sir, would I be in order to seek the indulgence of the Chair to allow Question No.452 to be asked. It is a very important Question.

Mr. Deputy Speaker: Order, Mr. Kombe! It is not even your Question. Please, sit down!

Hon. Members, let us go back to Question No. 416 by the hon. Member for Masinga.

Is the Member for Masinga here? I left this Question because I knew it would be eventually answered. I understand that His Excellency the Vice-President and Minister for Home Affairs is ready with the answer.

*(Capt. Nakitare and Mr. M. Maitha
stood up in their places)*

Mr. Deputy Speaker: Why do you not let the Chair deal with one matter at a time? I am just addressing His Excellency the Vice-President and Minister for Home Affairs, and yet two hon. Members are on their feet! Mr. M. Maitha, could you sit down?

I am trying to find out the best way of going about this. Mr. Mbai was present here, but His Excellency the Vice-President and Minister for Home Affairs was not in.

(Mr. M. Maitha stood up in his place)

Mr. M. Maitha you are still standing when I am speaking!

What I am saying is that Mr. Mbai was here, but His Excellency the Vice-President and Minister for Home Affairs was not here. Now the Vice-President and Minister for Home Affairs is ready to answer the Question but Mr. Mbai has left. Therefore, I want to defer this Question.

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

Mr. Deputy Speaker: Order! What is wrong with you, professor? Are you contesting my decision to defer the Question? The Question is deferred to Tuesday next week.

Question No.416

OPERATIONALISATION OF
LAND/TRIBUNAL BOARDS IN MASINGA

(Question deferred)

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

Mr. Deputy Speaker: What is your point of order, Capt. Nakitare?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to ask Question No.452. I was late due to unforeseen circumstances.

Mr. Deputy Speaker: What circumstances?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I was caught up in a traffic jam due to a road accident along Uhuru High way.

Mr. Deputy Speaker: All of us came here through this road and were here on time!

Capt. Nakitare: Mr. Deputy Speaker, Sir, I could not fly over the many vehicles on that road.

Mr. Deputy Speaker: We were all surprised that you were not here since you are always

here. The mood of the House is that you be allowed to ask this Question. So, I allow you to ask it.

Question No.452

IRREGULAR ALLOCATION OF PRISON
LAND IN KITALE

Capt. Nakitare asked the Vice-President and Minister for Home Affairs:-

- (a) whether he is aware that part of G.K Prison land at Kitale has been irregularly allocated to private developers;
- (b) whether he is further aware that as a result of the above, the Prison has been left without farm land which was a source of food for the institution; and,
- (c) whether he could give the acreage of the land alienated from the Prison, names of allottees and action taken to repossess the land.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that part of G.K Prison land at Kitale was irregularly allocated to private developers in 1986.

(b) Yes, I am further aware that as a result of the above, the Prison consequently has been left without adequate farm land to produce food for the institution.

(c) The total acreage alienated from Kitale GK Prison is 847 hectares, or 2,094 acres, which was sub-divided into 204 parcels ranging from 30 hectares to 0.2 hectares, and originally allocated to the individuals in the list I have here. They are 204 individuals and I beg to table the list I have.

(Mr. Awori laid the list on the Table)

The District Surveyor has been asked to locate the original beacons of the entire prison land as it existed prior to the allocations as a first step before notices are issued to the allottees to vacate the land.

Capt. Nakitare: Mr. Deputy Speaker, Sir, I thank Mr. Vice-President and Minister for Home Affairs for answering this Question on the Floor of the House. Kitale GK Prison is known in the whole country as a farm prison. Originally, it had 3,000 acres of land, from which all Kenyan prisoners were fed. The food used in all prisons and remands used to come from Kitale GK Prison farm. The Prison was also the first one to rehabilitate prisoners through training in agricultural faculties, which included horticulture.

Mr. Deputy Speaker: Could you ask your question?

Capt. Nakitare: Mr. Deputy Speaker, Sir, in the absence of the wrongly allocated land and with the congestion in all our Government Prisons, how is the Minister going to remove these people who acquired this land illegally to allow prisoners to grow their own food and save the Government money?

Mr. Awori: Mr. Deputy Speaker, Sir, I have said that the District Surveyor has been asked to locate the original beacons. The Ndung'u Report is quite clear that all the land had been irregularly allocated. We intend to recover all the land. I am as concerned as the hon. Member for Saboti, that Kitale GK Prison should reclaim its lost glory. It used to produce food not only for Prisons, but also for sale to maintain itself. I agree with the hon. Member and we will do everything we can to recover the 2,094 acres, which were irregularly allocated.

Mr. Muite: Mr. Deputy Speaker, Sir, instead of dealing with this issue of land grabbing on an *ad hoc* basis, does the Leader of Government Business agree that the correct way of dealing with

this issue wholesale is to quickly implement fully the Ndung'u Report?

It is not just Kitale GK Prison which was affected. We have Karura forest. Land grabbing did not occur only during retired President Moi's time. There is a golf course and a hotel in Karura forest which are built on grabbed land! When are we going to implement the Ndung'u Report so as to deal with land grabbing since 1963?

Mr. Awori: Mr. Deputy Speaker, Sir, the technical services were never withdrawn. It depends from one prison to another. Prisoners not only work in the farms but also in workshops, where they make high class furniture. Prisoners also are also engaged in dressmaking, where they make uniforms. So, technical services have never been withdrawn from the prisons.

Mr. Deputy Speaker: Hon. Members, that brings us to the end of Question Time.

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

INSECURITY IN LAIKIPIA

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. I seek leave of the House to move a Motion of adjournment of this House to discuss a matter of urgent national importance, under Standing Order No.20, regarding the growing insecurity in Laikipia and other areas---

(Loud consultations)

Mr. Lesrima: On a point of order, Mr. Deputy Speaker, Sir. Prof. Anyang'-Nyong'o is moving a crucial Motion but we cannot hear him because hon. Members are consulting too loudly.

Mr. Deputy Speaker: Order! Order, hon. Members! Could you consult in lower tones, so that we can hear what Prof. Anyang'-Nyong'o has to say.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I seek leave of the House to move a Motion of adjournment of this House to discuss a matter of urgent national importance, under Standing Order No.20, regarding the growing insecurity in Laikipia and other areas, where there seems to be complicity and/or negligence of Government security agents in perpetrating such insecurity by openly clashing with some home guards and handling the crisis with excess force.

Mr. Deputy Speaker: Order Prof. Anyang'-Nyong'o! You are jumping the gun. Hon. Members, in order for an hon. Member to move a Motion of this nature, there are certain provisions which must be complied with. First, Standing Order No.20(2) requires that an hon. Member who wishes to seek leave---

(Loud consultations)

Order! Order, hon. Members! Particularly, the hon. Members seated at the corner of the Front Bench to my right, could you, please, be orderly?

Standing Order No.20(2) requires that an hon. Member who wishes to seek leave to move a Motion for the adjournment of the House shall, at least, two hours before the commencement of the sitting hand to Mr. Speaker a written notification of the matter he wishes to discuss. I want to confirm that the Office of the Speaker did, actually, receive this written request yesterday at 3.00 p.m. Having considered this matter personally, I am convinced that the matter is definitely urgent and of national importance. Therefore, it has been properly raised in this House. If the hon. Member can raise a

minimum of 15 hon. Members standing, I will consider allocating time to the matter.

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

Mr. Deputy Speaker: Hon. Members, it is clear that more than 15 hon. Members have stood up in support of the request by Prof. Anyang'-Nyong'o. Accordingly, I order that the Motion be moved at 11.00 a.m. and be debated for one and a half hours this morning, because the afternoon is a Supply Day.

(Applause)

Mr. Deputy Speaker: Next Order!

MOTIONS

IMPLEMENTATION OF FREE SECONDARY EDUCATION PROGRAMME FOR HIV/AIDS ORPHANS

THAT, given the debilitating effects of HIV/AIDS in the country, taking cognizance of the high number of orphans estimated at 1.2 million; noting the increased primary school enrolment occasioned by free primary education program, and further noting that the increase is not reflected in secondary schools, this House urges the Government to implement free secondary education program for children orphaned by HIV/AIDS and other causes.

(Mr. ole Metito on 2.8.2006)

*(Resumption of Debate
interrupted on 2.8.2006)*

Mr. Deputy Speaker: Hon. Members, this Motion was moved on 2nd August, 2006. Prof. Maathai was on the Floor when debate on the Motion was interrupted. She was to continue for eight minutes. Is Prof. Maathai here? She is not here. Therefore, the Motion is now open for any other person who wishes to contribute.

Ms. Mbarire!

The Assistant Minister for Transport (Ms. Mbarire): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion, which aims at ensuring that we protect the orphans and vulnerable children of this country.

Mr. Deputy Speaker, Sir, there is no doubt in our minds that we have a time-bomb ahead of us. We have a time-bomb of more than 1.2 million children who have been orphaned by HIV/AIDS, and we do not have anybody to take care of them. The African culture acknowledges that a child belongs to the community. As the Kenyan community, we need to look at these children who have been orphaned as children who require our support. These children are still protected by the Children Act.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, those of you who wish to withdraw from the Chamber, should do so quietly.

The Assistant Minister for Transport (Ms. Mbarire): Mr. Deputy Speaker, Sir, the children are supported by the Children Act that was passed in this very House. The Children Act provides that all children have a right to education, food, clothing, shelter, good health, play, *et cetera*. We are, therefore, bound by the very law that we legislated in this House to think of how we can ensure that the more than 1.2 million children are actually given quality education. While it is very good that we have the Free Primary Education Programme in place, which has ensured that many of these children access primary education, we must support children who have gone to secondary school and are orphaned.

Mr. Deputy Speaker, Sir, although the bursary scheme which is administered within the constituencies acknowledges the fact that orphaned children must be given first priority, we know that this money is far from being adequate to take care of the orphaned and other needy children in the constituencies. It is because of that reason that I support the proposal that we should look into ways and means of starting a kitty for orphaned children at secondary school level. We owe them education and the support they deserve as children. Therefore, I stand up to support the idea of looking for ways and means of taking care of the education of orphaned children by ensuring that there is a bursary fund for them or giving them free secondary school education. This is a sacrifice that we, as a nation, have to make. It is a worthwhile sacrifice. The affected children have potential which will go to waste if they are not given education.

Mr. Deputy Speaker, Sir, there are so many child-headed households in this country today because of HIV/AIDS. The child-headed households have no one to look after them. Many a time, it is their neighbours who have had to take care of these children by giving them food and ensuring that they go to school. It is only through educating them that we are able to deal with the vicious circle of poverty they find themselves in. This is a vicious circle that will never end as long as they do not get education to enable them have meaningful livelihood. Therefore, I hope that once this Motion is passed, the Ministry of Education will implement as soon as possible. The Ministry should increase the allocation to the bursary fund, from the current Kshs800 million to a higher amount, to ensure that we educate these orphans.

