

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 11th April, 2006**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

*(Several hon. Members  
entered the Chamber)*

**Mr. Speaker:** Order, hon. Members! Maybe, I should give the Serjeant-at-Arms two minutes to tell the hon. Members who are at the Bar to come into the Chamber so that I can make a Communication.

*(Several hon. Members  
took their seats)*

## COMMUNICATION FROM THE CHAIR

### DEATHS OF MEMBERS OF MARSABIT PEACE DELEGATION IN PLANE CRASH

**Mr. Speaker:** Order, hon. Members! Today is a sad day in the history of this house and indeed, a dark day for our nation. As you are aware, yesterday, in a tragic plane accident that occurred in Marsabit District, we lost six of our dear colleagues, two military officers, five officers of the Provincial Administration and Security and a church minister who were members of a peace delegation trying to bring peace to the people of Marsabit and Moyale Districts.

Hon. Members, those who passed on include the Hon. Mirugi Kariuki, who was an Assistant Minister in the Office of the President in charge of Internal Security and Member of Parliament for Nakuru Town; the Hon. Titus Ngoyoni who was an Assistant Minister for Regional Development and Member of Parliament for Laisamis; the Hon. Dr. Bonaya Godana, the Member of Parliament for North Horr and the Deputy Leader of the Official Opposition; the Hon. Abdi Sasura, the Member of Parliament for Saku; the Hon. Guracha Galgallo, the Member of Parliament for Moyale and the Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare and the Hon. (Rtd.) Lt. General Abdullahi Adan, the Member of Parliament for the East African Legislative Assembly.

Others in the peace delegation who died were Mr. Gilbert Siang'a who was an Under Secretary in the Office of the President; Mr. Thomas Chigamba, who was the Eastern Provincial Police Officer; Mr. Peter King'ola, who was the Moyale District Commissioner; Mr. John Ouma, who was the Provincial Intelligence Officer; Maj. David Macharia Njoroge and Capt. Joseph Njogu Mureithi who were both Kenya Air Force Pilots; police constable, Yusuf Guyo and peace

builder and minister of the Anglican Church, Bishop William Waqo.

Hon. Members, it is with a deep heart that I convey, on your behalf and on my behalf, our deep message of sorrow and sympathy to the families, friends and constituents of our departed colleagues. It is our prayer that the death of our dear colleagues will not only bring peace to the communities in Marsabit and Moyale

Districts, but will bring us together as Kenyans, irrespective of tribe, religion and political groupings. It will also unite us as a nation with a purpose.

The blood shed by these peace-makers should serve as a reminder that we, as leaders, have eternal responsibilities to this nation and her people. Let their death be not in vain but a sign of a nation that is re-born. We shall all greatly miss their contributions and companionship in this House, and no doubt as a nation, we shall miss their leadership.

Hon. Members, I would like to inform this House that three members of the delegation are still alive and are recuperating at a Nairobi hospital. They are the Provincial Commissioner, Mr. Patrick Osare and two crew members; Senior Sergeant Isaac King'ori Mureithi and Senior Private, Trevor Mwamunge Lukwe. Let us continue to pray for their quick recovery and for the Almighty God to continue to comfort the families during this trying time.

It is with sorrow and sadness that I now request you to rise and observe a minute of silence in honour of our departed colleagues.

I would like to add that some of our colleagues led by the Leader of the Official Opposition, have already travelled to Marsabit District and will wait for us tomorrow for the burial of our colleagues. After we have observed a minute of silence and transacted the business on the Order Paper, I kindly request all hon. Members to reconvene in the Old Chamber for further discussion.

Hon. Members, let us observe a minute's silence in honour of our departed colleagues.

*(Hon. Members observed  
a one-minute silence)*

## **MOTION FOR THE ADJOURNMENT**

ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House do adjourn until Tuesday, 18th April, 2006.

Mr. Speaker, Sir, this is not a Motion that we expect debate on. You have said it all. Yesterday was the saddest day in the history of our country. Since we got Independence, while we have lost from time to time hon. Members of this House, it has never happened that in one go, we lost so many of them. This country is composed mostly of young people. When you look at the hon. Members and the senior civil servants who lost their lives, you find that none of them is older than 55 years. This is, indeed, very sad.

They lost their lives in a mission of peace. When we have a tragedy, we come together as one people, but soon after that, we start having our individual agendas. How many lives are to be lost before we can gain peace? This was a localised peace that was required in Marsabit and Moyale. We want peace in our country! We want peace in our nation! The reason why we do not get peace is because of the individual agendas and wanting whatever we want as individuals. Let us not allow the deaths of a clergy man, pilots, senior civil servants and above all, our legislators, to

be in vain. Let us utilise this opportunity to learn from each other and to have peace, so that we can then spend most of our time answering to the needs and the requirements of our people.

Mr. Speaker, Sir, it was, indeed, very sad for me and the Minister for Justice and Constitutional Affairs when we saw off the families of two hon. Members this afternoon. There were tears and agony and it was very sad.

Perhaps, I will utilise this opportunity just to mention that the bodies of our friends will be arriving at the Moi Air Base at about 3.00 O'clock and before 4.00 O'clock, they will be at the Wilson Airport. It would be a tribute if all of us could be at the Wilson Airport just before 4.00 o'clock, so that we can receive our colleagues, pay tribute to them and give them a farewell.

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

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Speaker, Sir, I rise to second this Motion of Adjournment to enable us to pay tribute to our departed colleagues and the other Kenyans who perished in the crash.

Death is an equaliser. It has no ethnicity. It has nothing that can be described as partisan. This sad demise of our colleagues and fellow Kenyans ought to remind us that we are all on a journey in this earth and that we are living on borrowed time. I pray that the passing on of our colleagues will galvanise us as this august House to rise to our duties knowing that we have a mission to build our country and to do the best we can when we are here.