I want to go even further and say that there are so many orphaned children who have finished secondary education but their certificates are still being held by their former schools because they have not cleared their fees arrears. Some orphaned children have joined tertiary institutions and universities but cannot continue with their programmes due to lack of fees. So, if we are to address the problem, we must, first, educate those in secondary schools and, secondly, help those whose certificates are being held by their former schools access those certificates, so that they can use them to get employment or join colleges. Further, we should ensure that, once they are in tertiary institutions or in the universities, they access full bursaries for their education in those colleges. I further would like to request the Higher Education Loans Board to give priority to orphans and advance them full loans and bursaries.

With those few remarks, I beg to support.

[Mr. Deputy Speaker left the Chair]

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

Dr. Ojiambo: Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to support

this very important Motion. This country must take orphans very seriously. The disadvantaged people in this country need a lot of Government support in many ways but, worse still, the orphans. Orphans do not have voices to speak for themselves. As we know, most of these orphans are under the care of people who have no voice in our society, for example, grandparents and other disadvantaged people.

The Government should start by being grateful to the people who are taking a very risky position to support the children. They feed and clothe them and ensure that they are alive. Secondly, our system of allocating resources to the disadvantaged people is bad. It does not recognise the disadvantaged people. The system first recognises the voices of those who are able. Therefore, the village elders, the opinion leaders, the hon. Members and the councillors are picked first. The majority of the orphans do not have people to fend for them.

Mr. Temporary Deputy Speaker, Sir, a system must be put in place to ensure that orphans are recognised by the Ministry of Education without having to go through the voices of the so-called influential persons. Most of these orphans are the brightest in school, but they do not have the opportunity to remain in school. As many speakers have said, these children are very resilient. They take care of their own lives and participate in the development of their areas. They cultivate their food and source for their own support. It is very important that the Minister for Education considers these children. They should be recognised wherever they are.

Many Non-Governmental Organisations (NGOs) in this country have statistics on the orphaned children. Orphans are known by assistant chiefs and churches in their localities. Therefore, it would not be a problem to prioritise them in allocation of bursaries and any other educational support. The Ministry of Education should consider the plight of this very large number of orphans. A total of 1.2 million orphans is a big number. These children can tremendously affect our development positively or negatively. If 1.2 million children are dissatisfied because their needs have not been properly addressed by the education system in this country, they can be very dangerous people in the future. They will grow to be very bitter people, indeed.

Mr. Temporary Deputy Speaker, Sir, we are asking the Minister for Education to take urgent measures to ensure that orphans are recognised wherever they are and they are given priority. Today, as we move around the countryside, we find that the system of allocating bursaries even under the Constituencies Development Fund (CDF) and all the other available funds, is not sensitive to the needs of the orphans. You will find these children trying to reach out to somebody to assist them to even forward bursary application forms to the CDF Committee or the Constituency Bursary Committee. They are unable to reach these committees because nobody cares for them and they do not have a voice in the society.

It is very important for us to start being sensitive to the people who do not have voices in the society. We should take interest in their welfare. This Motion needs to be supported.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the debate on this very important Motion.

First, I want to thank hon. ole Metito for bringing this Motion. Orphans are the most vulnerable children. A child who has lost both of his parents, does not have anybody to fend for him or her leave alone somebody to pay school fees for him or her. The only institution that can fend for the orphans is the Government of Kenya. It is the right of every citizen of this country, however vulnerable they are, to be protected and provided for by the Government when they cannot find anybody else to provide for them.

Mr. Temporary Deputy Speaker, Sir, we have about 1.2 million orphans. We should not only give them bursaries in primary schools and provide them with free secondary school education, but we also need to insist that they should be provided with basic needs such as food, shelter and

clothing. The amount of money that would be spent is so little. For example, if half of these children are in secondary schools, that will only be 600,000 children. If fees in our secondary schools is an average of Kshs30,000 per year per student, then the Government would only spend Kshs1.8 billion. This is an equivalent of the amount of money that we see being looted by the rich people in this country everyday.

Some road contractors take as much as this amount of money. For example, the Mai Mahiu-Narok Road is going to cost this country Kshs6.3 billion. This is three times the amount of money that we need to give each orphan a place in a secondary school and shelter and food for the whole year. This House must rise up and fulfil the *motto* of "For the Welfare of Society and the Just Government of Men". If we were to fulfil that *motto*, orphans would be taken care of.

Mr. Temporary Deputy Speaker, Sir, we always provide funds for various projects and programmes. We also write off loans owed by the rich people in this country. For example, we wrote off loans amounting to Kshs5.8 billion which were owed by the rich and the well-to-do people of this country to the Agricultural Finance Corporation (AFC). This is money taken out of the public coffers by the well-to-do and the well-connected people and which this Parliament authorised to be written off. I wish we had diverted part of that money to provide for these needy children; the future leaders of this country. We wrote off loans owed to the National Bank of Kenya (NBK) to the tune of Kshs6 billion. How many Kenyans have got accounts in the NBK? How many Kenyans have deposited their money with the NBK? The average Kenyan does not have a bank account there. So, there is no way a majority of Kenyans could be having an account with the bank, and the few who are capable of having an account at the NBK are the ones for whom we have written off loans that they cannot pay; money they have taken fraudulently without proper security and this Parliament authorized the Government to write off the loans for those people.

Therefore, Mr. Temporary Deputy Speaker, Sir, it is incumbent and, in fact, mandatory upon this Parliament to hold the Government to account for the welfare of these children. We pride ourselves to be a civilized society that does not look into the welfare of the most vulnerable group of the citizenry of this country. Are we civilized? We are not civilized! In fact, we are worse off than our ancestors who used to take care of the widows and orphans through extended families. But today, in this country, if a lady loses her husband, her in-laws take up the property of the deceased husband. That is where this country has gone to! Instead of taking care of the welfare of that widow and the orphans who have been left behind, these days, the relatives go for the property of the deceased person. I think it is incumbent upon this Parliament to restore and revise the concerns that the society has for the widows and orphans, especially the orphans.

Mr. Temporary Deputy Speaker, Sir, orphans resulting from HIV/AIDS deaths are "total" orphans. This is because we have seen cases upon cases where a father dies and very soon, maybe a year or two later, the mother dies too. Those children may be two, five, ten or even 20 years old, and they will not be able to provide for themselves. Therefore, that is why I am saying that it is good that this Motion has been brought here. I hope that this will be one of those Motions that will be passed in this Parliament and that Parliament will ensure that it is implemented.

Mr. Temporary Deputy Speaker, Sir, as we are going to pass this Motion, and I believe that we are going to pass it, this Parliament must ensure that, once passed, the Motion is implemented, even if it means that we must revise our Budget during the Supplementary Estimates to provide for the implementation of this Motion. That is when this Parliament will be seen to be a Parliament of civilized people; people who have mercy, pity and concern for the vulnerable sections of its society.

With those few remarks, I beg to support.

Mr. Omondi: Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support this Motion, which is, indeed, important. It is very, very opportune at this particular time when the population of the youth continue to grow by the day.

Mr. Temporary Deputy Speaker, Sir, whereas I commend the Government for introducing free primary education, it becomes a total wastage when the pupils who have gone through the free primary education go to waste. We have been told here that the population of orphans is to the tune of over 1.2 million. Unless the Government takes care of these kids, it will be a wastage on our part. In view of the fact that the economic position of the country is not so good to offer employment to a majority of the parents, and also because of the erratic rain patterns in our country which makes it very difficult for us to have sufficient food and the necessary reserves to educate our children, it is only important that we recommend the Government to make secondary education free.

Mr. Temporary Deputy Speaker, Sir, if secondary school students are not given free education, they will drop out of school. This will compromise the security situation in the country. The *matatu* sector is now undergoing some reforms and this means that a majority of the youth are going to be unemployed. When the youth are unemployed, the security situation is going to be even worse because all of them are going to go to the streets and turn into muggers. A majority of them may end up in jails. This is not going to help our country. The issue of security has become very sensitive all over the country, particularly in urban centres. The reason for this is none other than those children who fail to get sufficient education which can help them to secure jobs. It is imperative that the Government emulates what is being done in other countries. Singapore is more or less a developing country. School-going children in Singapore are provided with free transport to school. In addition to free education, they are also given food in schools. I do not see why we cannot invest in the education of our children in our country at this time when we have a number of resources. Many resources are with us and they continue to be looted by people in positions of power. If we can engage the money we have by investing in the education of our children at this particular time, then I think we can be doing a lot of service to our people.

I, therefore, recommend and support the Motion by hon. ole Metito that the Government should provide free secondary education to our students at this particular time.

Thank you.

Prof. Mango: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion that touches on my passionate subject of orphans and vulnerable children. This country stands to end up with a population of thugs, maids, cooks, *shamba* boys and so on, if we do not take care of the 1.2 million orphans.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Education has to start very far by going down to nursery schools and taking a census of the number of orphans and vulnerable children and start taking care of them. They should then move on to primary schools and get the correct number of orphans and vulnerable children. They should then move on to secondary schools and do the same so that we can know the exact numbers of orphans and vulnerable children that the Ministry has to plan for. As it is, we keep on talking about the magic 1.2 million orphans since I came to this Parliament. Who knows what the exact number is? In my constituency, every week, we bury about 20 people. If you gave each of them four children, that translates to 80 orphans every week. Now, that is only one constituency, out of the 210 constituencies. Some may not have the problem, but in others, the number of orphans seen in the market places is much higher than this magic 1.2 million that we have been talking about. So, we have to get the correct number of orphans and start planning accordingly. As it is now, we have this magic number which is static. This is not the true picture of the situation. After we carry out the census, we need to sit down and plan accordingly for these children. We talk about the bursary in secondary, but that is not enough. Before a student registers in a secondary school, he must have done some shopping. Where can an orphan get money to do the shopping? In most cases, shopping alone cost more than the school fees. So, the students drop out before they even enrol in secondary schools. These are issues we need to address if we want to support these children. They will not register or access bursary, if they cannot have financial support. They have nobody to

help them. An orphan of 13 years, without anybody to help him or her, cannot even access the bursary. So, this nation has to take care its children.

We cannot bury our heads in the sand and keep talking about the Children Act. In every constituency, we need a children's officer to look after the welfare of the children. We may have one at the district headquarters level. But he cannot alone address the issue of orphans and vulnerable children in the entire district. We need to start from constituency level. We need someone to take the proper census and pass the findings to the relevant Ministries, so that they can plan. In fact, the Government needs to set up a Ministry for orphans and vulnerable children. After all, children are the wealth of the nation. If we cannot take care of them, we are going nowhere. We will end up with a nation which has no developed human resource. We will have condemned our children to become thugs, thieves and murderers on the streets. The girl-child will become a prostitute. She will not go anywhere and we, as a nation, will not make any progress.

Therefore, this Motion has come at the right time. As we sit here, as a Parliament, have a responsibility to the children of this nation. Always, we hear of financial scandals, for example, the Goldenberg and Anglo Leasing, where the rich get richer to the detriment of the Kenyan children. We have to cater for them and the next generation. We cannot afford to lose the next generation. As it is happening, we do not seem to care about the next generation. A nation that cannot take care of its children has no business referring itself as a nation. As it is, we are not bothering at all. We should follow up this Motion and take care of the orphans from nursery school up to college level. We should not only talk about secondary school education. These are vulnerable children who have nobody to take care of them. They have no food, clothing and medication. When they fall sick, they are left to die. Our medical facilities cater for children up to five years old. Who caters for those beyond five years? We, as a nation, need to be very serious and committed. We need to set up a kitty to take care of the welfare of the children of this nation. Otherwise, history will condemn us. Instead of taking care of our children, we are letting our money to be looted by the few well-to-do who grow richer while the poor become poorer, with no food, clothing and education.

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

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion and join my colleagues in complimenting the Mover.

Mr. Temporary Deputy Speaker, Sir, the issue of the growing number of orphans is new to sub-Saharan Africa, particularly Kenya. Traditionally, in a village, everybody knew an orphan and how he or she had come about. Everybody came out to support the orphan, because for those of us who are Christians, the Bible tells us that we shall be blessed when we support orphans and widows. But what is happening is that now there is a huge stigma on orphans. First, they are very many. Secondly, Kenyans are becoming poorer and they cannot take on that load. Thirdly, some Kenyans are taking property away from the orphans because they do not have identity cards. So, they really become non-entities. This is a real situation and a plight that needs a holistic approach. We should start with waiving secondary schools fees or paying it. This will be a good gesture on the part of the Government, and then other issues can follow. But as it is now, we have a Government which takes care of neither the children nor the women. We know that those two groups in this country are non-entities. They are actually abused and we do not seem to care about them. Just like my friend, Prof. Mango said, the number of orphans cannot continue to be 1.2 million for the last three years, when we know very well that every one of us is touched by this problem. Paying school fees is not just the only answer. We have many children who are orphaned and are unable to benefit from free primary education.

If we go to many homes right now, we will find children there looking shabby and putting on torn clothing. Nobody is taking care of them because they are orphaned. Even if they are not orphaned by the HIV/AIDS scourge, they still carry a stigma, because we know that it is the greatest

killer of many parents right now. I have real examples to talk about. As I speak now, a young girl I have been taking care of from secondary school to college level has just lost her father. She lost her mother earlier on to HIV/AIDS pandemic. She has five other children to take care of. She called me at midnight last night. She said the home has no men to even help to handle that funeral because they have been stigmatised. There are men in that village, but they are saying: "This is a home we do not even want to touch. It must have been cursed because of the HIV/AIDS pandemic." So, the problems go beyond that. There is another HIV-positive lady who has been visiting me. She is a single parent, but she has children who are going to college. Now, she has nowhere to turn. These are the type of people who come to us all the time. Therefore, the number of orphans cannot continue to be just 1.2 million.

As I have always said about free primary education programme, it is like giving people soup as an appetizer, but then when they want the real meal we tell them, "sorry, the real meal is for the rich." We literally take up the statement that those who have more will be added more. We lift it from the Bible and translate it when it comes to the plight of the poor in this country. Part of the stigma on orphans, in fact, is brought about by ourselves. We have poor children whose parents are still alive. The parents keep on asking me: "*Mheshimiwa*, should we die for our children to receive bursaries?" One parent said: "My child is doing so well in school, but she cannot be given bursary because she is not an orphan." This indicates that we are not consistent in our policy application when it comes to giving out bursaries. Children need more than paying of school fees. We are now confronted with these very large numbers of orphans. Instead of looking at it as a challenge that we must address as a nation, we continue to be corrupt and steal.

Kenya is not a poor country! We are looting it and the looters are known. We are going to remove this Government from power next year because it is unable to stop corruption. We cannot continue going to church pretending, dressed nicely and driving big cars, when we cannot take care of our children. Therefore, I recommend that we take the issue of orphans very seriously. The Front Bench is worried! They do not know what to say. We know the truth and we must speak it. We must take care of orphans and widows because it is a problem that has confronted us. It is coming in the Ninth Parliament and in the NARC Government and we must take it head on.

With those few remarks, I beg to support.

The Assistant Minister for Housing (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I think we should also look back and see what this Government has done, instead of knocking it all the time. Before the NARC Government took over, we had three million children out of school. That included orphans, who had never seen the inside of a classroom, even at the nursery level. That is 10 per cent of our population. That means there were 10 per cent illiterate people who were to get out there in the world. They would have ended up in the streets of Nairobi and other urban areas. Today, I am glad to say that, almost 2 million of those children are now back in school. That is commendable!

Mr. Temporary Deputy Speaker, Sir, when I was appointed to the Ministry of Local Government, we had 250,000 street children and street families in Kenya. Most of those were orphans orphaned by HIV/AIDS. It was a very big task to rehabilitate those poor kids. Who cared, worried and looked after them? Nobody cared! You remember they used to loiter around the streets of Nairobi and, if you did not give them the few shillings they were demanding, they would steal from you or beat you up! You could not even park your vehicle because they would flatten your tyre. That is history and we should not forget it. We should remember it.

Mr. Temporary Deputy Speaker, Sir, we have already rehabilitated 10,000 of those children. That is a huge number. When we started, we had no budget - not a single penny. We went on to take them off the streets and put them in rehabilitation centres. What some of you were saying is that we were sitting on a time bomb and that would never happen. It did happen and some of those children

are doing very well. In Morrison Primary School, children who were Nos.1 to 10 came from the streets. They are doing wonders. The ones that we took to the National Youth Service (NYS) are fantastic. They are doing very well and they are finishing their courses right now. They are tops. We also took most of them for skilled training. The street mothers who were begging were taken to Export Processing Zones (EPZs). We gave them sewing machines and now, they are able to fend for their children and themselves. They have now started their own businesses. That is what we need.

Mr. Temporary Deputy Speaker, Sir, the Government used to collect about Kshs100 billion before the NARC Government took over. We are now collecting over Kshs300 billion. I feel that the money we are collecting now can not only give orphans free secondary school education, but the whole country. I am quite sure that the amount required cannot be more than 10 billion. If we did that, we would cover the orphans and the poor. We are not only talking about orphans who cannot even fend for themselves! There are people who are so poor that they do not even know where their next meal will come from. We are collecting that amount of money because of low rate of corruption. The money that used to go to corrupt people is now coming to the Government. I am appealing to the Ministry of Education to look at the following options:-

Whether we have done well with free primary education and whether children are able to access education, although some are learning under trees. But what is better? Is it to learn under a tree or to have no education completely? It is better to learn wherever you can, while we are looking for ways and means to construct buildings and employ teachers.

Mr. Temporary Deputy Speaker, Sir, if we look at that very seriously, we will be able to give free secondary education. But if we cannot do it for all the students, let us start with orphans and those who cannot afford it.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): I will be calling upon the Mover to reply in the next three minutes or so. I will give the last three minutes to Mr. Mwandawiro.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, ahsante sana kwa kunipa nafasi hii ili nichangie Hoja hii. Naiunga mkono kwa dhati sana na nakubaliana na yale yote ambayo yamesemwa na Wabunge wenzangu hapo awali.

Bw. Naibu Spika wa Muda, swala la mayatima, maskini na watu ambao wameachwa pembeni ni swala la kijamii. Haliwezi kusuluhishwa na mipango ambayo inakuja ghafla bin vuu au ya huruma. Tunasikia hata Serikali yenyewe inalia! Ni kama imeshindwa ilhali imepewa madaraka na mamlaka ya kufanya na kutenda. Ni lazima kuwe na mipango halisi ambayo inaangalia maswala yote ya kijamii. Maswala ambayo yanawafanya mayatima na maskini kukosa nafasi ya kusoma, chakula, malazi, ardhi na matumaini ya maisha bora katika dunia yanatokana na mipango mibaya ya ubepari ambayo tumeipata hapa na ni lazima yaangaliwe. Kabla hatujaangalia mashinani kabisa jinsi ubepari unavyoharibu ubinadamu na kufanya watu kuwa walafi wa mali--- Watu ambao tunawaheshimu wanakuwa mabilionea kwa kuiba mali ya umma kwa bidii na kuweka pesa katika mabenki na tunadhani wao ni mashujaa. Ikiwa hatutaangalia kiini cha hali hiyo, tutaendelea kukumbwa na hayo matatizo. Kwa hivyo, ili watoto mayatima na masikini waende shule, ni lazima tusuluhishe swala hili kwa jumla. Ni watoto wengi maskini ambao hushindwa kwenda shuleni.

Ningependa kuiomba Serikali hii iige mtindo unaotumika nchini Cuba; mtindo wa ujamaa. Nchi hiyo ina raslimali chache kuliko nchi hii. Katika nchi ya Cuba, hakuna mtoto mmoja, awe yatima, ama maskini, ambaye hukosa kwenda shule. Kwa hivyo, tukisema kwamba leo tutawahudumia watoto maskini na kesho mayatima, tunatumia sera mbovu. Tunafanya mambo kwa njia ya kubahatisha kama watu ambao hawaoni nchi vile inavyoendelea. Ni lazima tuwe na sera muhimu katika mambo ya uchumi wetu ili tuwe na pesa za kujali mambo ya binadamu. Nchi hii ina raslimali za kutosha na kuhakikisha kwamba kila mtu anapata elimu, anaishi katika nyumba bora na ana mipango mizuri ya kujiendelea maisha.

Nimechoka kuja hapa Bungeni na kusikia Serikali ikilalamika kuhusu ufisadi. Serikali ina uwezo wa kupambana na ufisadi. Serikali inaendelea kuchapisha majina ya watu ambao wamehusika na ufisadi na kupora mali ya umma ambayo ingetumika kutekeleza mambo mengi. Hakuna haja ya Serikali kulia kuhusu ufisadi kwa sababu imepewa mamlaka na wananchi kuwapeleka watu waliohusika na ufisadi mahakamani na kurudisha pesa zilizoibwa.

Swala la kuwasaidia mayatima, maskini na maskwota ni jambo ambalo Serikali imeshindwa kutekeleza. Ninaomba tuiondoe Serikali hii mwaka ujao na kuleta nyingine!

Naunga mkono.

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

Mr. ole Metito: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to donate strictly two minutes of my time, to each of the following Members; messrs. Karaba, Sungu and Muite, respectively.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank you for allowing Mr. ole Metito to donate two minutes to me. At the outset, I support this Motion because it has come at the right time when we have introduced free primary education and are now thinking of introducing free secondary school education, so that the whole system of education is covered by the Government. In many countries, education is offered free, right from Class One up to Form Four. If that will not be the Government's policy, orphaned children will be the most marginalised because they will not be able to access education in schools. As a Committee Chairman, I have evidence that most of the affected children are in primary schools. I have visited, with my Committee Members, many schools in this country and we know that the Government should come up with a policy to make sure that all children affected by HIV/AIDS or orphaned by the epidemic are well taken care of. There are situations where children miss lunch and even supper and even when school ends after 4.00 p.m, they do not know where to go. The Government should come up with orphaned children's homes so that they can reside there.

I support.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to congratulate the Mover of this Motion. I believe that it is one of the most important Motions that the Ninth Parliament has ever discussed. The situation regarding orphans is pathetic. Imagine a situation where you have children, yet you can die any time from HIV/AIDS. The children left behind once you die would have no one to support them. Education is the only way that a child can go up the social ladder so that they can fend for themselves. This country is rich, yet over 50 per cent of our children are orphans. We are forced to feed them while they are in school at the primary level of education. If the CDF is not enough, I would like to appeal to the Government Members that if they have heard the cries of my colleagues concerning this Motion, they should support it. We are wasting a lot of money in corrupt deals, yet we could use a quarter of that money to support orphans in this country.

This matter is very important. I, therefore, do not want to waste time but would like to urge my colleagues to support it.

I support.

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. It is difficult to think of a reason why anyone would object to this Motion. I, therefore, support it wholeheartedly. I have two points I want to make. Part of the reason why being orphaned by HIV/AIDS has become such a scourge is because for many years, we lived as a nation in denial. We did not take any action in time. Let us stop the habit of living in denial when we have a social issue.

Today, Kenya is living in denial because we have a major scourge called "drug addiction", yet we are not sensitising our people about the dangers. We are losing out a whole generation of men and women to drugs such as cocaine and heroine. We do not have a comprehensive policy of dealing

with the problem. We have very many orphans because we did not deal with the problem in good time. Let us, as a nation, act in time regarding drug addiction in this country. Kenya has become a major redistribution centre for drugs coming from South America and everywhere else. The drugs are brought into Kenya because it is easy to redistribute them owing to corruption and the porousness of our borders. Let us not repeat the mistake we made about the HIV/AIDS scourge.

The second point I want to make is that this House passes very many good Motions. However, we should come up with an implementation committee and amend our Standing Orders so that when a Motion is passed by this House, it becomes obligatory in law for the Government to implement the decisions of this House.

I would like to ask the Mover to take the initiative of making sure that the Standing Orders are implemented so that we can implement this Motion.

I support.

Mr. ole Metito: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank my colleagues who have contributed in support of this Motion. Kenya should be able to afford free secondary education. However, because of the economic hardships, we could start by providing free secondary education for orphans and implement it in phases. The number of secondary schools in this country is about 3,000. With an average of 400 students in each school, we get a total of 1.2 million secondary school education students, an equivalent of the number we have given as orphans. However, I want to say that the number is not static and an inventory is required to get the correct figure.

For proper achievement of Millennium Development Goals (MDGs), especially in education and socio-economic areas, we need an educated society. If we already have the free primary education and yet those who complete do not proceed to secondary school, I do not think we are achieving anything much. As other hon. Members have said, orphans like any other human beings have a right to food, shelter and proper education. However, when you talk about food, apart from what they are given in schools, I think orphans have only one meal per day. Orphans enjoy schooling only at the primary level. It is high time that this Government introduced a free secondary education programme for orphans. I would ask the Government, in its remaining term, to streamline the process and take the inventory of orphans in secondary schools to ensure that when schools open next year, this Motion is fully operational. I would like to join my colleagues in urging the Government to ensure that this Motion is passed. If the Motion that had been brought to this House by the Member for Mwingi South on the release of Form Four certificates had been implemented, there may not have been need to bring other Motions of this kind to the House. Since orphans should also enjoy the fruits of secondary education, I would like to request the Government to take this Motion very seriously and implement it soon.

With those remarks, I beg to move.

(Question put and agreed to)

INTRODUCTION OF SESSIONAL PAPER ON
PRIVATISATION OF STATE CORPORATIONS

Dr. Awiti: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, being aware that most State Corporations are the economic mainstay of the country; this House urges the Government not to undertake any privatisation exercise until a Sessional Paper on privatisation, outlining the merits and demerits of privatising each State Corporation is prepared and presented to the House for

consideration.

Mr. Temporary Deputy Speaker, Sir, our country is categorised as a developing country. By the nature of our economy, measured in any way, still depicts our country as being poor. Whether we measure our achievements in terms of GDP or per capita income, the regional disparities that exist, the ratio between the teachers and the students and the ratio between doctors and patients, it still attests to the fact that we are still under developed. By that very nature, the economy of an under-developed country cannot move if it is left in the hands of the private sector.

We tend to pursue the economic strategy of privatisation for the private sector which is good but it cannot move the economy to the next phase. I am not saying that privatisation is a bad policy. I am saying that privatisation must be measured and studied. The benefits which this country stands to get should be demonstrated and this House should be involved in that process.

Mr. Temporary Deputy Speaker, Sir, State corporations are the wealth of all Kenyans. If we decide to privatise in any sector, then the Ministry concerned should prepare a Sessional Paper which gives us the guidelines. Some effort has been made towards privatising the provision of water. Water is our heritage. It belongs to all of us and nearly 80 per cent of Kenyans living in the rural areas have no access to water. If we were to adopt the policy of privatising water how will our people in the rural areas access water? When the provision of water, which is a social benefit that all Kenyans should enjoy is privatised, profit making will become the guiding factor, and not the satisfaction of our citizens in dispensing those policies.

Mr. Temporary Deputy Speaker, Sir, this idea of privatising the provision of water is more externally influenced. The World Bank, IMF and other international bodies that are advocating this policy have tried it in some countries such as Bolivia, Peru, Ghana and South Africa, but these countries resisted. At present, the Privatisation Act gives too much power to the Privatisation Commission to decide whether a company is to be privatised. I would like to suggest that, that responsibility should not be left to a commission that is appointed by the executive arm of the Government. The commission should prepare a guiding policy which should be brought to this House for debate so that we can see the merits and demerits of such a move.

I also think that the debate on the Sessional Paper should not only be confined to Parliament but the wider public should have the opportunity to debate it. The Government should also take into consideration the views expressed by various people and institutions. Parliament should also be able to give its approval before any process of privatisation is undertaken.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the issues of education, social services and retrenchment are all associated with privatisation and liberalisation. Most of our people who were retrenched are now suffering out there. We do not know how they are surviving or how they will get their next meal. If we were to implement privatisation, those are the first things that we should take into consideration. If we decide to privatise, we should not deprive the people who have been working in those companies their jobs.

The same should also apply to issues of health. Health is one of the services which the Bretton Woods institutions are advocating that they should be privatised. Health just like water is life. If we privatise health services, the majority of our people would not have access to health services. We need to allocate public investments that will go in areas like the health sector, education, water, electricity and put massive investments to move the country from where we are. At the

moment, we are in a static situation; we can neither go forward nor backwards, and that is not good for Kenyans.

With those few remarks, I beg to move.

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

INSECURITY IN LAIKIPIA

Mr. Deputy Speaker: Hon. Members, the Chair ruled that we will interrupt the business of the House at 11.00 a.m., and now it is 11.00 a.m. So, the debate on the Motion before the House will continue next week.

Will a Minister, please, move that the House do now adjourn.

The Assistant Minister for Health (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Planning and National Development (Mr. Serut) seconded.

Mr. Deputy Speaker: Hon. Members, I would like to inform you that the Mover and the Minister of State for Administration and National Security will take a maximum of 15 minutes each and hon. Members will speak for no more than 10 minutes, unless you decide otherwise.

Prof. Anyang'-Nyong'o: Thank you, Mr. Deputy Speaker, Sir, for granting us the opportunity to discuss this matter of national importance. I would like to read out the Motion to be on record so that the public can understand exactly what we are debating this morning. The Motion reads:-

"I seek leave to move a Motion for the adjournment of the House to discuss a matter of urgent national importance under Standing Order No.20 regarding the growing insecurity in Laikipia and other areas where there seems to be complicity and/or negligence of the Government security agents in perpetrating such insecurity by openly crashing with homeguards and handling the crisis with excessive force."

I would like to appeal to the House to discuss this matter with a great deal of calmness and sobriety. I would like the House to give the Minister of State for Administration and National Security his time to respond fully to this Motion without interruption.

The debate on insecurity in this country is not new to this House. I have been in this House for over 10 years and I do not remember any Session of this House that has not touched on insecurity; whether it be in North Eastern Province - the Marsabit/Moyale area or in Rift Valley - Molo and other areas. Insecurity has been a big problem in this country. However, today, we would like to focus on insecurity in Laikipia not as a conflict between the so-called sedentary farmers and the pastoralists as the editorial in the *People Daily* put it today but as a conflict that has been there between the Pokot and the Samburu and has been poorly handled by the Government to ensure that there is peace and security in Kenya.

A few months ago, the Speaker of the National Assembly, hon. Francis Xavier ole Kaparo lead a group of 18 Members of Parliament to a place called "Lonyek" to try and broker peace between the Samburu and the Pokot in an attempt to help the Government in conflict management and resolution. However, I am sad to say that the Government did not respond imaginatively to the proposals of either the hon. Mr. Speaker or the 18 hon. Members.

Mr. Deputy Speaker, Sir, as a result of the conflict in that area, the people started to escape to safer places. Indeed, when the rural areas become inhabitable, it is a normal human reaction to move to the safety of urban or peri-urban areas. This is why there was a movement of population from the

rural pastoralist areas to places like Rumuruti because the people were seeking a place to feel at home.

In March, 2006, the Minister of State for Administration and National Security visited East Baringo and while there, he gave 300 guns to the Pokot. Instead of disarming the people, the Minister started to arm them. Unfortunately, the Minister did not reciprocate by arming the Samburu. That, of course, would have escalated the situation which was even worse when the process of arming was done partially.

The Minister of State for Administration and National Security went further and visited Laikipia, not to arm but to flush out. He is on record as having said that those pastoralists who had gone to Laikipia should go and fight in their places.

The process of flushing out the so-called pastoralists to go and fight in their places was worse than the Operation Anvil and much more akin to the Lari Massacre.

Hon. Members: Shame! Shame!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, what happened in the process of the so-called pacifying the people in conflict in a colonial manner was followed by a great deal of brutality. Women ran into the wilderness to escape the brutality and they started giving birth there. Children started running away from school. As I speak now, over 10,000 children in that area are not in school. Over 200 people have been killed in the process. What is really happening is not a conflict between the so-called pastoralists and the sedentary farmers. From the research that we did in the Institute of Economic Affairs when we wrote the book entitled *Kenya At Crossroads*, there has not been a conflict between the Pokot, the Samburu and the Kikuyu. The present conflict is State-induced for purposes that you and I can only guess.

(Applause)

I want to state further that it is a fallacy to say that pastoralists do not have title deeds to their grazing areas. Pastoralists have those documents. In the recent conflict, the pastoralists' homes with legal documents called "title deeds" have been set ablaze. Those documents entitle them to use the land space they occupy for producing and reproducing their lives through the activity of looking after animals. This is called pastoralism.

Mr. Deputy Speaker, Sir, it is important to note that pastoralists have never, as far as I know in the history of Kenya, demanded property of other people. To the contrary, the property of pastoralists has been claimed by other people. The history of the Maasai attests to this. The place we are sitting or standing today called "Nairobi" come from a Maasai word meaning "A place of peace full of water". The Maasai were the original residents of this place.

So, it is false for anybody in the Government or otherwise to claim that pastoralists have invaded other people's land. The phenomenon in Laikipia, and I want to be on record, is one where people escaping brutality in the rural areas have sought security temporarily and not claimed property of other people. So, for the Government to act with utmost brutality reminiscent of the Lari Massacre to drive the so-called pastoralists away from Laikipia is a contradiction. A Government that is meant to bring peace and security is now perpetrating insecurity and war.

Therefore, this House urges the Government to reverse its gear and go back to the recommendations that people like the hon. Speaker and the 18 hon. Members have made. The Government should concentrate on that issue. How can that conflict be settled? It cannot be settled by the Minister of State for National Security arming one community against the other one, nor can it be settled by the same Minister arming both communities. The conflict can only be settled by a process of disarmament.

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Deputy

Speaker, Sir.

Mr. Deputy Speaker: But you have just walked in, Mr. Kamama! What is it?

The Assistant Minister for Lands (Mr. Kamama): Mr. Deputy Speaker, Sir, is it in order for the hon. Member to allege that the Minister of State for Administration and National Security gave 300 firearms to the Pokot and left out the Samburu when in actual fact, nobody was given arms in Baringo East? Can he substantiate that?

Mr. Deputy Speaker: Order! Mr. Kamama, that would have been a very good point of information.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I appealed for calmness and a sense of reason in discussing this matter.

Mr. Deputy Speaker, Sir, the final point I want to make is this. In the spirit of calmness and reasoning---

The Assistant Minister for Planning and National Development (Mr. Serut): On a point of order, Mr. Deputy Speaker, Sir. Did the Member appeal for calmness for the purpose of misleading the House?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, we may be speaking two different languages in this House.

Mr. Deputy Speaker, Sir, the Minister of State for Administration and National Security is a man of honour. He is a man whose longevity in this world counts to be seen and hence I would expect him to try at times to listen to the voice of reason. Unfortunately, for the last couple of years, he has developed a reputation for not being a terribly good listener. The nation is saddened by his pronouncements in the *Kameme FM* radio station today on this particular issue, where he even called upon the possibility of jailing those who are raising this issue. The same mode of speech is what led to genocide in Rwanda as such words were pronounced by *Radio Milkolin* there. During the last referendum, I cautioned this nation that bringing the spirit of *Radio Milkolin* in this country in trying to deal with our internal conflicts is adventure to disaster.

Secondly, if you read the editorial of *The People* newspaper, its tone is in the same vein as *Radio Milkolin* as well as the speech of the Minister in *Kameme FM* today. The Minister should understand that Kenyans who are committed to patriotism cut across the board of ethnic identity in this country. So, even if he was speaking in vernacular, we have people of Kikuyu nationality who are patriots and who are committed to the peace and development of this country, and who will not travel along the road of chauvinistic jingoism.

Mr. Deputy Speaker, Sir, the matter in Laikipia is a matter of national importance and it must be settled with sobriety. Indeed, the facts that some Assistant Ministers are trying to deny in this House exist in the public domain to which we have access. So, nobody is going to come to this House under any amount of pretence or intimidation to stop us from visiting the facts and telling this House and the nation the ocular truth that there is, indeed, a travesty of justice and good sense in Laikipia. We, on this side of the House, will stand the test of reason by insisting that the conflict in Laikipia is not between the Samburu and the Pokot and the Kikuyu, but induced by the State for political reasons.

With those remarks, I beg to move.

Mr. Deputy Speaker: Hon. Members, I just want to caution that this is a very important national issue and it must be discussed soberly and the Chair will not allow unnecessary interruptions or insults from the Floor. Therefore, those who will get an opportunity to speak must take this warning very seriously.

Mr. Sungu: On a point of order, Mr. Deputy Speaker. May I appeal that because of the interest Members have in this matter, the time allocated to Members to speak should be five minutes and not ten minutes.

Mr. Deputy Speaker: Fair enough, if that is the wish of the House. So, Mr. Wambora, you have your five minutes.

Mr. Wambora: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to speak on this very important matter. I think the issues that have been raised in this Motion are critical.

Mr. Deputy Speaker, Sir, pastoralists, like any other Kenyans, should be handled with sympathy and total care. It is also important to respect private property and the sanctity of title deeds.

Having said that, may I now address another important security matter that has been brought to my attention this morning, and that is the situation in North Horr. This [**Mr. Wambora**] is a very unique constituency with very unique problems. It is the biggest constituency in this country. I understand that last night, there was an attack there and the area Member of Parliament is now meeting with the security people. He has just told me to mention it during this Motion for Adjournment. He says that Ethiopian soldiers attacked his people last evening.

North Horr has a borderline of 500 kilometres with Ethiopia, making it very difficult to handle in terms of security. It is an international issue. I think the way forward is the deployment of the General Service Unit (GSU) who are already in the constituency. They should go to the border to contain the situation.

Secondly, it is necessary that a contingent of the army is sent in to help contain these armed and aggressive Ethiopians. Finally, it is important that the homeguards who were recently deployed in North Horr are now increased.

With those remarks, I beg to support.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I want to thank the hon. Prof. Anyang'-Nyong'o for moving this Motion. I also want to thank the media for highlighting this issue. I want to say that the harassment of the Samburu people in Laikipia is not new. In fact, it has been an annual event since 2003, with homes being burnt and the Provincial Administration issuing all sorts of orders. Indeed, it has been a Government project since then. I want to thank the media for that.

Mr. Deputy Speaker, Sir, Laikipia District is also occupied by 30,000 Samburu. Perhaps 25,000 of them have title deeds. They also have shares that they bought from their Kikuyu friends who had invited them to bring cattle nearer the markets. That is why Rumuruti is a thriving economic town. They have lease agreements between the Kikuyus; both small and large scale farmers. They also have lease agreements with *Wazungu* who have huge farms. So, there is an economic relationship among the people at the grassroots level. We also have 11,500 registered voters. I want to say that this issue of evictions in Laikipia is purely political. The people of Laikipia are happy with the Samburu people. The people of Laikipia are unhappy that five livestock markets have now been closed down. The Kikuyus cannot buy cattle and the Samburu cannot get money to pay school fees because of this harassment. Let me also say that there is no complainant in Laikipia. We want to know who the complainant is. Is it the 30 people who demonstrated yesterday in Nyahururu? Are those the complainants? There are no complainants.

Mr. Deputy Speaker, Sir, Samburu District hosts five districts during the drought period for almost every two years now. We host the Turkana, Marsabit, Wajir, Isiolo and Baringo people. They graze, clear our grass and they move out peacefully. Let me take this opportunity also to thank the people of Kieni in Mount Kenya for inviting us after our grass was cleared. What is the difference between the Kikuyus of Central Province and the Kikuyus of Laikipia? There is no difference. There is no problem between the people of Kenya. This question of eviction, I am afraid, may trigger other problems which will be very difficult to contain.

Mr. Deputy Speaker, Sir, the way to deal with this matter is to leave it to the land owners. The land owners of Laikipia should meet and agree on how to manage the environment and organise their grazing. That is how other communities do it.

The conflict between the Pokots and Samburu was invented in Laikipia to speed up the

eviction and to get a perfect excuse. What is so good about evicting them to go and fight outside? If they go and fight in Samburu, do we not have other tribes there who are going to be affected, including highway banditry affecting *matatus*? We feel that the Government is not very keen to resolve some of these conflicts in the north. The Minister of State for Administration and National Security visited us after being attacked 76 times since March 2006. The Minister turned up on 20th July, 2006, breathing fire and brimstone; threatening to stop these problems. As soon as he left, we have been attacked three times. The two attacks on Gen. Lenges are very symbolic. The General is their man. So, the soldiers will follow him to get out of Laikipia. A day after Gen. Lenges was attacked in a hotel, the Pokots attacked 100 metres away the following day and stole 160 cattle and 800 sheep belonging to four families. They drove those animals from the centre of Rumuruti all the way to Baringo. What were the security forces doing?

Hon. Members: Shame! Shame!

Mr. Lesrima: Mr. Deputy Speaker, Sir, why do you want me to convince my people that this is not a Government project? I am not credible any more. How do cattle rustlers drive cattle through the farms all the way and no action is taken? A week after Mr. Michuki left the constituency, the Pokot attacked a military camp, 20 kilometres from the district headquarters. Cattle were stolen and the military said: "We have no instructions to follow the cattle." This has been going on for a long time. Why should we have military camps there if the military officers cannot follow the stolen cattle? We also have the National Security Intelligence Service (NSIS) officers there. However, the only report they file is that Mr. Lesrima is a warlord and he has a private army. Where is this private army? The other day, they said I was seen with a pick-up load of guns. I am not a warlord. I believe in peace. I have agreed that we need to discuss with the Pokots on how to sort out this conflict.

I would like the Government to follow up on conflict entrepreneurs---

Mr. Deputy Speaker: Order, Mr. Lesrima! Your time is up!

The Minister of State for Defence (Mr. Karume): Asante sana, Bw. Naibu Spika kwa kunipa fursa hii ili niseme machache kuhusu Hoja hii. Serikali inafanya bidii sana kuona kwamba wananchi wanaishi kwa amani. Haipendelei mtu kwa sababu ya kabila lake au sehemu anayotoka nchini. Hii inaweza kuthibitishwa kupitia kwa miradi mbalimbali inayotekelezwa na Serikali hii. Kwa mfano, mpango wa kuendeleza miradi katika maeneo ya uwakilishi Bungeni, unaojulikana kama *Constituencies Development Fund* (CDF) na elimu ya bure ya msingi kwa watoto wote. Serikali inatekeleza miradi yote sawa nchini. Wakenya wote wanafadika sawa.

Bw. Naibu Spika, Serikali ina jukumu la kudumisha amani katika mipaka yote ya nchi hii na kuona ya kwamba wananchi wanaishi kwa amani. Jukumu kubwa la Serikali ni kulinda mali ya wananchi na kuona kwamba watu wanaheshimu mali ya watu wengine. Ni kwa sababu hii tunaomba wananchi watunze mali yao. Ikiwa, kwa mfano, mtu ana hati ya kumiliki shamba fulani, ni jukumu la Serikali kuhakikisha ya kwamba mtu analindwa sawa sawa. Hatutaki kuona mtu mwingine yeyote akidai kuwa shamba hilo ni lake.

Nikizungumza juu ya vita vinavyoendelea Wilaya ya Laikipia kati ya jamii za wafugaji na wakulima, ningependa kumshukuru Rais kwa kupanga mkutano siku ya Ijumaa kati yake na Waheshimiwa Wabunge kutoka maeneo ya wafugaji. Ni kupitia mkutano kama huo ambao tunaweza kupata suluhisho la kudumu. Ikiwa kuna mtu anayedai shamba la mwenziwe ni lake, basi mambo yasuluhishwe kwa amani. Na ikiwa mtu fulani amekubaliwa kuwalisha mifugo wake katika shamba fulani, basi aendeleo kufanya hivyo bila wasiwasi wowote. Ni vibaya sana kwa jamii fulani kukalia mashamba ya watu wengine kwa nguvu. Shida kubwa katika Wilaya ya Laikipia ni kwamba kuna watu fulani ambao wanalisha mifugo yao katika mashamba ya watu binafsi.

Bw. Naibu Spika, wenyeji wa wilaya za Laikipia na Samburu wanafahamu sana kuhusu shamba linalojulikana kama Narok Ranch. Shamba hili ni la ukubwa wa ekari 31,000. Nilikuwa

mwenyekiti wa shamba hili kwa hivyo ninajua linamilikiwa na wenye hisa 14,000. Wakati shamba hili liligawanywa wenye hisa hawakupata fursa ya kuishi katika shamba hili kwa sababu lilinyakuliwa kwa nguvu na watu fulani. Hatutaki watu wetu kudai haki ya shamba hilo kwa nguvu. Hatutaki wana hisa hawa kuchuka mapanga ili kuwatimua watu wanaoishi humo. Hatutaki kuona umwagikaji wa damu. Wenye shamba hilo wamekuwa wakililia Serikali ili iwezekuwaondoa watu hawa kwa amani. Jambo hili linajulikana. Nimefurahi kwa sababu watu wetu wamekubali mwito wa Serikali wa kuondoka kutoka shamba hilo kwa amani. Ni kweli kuna watu wanaomiliki mashamba ya wengine kinyume na sheria. Ikiwa kuna makosa ambayo yamefanyiwa jamii fulani, basi natuyarekebishe. Ikiwa kuna watu wanaoishi katika mashamba ya wengine, ni vizuri waondoke kutoka kwa mashamba haya. Watu ambao wameishi katika shamba la Narok Ranch wameishi huko kwa muda wa miaka mingi. Wengi ni wafugaji. Bw. Michuki alipotembelea sehemu hii, watu hao walianza kuondoka kutoka shamba hilo la Narok Ranch kwa amani. Kwa hivyo, tuiseme hakuna makosa yamefanyika. Turekebishe makosa hayo. Tukiwa viongozi, tuangalie haki iko wapi. Tukubaliane kuwa hakuna mtu atakubaliwa kukaa katika shamba lisilo lake. Lakini akipewa na mwenyewe, ni sawa. Tukiwa hapa Bunge, tukubaliane na jambo hilo.

Ningetaka kuongea juu ya mambo nilioyasikia yakitajwa hapa na magazetini, kuhusu shamba ambalo kampuni yangu iliuzia Serikali huko Molo. Liliuzwa kwa bei rahisi sana, Kshs169,000 kwa eka moja. Wakati walifanya *valuation* mwaka uliopita, walikataa bei tuliotaka kuwauzia. Tukasema hatutauza! Lakini mwaka huu, kwa bahati, tukapata shamba hapa Kiambu ya majani na tukasema iuzwe, hata kama ni kwa bei rahisi---

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to use this debate to defend himself, knowing very well that the land was sold through single sourcing and it was mentioned in the Ndung'u Report?

Mr. Deputy Speaker: Order, Mr. Midiwo! Ningependa kumshauri Waziri kwamba sheria za Bunge zinamruhusu kuchukua nafasi hii kujibu mambo yaliyotajwa jana. Unaweza kuchukua nafasi kutoa *Personal Statement* kwa mambo hayo wakati unaofaa.

The Minister of State for Defence (Mr. Karume): Ahsante sana, Bw. Naibu Spika kwa ushauri wako. Nitatoa *Ministerial Statement* baadaye.

Lakini kuhusu mambo ya Laikipia, lazima tujue makosa yako wapi, yarekebishwe na mambo iwe sawa sawa.

Ahsante sana.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, if this Government cares for every Kenyan, regardless of where he or she comes from, then it has a very strange way of showing it.

I visited Laikipia and after that, I asked a Question on 28th, July, 2004 touching on what I had seen in that place. I saw vast acres of land owned by Kenyans and non-Kenyans; people who fly in from Europe and do not even go through our airports. They just land in their farms. At the same time, I saw many Kenyans living in abject poverty in Nanyuki Town. That told me that we are sitting on a time bomb. Unless we deal with issues of entitlement--- Yes, we want to protect private property. But, how was that private property acquired?

(Applause)

Mr. Deputy Speaker, Sir, we have many more Kenyans now, compared to the number that we had at Independence. At Independence, we were 7 million. Now, we are 32 million. We have Kenyans who have no idea how that land was acquired at that time. If this Government, through the Minister of State for Administration and National Security, whom I respect a lot because I taught his daughter, could take on the issue of security the way he did with the *matatu* mania, and acted maturely like his and my age dictates, then we would not be seeing Kenyans being killed. Those

Kenyans do not even know where the killings are coming from! I believe that the underlying problem has to do with entitlement.

Those Kenyans who have large pieces of land for which they did not even pay a penny and non-Kenyans who own land which they can never--- We can never go to their countries and own such pieces of land. They want to be leaders of this country. Those people should come forward and offer that land, so that other Kenyans can have land. For us to have Samburus on television being led by our very Speaker here, crying for their land--- Nobody recognises their title deeds and yet, we are saying we want to protect private property. That is not in order! I come from Western Kenya where I know the population is growing at such a rate that we shall need to move to Samburu, Laikipia and Maasailand. It is incumbent upon leaders not to use vernacular radio stations to inject venom into Kenyans. We want peace and that is why I want to appeal to the Minister of State for Administration and National Security to ensure that there is peace in this country. I believe that the President of this country wants peace, but I am not so sure about the people around him.

The Assistant Minister for Health (Dr. Machage): Mr. Deputy Speaker, Sir, the genesis of inter-tribal animosity should be carefully studied. In post-independent Kenya, we have had inter-tribal animosity being manifested around the period of elections. Indeed, during the time of the referendum, we had an escalation of tribal animosity at the detriment of peace in this country.

I do not agree that human life should be taken away with impunity. However, I abhor and do not support the action of our own Speaker, who is constitutionally elected, to have taken part, in the front line, in a demonstration. Indeed, if fate was to take its course, the Speaker stands to be the next President of this country and so we expect a certain mode of behaviour from him. Whereas that was done, I believe he had a reason to do what he did because he is a human being and he belongs to a community. I will, therefore, address this matter considering the fact that each one of us belongs to a community.

Nobody really consulted with other communities during the signing of treaties in the colonial era to map out boundaries of certain communities. That is a fact. If we have to say that title deeds were signed in Heaven, then my own people will lay claim to the land in Trans Mara up to Lokoren, or the land in Migori District up to Awendo. Now, if this matter is to be looked at in that context, we will move nowhere. Sanity must prevail as we address this issue and more so about Laikipia.

The constitution elevates and actually upholds individual ownership of property in this country. That must be respected by every peace loving Kenyan in this country. Well, it may be that the language used by one of our own Ministers was distasteful. Perhaps, he owes Kenyans an apology. However, that does not mean that he made a wrong move to move in and put to a stop the fighting in Laikipia. I thank him for doing what he did because it stopped the fighting. That is exactly what we needed. The fighting between the Maasai and the Kuria stopped after the Government took action. I lost about 20 of my own people and many Maasais lost their lives because of a war that should have never occurred. The fighting arose because of political semantics.

The Opposition should also blame itself. What part do you play in promoting war-like activities in this country? Can you analyze your own statements whenever there is an election around the corner? In Trans Mara and Kuria where people have lived for centuries in harmony, people went to war just because somebody said that the new Constitution would annex part of the Maasailand and give it free to the Kuria people. What role do you play as Opposition leaders and yet when you come to this House we see angels? What do our leaders talk about when they are given a forum to address the people of Kenya. All of us in this House are Kenyans. We need to examine our speeches every time before we make them.

Thank you.

Mr. ole Ntimama: Thank you, Mr. Deputy Speaker, Sir. I would like to say right from the outset that all this sordid exercise of moving Samburu from their "ancestral land" has been instigated,

perpetrated and articulated by the Government. It is fair to say that the Government is actually creating total insecurity in Samburu and in the region.

Mr. Deputy Speaker, Sir, I have a lot of respect for my friend, the Minister for Defence, Mr. Karume. He said that these things should be looked into critically. Really, the point is that Laikipia was a settlement area, but how was the settlement process undertaken? Most of the things like fraudulent settlement of people displaced the indigenous people of Laikipia District, including the Samburu. I think it must be repeated that this is what is causing all this trouble now. The people of this area are claiming back their land. When they show where their fathers lived, they are told the land is not theirs but belongs to a Mr. Smith or to so and so. That settlement exercise was done fraudulently, whether title deeds were acquired or not. It is also important to study whether title deeds were properly acquired, or whether the people were moved out the way they are being moved away now.

The issue of moving the Samburu from their ancestral land will create insecurity not only in Samburu but also in the whole region. I want to request the Minister to intervene and sit with elders to sort out this problem without any favouritism at all. We know that some communities are being favoured. We also know that some communities are being harassed. That is what we do not want this country to do. Everybody has a right and is supposed to be protected by the laws of this country, irrespective of the tribe they belong to. We know that certain tribes have been really oppressed, and made to lose their rights. This is because they were pushed to the periphery of national affairs, including in the allocation of resources in the Budget.

We have seen what has been done under the Ministry of Water and Irrigation Vote. People who need water do not get enough money. But people who have plenty of water coming from Mount Kenya get more money for water. These things are very clear.

We also know how recruitment into the armed forces was done. We now know that some communities are favoured while others are harassed. We will not accept these things again. Let me say very frankly that people like the Samburu and the Maasai have hosted a lot of people in this country. We have hosted our brothers. Some people talk of war lords, but how can we be termed war lords when we have hosted thousands and thousands of people among own communities, who are working or doing business. We live together well. When we say something has been done badly, other people say so and so is a war lord. Our people are now aware of their rights. They know where they are supposed to live. You all remember that the Bible and the Qur'an say that God allocated certain areas to certain people. He, in fact, created boundaries and the Bible says so. So, you realise that the Samburu and those communities in Laikipia were the first to be allocated that land by the Almighty God.

(Applause)

Let us share it and live together. We are not going to have these evictions. They must stop forthwith, unless the Minister wants to spread insecurity throughout this land.

Thank you.

The Assistant Minister for Lands (Mr. Kamama): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. I will agree with all my colleagues who have said that we must approach this issue with sobriety. We must be candid and honest and go to the substratum of this issue.

Mr. Deputy Speaker, Sir, the issue of the evictions taking place in Laikipia should be handled in the best way possible. First, I want to thank the Minister of State for National Security for visiting Baringo East and Samburu. The Minister has been doing a lot in that region. We had what we call "*Operation Dumisha Amani*", where the Government is actually penetrating the Suguta Valley.

Mr. Deputy Speaker, for a very long time, the Suguta corridor has not had any Government. There are no chiefs in that region. The region cannot be accessed by our military personnel. I am happy that the Government has set aside some money to ring-road that area, so that security officers can access it.

Mr. Deputy Speaker, Sir, I can still recall the so-called "*Operation Nyundo*" that was launched in West Pokot by the KANU Government, which led to the death of many of our people, but I think the NARC Government is approaching the crisis in the North Rift in the best way possible. However, the issue of Laikipia must be approached from three fronts. First, let us look at the problem of the Pokots. Nobody has talked about the Pokots here. People have talked about the Samburus and the Kikuyus.

Talking of the problem of the Kikuyus and the Samburus, they should be facilitated to live in peace. I know that the Pokots, the Samburus and the Kikuyus have title deeds to that region. Let us have a committee to be chaired by a District Commissioner or a Deputy District Commissioner to look into this issue. The committee should identify the genuine land owners and handle this problem in the best way possible. Personally, I am against the evictions.

Mr. Deputy Speaker, Sir, I want to talk about the issue of the Kenya Police Reservists (KPRs). At the moment, we have KPRs in Turkana, Marakwet, Samburu and a few in Laikipia. We do not have KPRs in Baringo East Constituency. We have requested the Minister for National Security to give us KPRs to assist the security forces to access the bad places that they cannot access on their own. So, what the Minister did in Baringo East Constituency will help in bringing about sustainable peace in that area.

I also want to talk about the issue of private militia. On 28th August, 2006, about 1,000 armed militia from either Archers Post or Wamba went and attacked my people at a place called Ratia.

An hon. Member: Where were the militia from?

The Assistant Minister for Lands (Mr. Kamama): Mr. Deputy Speaker Sir, the raiders were from the Samburu Community. I want to be very clear on that aspect.

Mr. Deputy Speaker: Order, Mr. Kamama! Address the Chair. Do not be responding to reactions from other hon. Members.

The Assistant Minister for Lands (Mr. Kamama): Mr. Deputy Speaker, Sir, the raiders who went and attacked my people were from the Samburu Community. Can you imagine 1,000 armed people going to my constituency and attacking people? Let us look into this issue because we want our people to live in peace. The people concerned should control their militia. They should not let them loose.

Mr. Deputy Speaker, Sir, there is also an issue of the Lonyek Settlement Scheme in that area. This issue needs to be fast-tracked. We need our people to be settled in that area, so that they can stop moving from one place to another.

In conjunction with the Provincial Administration, we have organised a meeting for both communities that is being facilitated by the Minister's office. I am happy hon. Lesirma and the other hon. Members are willing to participate in this meeting, so that we can have sustainable peace in that region.

With those few remarks, I beg to support.

Mr. M.Y. Haji: Asante sana, Bw. Naibu Spika. Shida ya wachungaji hapa Kenya ni kubwa sana na inatakiwa kuangaliwa kwa makini bila ukabila au kupendelea sehemu yoyote. Ninasema hivyo kwa sababu vita hivi vimetokea hata katika sehemu ambazo watu walikuwa hawapigani hapo mbeleni. Inaonekana kuwa kuna unyonge baadhi ya viongozi kutoka sehemu hizo.

Hivi majuzi, watu wa Mandera, ambao ni wa kutoka jamii moja, walikuwa wakipigana juu ya malisho na maji. Watu wa Marsabit pia walikuwa wakipigana kwa sababu ya malisho na maji.

Hali iko vivyo hivyo kwa Wapokot, Waturkana, Wamaasai na Wakuria. Swali ni kuwa: Kwa miaka 43 ambayo tumekuwa huru, tumeshindwa kama viongozi na Serikali kuyaingilia hayo mambo ili tuweze kujua shina ya shida hii ni nini na ni kwa njia gani tunavyoweza kusuluhisha jambo hili?

Bw. Naibu Spika, hakuna haja ya mtu ye yote kutaja Bw. Spika hapa. Yeye ni binadamu. Kama kila siku watu wanakuja kwako wakilia, unaona damu na watu wanakufa na umejaribu kuwasiliana na watu ambao wanahusika na usalama na hujapata suluhisho, huna budi kufanya maandamano na kusema vile shida ilivyo. Tena, tusingizie kuwa kama hakuna Rais na Makamu wa Rais, Bw. Spika angekuwa Rais. Mungu hajatujalia hivyo. Rais Kibaki yuko hai na Makamu wa Rais, mhe. Awori yuko hapa. Kwa hivyo, hatujafika hapo. Tutakapofika hapo na Bw. Spika afanye maandamano akiwa Rais, tutamlaumu. Hivi sasa, hatuna haki yoyote kumlaumu. Bw. Spika, kama kiongozi, ako na haki ya kuieleza Serikali kuhusu shida ambayo iko katika sehemu yake.

Bw. Naibu Spika, watu ambao wanagombana ni ndugu zetu, wakiwa Wakikuyu, Wasamburu au Wapokot. Tunaambiwa na dini mbali mbali kuwa kidole kimoja kikiuma, sehemu zote za mwili huumia. Mkenya mmoja anapokufa pahali popote kwa njia ya dhuluma, Wakenya wote wanaumia. Kwa hivyo, ni lazima jambo hili lichunguzwe kwa makini.

Juzi, tulisoma katika magazeti kuwa, kule Marekani, Rais Bush alizungumza na Rais Kikwete kuhusu amani nchini Kenya. Wao walijuaje kuhusu mambo haya kama sisi hatujayajua. Waamerika waliwezaje kutabiri kwamba kutakuwa na matatizo ambayo tunashuhudia humu nchini na ambayo tunazungumzia hapa Bungeni sasa?

Bw. Naibu Spika, naomba tusipuuze maneno haya. Kamati maalum za Bunge zimeundwa katika nchi hii na shida yote ni kwa sababu ya ukosefu wa maisha bora. Sisi tunapakana na Somalia na Ethiopia. Kutoka wakati wa ukoloni, kuna mipango kati ya serikali za Kenya, Somalia na Ethiopia kuwa wakati wowote tukipatwa na ukame, tunaruhusiwa kuvuka mipaka na hatuulizwi lolote wala kushikwa. Kadhalika, hapo kale, Wasomali, Waborana na Waethiopia katika sehemu hizo walikuwa wakiingia Kenya wakati wa ukame na walikuwa wakilindwa. Tunajua kuwa shida iliyo Laikipia sasa inatokana na hali ya mazingira na ukame. Iwapo kungewekwa utaratibu wa watu kuishi pamoja, nafikiria kuwa matatizo kama haya hayangetokea.

Kwa haya machache, naunga mkono kuundwa kwa Kamati maalum ya Bunge kushughulikia jambo hili.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Deputy Speaker, Sir, I rise to contribute to this Motion and to say that this calls for every hon. Member to take stock of himself. As national leaders, are we seeking peace or are we seeking political capital out of the misery of others? Let not those who are war-mongers themselves rise to talk about security without purging their deeds. But, indeed, it is our responsibility, as a National Assembly and on this side as a Government, to ensure security of each person in this nation.

Mr. Deputy Speaker, Sir, we know that we have a problem of land. Grazing land had been set aside by the Ministry of Livestock and Fisheries Development. These are the corridors where pastoralist communities could graze their cattle and move from one point to another. But over the last so many years, grabbing reached the highest peak and all this land was grabbed, some of it by the very leaders who are demonstrating today. When the list of who has grabbed the grazing land in Laikipia is released, people will be shocked to see the list of who-is-who.

Mr. Deputy Speaker, Sir, we have to find a solution of how to restore grazing land. There may be a case for compulsory acquisition to ensure that we have adequate grazing land for those who have cattle to move to the grazing areas. If we are genuinely seeking solutions, let us be serious. Let us not try to make cheap political capital out of this issue. I remember that about two months before the last recess, two hon. Members from--- Let me not name the districts because it may identify them, but two hon. Members from that neighbourhood approached me with a message for the Minister of State for Provincial Administration and National Security. They wanted the Pokots to be pushed

back to Pokot in order for them not to graze around that area. Now, that was facilitated, *kumbe* that was not eviction. But when people are told to move away from land, it becomes eviction. Why the double standards?

I am not advocating that any one community be requested to leave any district or area. But as leaders, we have a responsibility to make sure that people live in harmony. They cannot live in harmony if we leave one section to invade the farms of others. We will have to tell them: "Please, go where there are no farms". As a Government and as a people, we have to facilitate returning back of communal grazing land because, people having large herds of livestock and having no titles of their own, we cannot wish them away. I know that in those pastoral communities there are individual leaders who have title deeds, and yet those areas have not been demarcated. So, they own half of their community's land, yet they come here to talk about people who have grabbed land. They are the land grabbers of their community's land, along with their elite whom they brought along, to grab with them. I admit that we have a very serious land problem which can turn into a security issue.

I want to implore Members of this House to seriously sit down and come up with a solution to this problem. Some people, in and out of here, will have to surrender some land. Where will those who do not have land go to? To which country do they belong? Please, let us not make cheap political capital. Very soon, when information gets out as to who grabbed what, some people will be quite embarrassed. Let us move forward to seek solutions and not cheap political capital. I stand for peaceful resolution. I am glad that the highest office has invited a round-table talk. Let us talk and actually get a lasting solution to this problem.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Hon. Members, it is the wish of the Minister to respond. Therefore, I will give him 15 minutes to do so.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, I want to thank you for granting me this opportunity to make my remarks on this very serious issue.

Before I come to the substantive issues, I want to dispel the falsehoods and untruths that have been stated on this Floor. First of all, the number of people who have died this year due to land clashes as quoted here by one of the hon. Members - I think it was Prof. Anyang'-Nyong'o - is highly exaggerated. I want to inform this House that since March, the month which has been referred to by those who want to look at this issue passionately, 29 people, including two security agents, have lost their lives. It is not 200 people as alleged by the hon. Member!

Secondly, the number of children who have been affected by this movement is not 10,000. The number is actually 1,800. Some of those children actually moved into areas which, as a result of this operation, have enjoyed peace. That is Ol Moran and certain parts of Rumuruti, where even the number of people has swelled because of that movement. Therefore, we can now measure the direction of this debate to the extent that the fundamental figures are so exaggerated as to have nullified any other reasons. I am sure Prof. Anyang'-Nyong'o will note--- I will show him the figures that have been recorded on a daily basis. There are 29 people and 1,600 pupils. I will not tire to repeat what I am going to say, as long as I am the Minister in charge of internal security.

This House must decide whether it wants to politicise security issues, or whether it will look at issues without passion, without political contempt and without search for votes! It must look into issues in order to meet the fundamental responsibilities of the Government; namely, to protect life and the right to own properties. Those are the most fundamental issues in any Government. It is very important that in those areas, we, as a Parliament and Government, be predictable on those two issues not only by Kenyans, but the whole world. The rate of our development depends on those fundamental issues. We cannot have development without peace. This House must decide that. All over the world, issues of security, which every society does not take for granted, are very important.

Mr. Deputy Speaker, Sir, at the end of August, the Government, on the advice of security committees right from the grassroots to the national level, decided that the problem of cattle rustling and killings in Laikipia must be addressed urgently. That is not something that the Minister in charge of internal security wakes up one morning and announces to the world: "I am going to Laikipia to do this or that!" It is after a lot of analysis by security agents. Those security agents must be trusted because if you do not trust them, you will have created another problem. Therefore, on the advice of security organs of this nation, the Government found it necessary to address that matter. That was the reason why I toured East Baringo and Samburu. I met hon. Members from those areas. We held meetings with the leaders and the general public. I stated at that time, and I will repeat it again, that the people who own land in Laikipia, out of the 14 communities that live in Laikipia, have nothing to worry about. They can go about their businesses whether they are Pokots, Samburus, Merus or Boranas. They have legitimate cause to go on grazing because they will graze on their land. On the other hand, I also said that if you have more cattle than your land can hold, and you could enter into an agreement with the owner of the land that has grass, then continue. But what we shall not allow is for you to graze at large or even attach yourself to a land buying company where you buy 10 acres, and then bring in 1,000 heads of cattle. It is not possible to graze 1,000 heads of cattle on 10 acres of land; not even 500 heads of cattle!

We are trying to apply the fundamental law which is in our Constitution; the right to ownership and the right to enter into an agreement voluntarily and not by force. So, those who want to graze in Laikipia will either get land of their own, lease or be given by their friends. However, they cannot take thousands of cattle to graze on people's land. The place is interesting because the behaviour of people when resources are scarce is strange.

People are being moved towards the border and not being pushed away. There are *askaris* who are stationed around grazing areas to take care of predators. In fact, most cattle have been stolen as movement is taking place. The Pokots have pounced on the Samburus, and I am sorry if this affects hon. Kamama; on Sunday, they stole 150 cattle. However, we recovered them and took them back to the Samburus. The night before last night, they stole 120 goats from a certain farm in Laikipia. We have recovered those goats and handed them over to the owner. For us, to move the Samburus or the Pokots, we have to keep on fighting predators at the rear. Even though they see us with guns, they are still pouncing and stealing. This is a very interesting phenomenon that is taking place.

I want to thank hon. Kamama because when the notice for them to vacate at the end of August was announced, he went to Laikipia and held a meeting with the Pokots who were there and they all agreed to leave. The Pokots have now left Laikipia. They left on their own, to Baringo East. The land which was allocated to them is about 9,000 hectares but the title deeds have not yet been issued. I want to say that---

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

The Minister of State for Administration and National Security (Mr. Michuki): I really wish that I would not be interrupted. You asked me to provide information which I think I should give.

Mr. Deputy Speaker: Let us give the hon. Member an opportunity, and I hope what he has is a proper point of order.

Mr. Boit: Mr. Deputy Speaker, Sir, is it in order for the Minister to say that Mr. Kamama's people have moved from Samburu to Baringo East? Is he aware that the same people who moved from Samburu are attacking Baringo North residents?

Mr. Deputy Speaker: Mr. Minister, continue!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, since I am about to come to a conclusion on this matter, I would like to inform

leaders of the Samburu that I have a list of cattle rustling attacks which have occurred. From the information I have received from my intelligence, the attacks are organised by the Samburu leaders. They have even organised expeditions using police reservists, the so called home guards in that area, indeed, prompting the incident that occurred and affected Gen. Lenges.

Mr. Ochilo-Ayacko: Thank you, Mr. Deputy Speaker, Sir for giving me an opportunity to make some remarks on this important Motion. Pastoralists own land by grazing upon that land and having specific water points and very few of them bother to have title deeds. The fact that a few clever Kenyans who have had pressure over land in the regions where they come from have acquired title deeds does not negate the rights of pastoralists to own land.

Mr. Deputy Speaker, Sir, away from the issue of Laikipia, there is an area that is a potential area of conflict. If you drive from here to Mai Mahiu, Narok and Kisii, you will find that the pastoralists' corridor where they used to graze animals from that area to Naivasha is now being given to people and they have title deeds. Next year, those pastoralists will want to graze on that land. When they find that people have settled there, they are bound to get armed and attack those people.

This Government, which is "modern", must make sure that it appreciates the lives of pastoralists and make sure that all the areas that pastoralists have been grazing must be designated for them and title deeds should not be issued to individuals who may have somewhere else to live. We have not done this. We take the economic activities and livelihood of pastoralists for granted. We seem not to care about their lives. For instance, the Minister of State for Administration and National Security said here on the Floor of the House that only 29 people were killed. I am sure that in a civilised country if 29 people died, the Minister should resign.

With those few remarks, I beg to support.

Mr. Salat: Mr. Deputy Speaker, Sir, I also want to add my voice to this important discussion. My concern here is that a very key personality, that of the Speaker, saw it necessary to demonstrate for the sake of his people. That tells a lot. I say so because the office of the Speaker is a constitutional office. The office of the President is also a constitutional office. That means that there was a breakdown of communication between the two offices and as such it is worrying.

Mr. Deputy Speaker, Sir, if the Speaker saw that there was a potential problem looming in Laikipia, he would have made a phone call to inform the President that there is a potentially explosive problem there. If there is no communication between the two, we are discussing nothing here. Many times, we have put aside the business of this House to discuss the issue of insecurity in this country, but at the end of the day, it is only a discussion. Very soon again, we will call the Minister to come here and explain another potentially explosive problem in another area of the country.

Mr. Deputy Speaker, Sir, it is high time that the security apparatus in this country are seen to be working. We have the NSIS, which should be at the forefront to inform the relevant authorities about any explosive situation, but we only come to discuss the issue in this House after it has occurred. That is very worrying. I concur with Mr. M.Y. Haji that if we cannot sort this issue in this House, we will continue to hear the insecurity of this country being discussed outside the country by other presidents. That is very dangerous. That shows that something is totally wrong with the people who have been given the responsibility to manage the security of this country.

Mr. Deputy Speaker, Sir, the Minister of State for Administration and National Security has said that only 29 people were killed. I am happy that none of his sons or daughters were among the 29 people who were killed. If that had happened, I do not think he would have said that only 29 people were killed. Every Kenyan is important. It is saddening for the Minister to say that only 29 people were killed. We expect the people who have been mandated by the Constitution to manage the security of this country to be serious. Otherwise, we will keep on adjourning the business of this House to discuss matters related to security.

A few years ago, we used to hear that it was KANU which caused tribal clashes. Where is KANU now? We cannot continue blaming others for insecurity in this country. It would be better if the Government took charge of the security of this country because it does not have enough manpower to put out the many fires it is lighting. Today, it is Laikipia; the other day, it was Molo, and very soon you will hear it is Mombasa. If the Government does not take the security of this country seriously, this country will be up in flames. This Government should account for the lives lost because it has not taken the security of this country seriously.

It is now evident that the forest has changed, but the monkeys are the same. Those in the Government now promised Kenyans in 2002 that they would bring law and order in this country, but they are now putting out the same fire they lit. Let this Government be serious. It has every machinery stipulated in the Constitution to ensure that Kenyans live in peace, but this is not the case.

Mr. Deputy Speaker, Sir, with those few remarks, I support the Motion and thank the Mover.

Mr. Deputy Speaker: Mrs. Kihara, you can contribute for a few minutes and then give the rest to Mr. Kaindi.

Mrs. Kihara: Thank you, Mr. Deputy Speaker, Sir. It is important that I contribute to this Motion. I urge hon. Members to be realistic and sober when they are debating insecurity in this country. It is not good to sit back in a holier than thou mood, and yet it is we, the leaders, who incite our people on the ground.

Insecurity in this country is everybody's responsibility. That is why we are elected by voters. The electorate elect us so that we can guarantee them security, development and everything else that goes with it. I am saying this because I have been affected in Mai Mahiu. It is everybody's knowledge that water was singled out as the cause of the Mai Mahiu clashes, and yet the cause revolved around a piece of land whose case is before court. Leaders incite their people to evict others.

As I speak now, Kshs700,000 has been set aside from the Narok North Constituency's Constituency Development Fund (CDF) to fund a water project for a community in Naivasha Constituency. If this is not incitement, tell me what it is.

Mr. ole Ntimama: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Lady in order to say the incitement is being done by others when she is one of the top inciters in this country? Let me explain. I did say---

Mr. Deputy Speaker: Order! Mr. ole Ntimama, I gave you an opportunity to raise a point of order and not to make those kind of allegations. Hon. Members, just when we are concluding this debate, which has been done properly as I had requested, I do not want us to end it in that note.

So, could you try to wind up, Mrs. Kihara?

Mrs. Kihara: Mr. Deputy Speaker, Sir, I am not an inciter and the world knows that. We saw leaders crying in front of cameras when two thugs were killed by security officials, yet we had lost over 24 innocent Kenyans. A leader forced the community to bury those thugs in a church and in a land that did not belong to them. Let us be sincere if we want to fight insecurity and put Kenyans together. It is painful when a leader keeps referring to "these people". Who are "these people?" They are Kenyans. We should talk about Kenyans. This tribalism is actually fanned by leaders themselves; people on the ground do not have a problem.

The other day, hon. Karue drove out Maasai cows from his constituency because they were going to graze on their land there. You did not hear of it. But when the Government tried to put things in order, everybody was up in arms, saying they were being evicted. Can we have some honesty? Can we have some civic education for our people? I know there are Maasai or Samburu who have land all over.

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

Mr. Deputy Speaker: Order! Mr. ole Ntimama, you must hold your peace!

Mrs. Kihara: Mr. Deputy Speaker, Sir, somebody will buy two acres of land and has 3,000

heads of cattle. Definitely, you expect friction there because the two acres cannot be enough for 3,000 heads of cattle. So, let us not speak here as leaders and pretend.

With those remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Kingi): Asante sana, Bw. Naibu Spika, kwa kunipa nafasi ili niweze kuchangia mjadala huu. Ningependa kumpongeza Mheshimiwa Mbunge ambaye ameleta swala hili kwa Bunge. Nina imani kabisa kwamba nia yake ni safi na angetaka kuona kwamba matatizo ambayo yanawakumba Wakenya ambao wako katika sehemu za malisho yamemalizika.

Bw. Naibu Spika, Bunge hili linalo wajibu wa kulinda mali na maisha ya wananchi wa Kenya. Tunafanya hivyo kwa kuhakikisha kwamba sheria tunazotengeneza katika Bunge hili zinadumishwa na vyombo vya uimarishaji sheria ambazo tumetengeza sisi wenyewe. Jukumu kubwa tulilolalo ni kuhakikisha ya kwamba Wakenya wote popote walipo wanajiheshimu wao wenyewe na kuheshimu wenzao, mali yao na mali ya wenzao. Sisi kama Bunge, tuna wajibu wa kuhakikisha kwamba wale ambao tunawakilisha katika Bunge hili wanadumisha sheria. Tukifanya hivi, hakutakuwa na matatizo.

Tumesikia mengi katika Bunge hili. Inaelekea kwamba kuna hisia tofauti kati yetu. Kuna hisia ambazo labda tumeanza kuhubiri huko nje ya kwamba, kwa mfano, Wagiriana wana ardhi yao ya jadi inayoitwa---

Kwa hayo machache, naunga mkono.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time to interrupt the business of this morning. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.