I want to send my condolences to the families of our colleagues and our fellow Kenyans, one of whom I have been informed hails from my constituency. May their souls rest in eternal peace.

I beg to second.

*(Question proposed)*

**Mr. Speaker:** Who will be speaking for the official Opposition? As I said, hon. Kenyatta has gone to Marsabit already. Mr. Muturi, will you?

**Mr. Muturi:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Then I will give the first opportunity to the official Opposition responder.

**Mr. Muturi:** Thank you, Mr. Speaker, Sir. I rise to similarly support this Procedural Motion of adjournment. Like my two colleagues who have spoken before me, I would also like to send my heartfelt condolences to the families and the relatives of the deceased Kenyans and above all, our departed colleagues from this House.

Mr. Speaker, Sir, like it has been said by Ms. Karua, death has, indeed, brought us to a point where we begin to re-examine ourselves and to see ourselves as not just individuals, but as Kenyans.

Without spending a lot of time, I beg to support.

**Mr. Speaker:** I will pick two hon. Members from each side. As you know, we do not have a lot of time. If I give you a chance to speak, please, just take the minimum.

**Mr. Raila:** Mr. Speaker, Sir, on behalf of many of our colleagues on this side who will not have an opportunity to speak, I would like to send our heartfelt condolences to the families of our colleagues who have died in a very tragic plane crash.

Julius Caesar said that death is a necessary evil that will come when it will come. However, it is a very senseless death when hon. Members have to die when going to broker peace in a conflict that has been perpetuated by senseless warmongers who have kept a region of this country at a state of war and panic, killing children, women and adults.

These hon. Members died on a very noble mission. They died when they were going to broker peace. Two weeks ago, this issue nearly spilled over on the Floor of this House and you were at pains to tell us that we must realise that lives of very many people were at stake. It is,

therefore, very hurting to hear that our colleagues died in pursuit of peace for this region. We want to send a very powerful message from the Floor of this House that Kenya is bigger than these warlords who are causing havoc and deaths to so many of our people. This country is stronger than these people but we can rein on these people and bring peace to this country.

Mr. Speaker, Sir, I want to say that, and I know that my colleagues will support me, we condemn the senseless loss of life of these people in this region. We mourn our colleagues and we will support the Government in whatsoever action it will take to bring lasting peace to this part of our country.

With those few remarks, I beg to support.

*(Applause)*

**The Minister for Local Government** (Mr. Kombo): Thank you, Mr. Speaker, Sir. I also rise to support the Motion.

**Mr. Speaker:** Order! I will give you two minutes. By law, this Motion must end at 3.05 p.m.

**The Minister for Local Government** (Mr. Kombo): Mr. Speaker, Sir, as we remember the dark Monday in the history of our country having lost our brothers, and like everybody else has said that they were out on a peace mission and indeed, it is something for us to remember that peace and security for this country is the only everlasting thing that we can bequeath to our society. We will, therefore, remember them for that. They have sacrificed their lives in search of peace.

The lesson being learnt by us all, as leaders, is to remember that being peacemakers is the greatest gift for the country. Some years back, Zambia lost a whole football team. They went back, rededicated themselves, created a new team and went ahead and became a formidable football team in Africa. Let us hope that the lesson we learn from this tragedy is that we too, as leaders of this country, from today we can form a new team for this country, whether you are on this or the other side of the House to make sure that we work for peace and peace alone for this country.

With those few remarks, I beg to support.

**Mr. Maore:** Mr. Speaker, Sir, I also rise to support the Motion for the Adjournment. As we mourn the departed colleagues and the other Kenyans who died in the tragic accident yesterday, it is also good to reflect on the high number of victims of the conflict that these people were going to resolve. Last year, I accompanied the Leader of the Official Opposition to Turbi and we saw the trail of blood of 76 Kenyans. It is something that we need to put to an end. The only people with the machinery and the legal monopoly of violence is the Government; to use the violence and also bring those who cause violence on others to book.

With those few remarks, I beg to support.

**Mr. N. Nyagah:** Mr. Speaker, Sir, I would like to support this Motion. First, I would like to thank you for the initiative that you took yesterday in assembling all hon. Members and moving from one home to another to condole the families of those who are departed. We have no words for that!

Secondly, I am looking at the gapping spaces of where each and everyone of those who served in this Parliament usually loved to sit. All we can do is to remember them. They will have fond memories of these hon. Members. All we can do is wish them peace in Heaven.

Lastly, everything that is done to mankind has a purpose. I want to quote the Bible, Ecclesiastes Chapter 3:1. It says:-

"There is a time and a season to everything."

This time yesterday was the time for our colleagues to depart. However, we should look at it more in terms of lessons that we ought to learn. As a Parliament, we are all united in grief. We should

continue to be united for the sake of this country.

With those few remarks, I beg to support.

**Mr. Balala:** Mr. Speaker, Sir, first of all, it is a sad day today to receive the news of our colleagues. Today, we have been united in grief. This unity of purpose has to continue in developing this nation rather than mourning because of death.

The respect we can give to our colleagues is to bring security and peace to this country. The cause they were going for was a peaceful cause. We need to cherish that for our generations to come.

To say that we remember them as this House is not good enough until we inscribe their names in the walls of Parliament. It is important to inscribe the names of all those people who have died as Parliamentarians in this House. There should be a Hall of Fame or Heroes for our colleagues.

Finally, maybe it is a high time to reflect, as hon. Members and representatives of the people, where we have gone wrong and what this bad omen has come to ask for in this Ninth Parliament, where 13 of our colleagues have departed. What type of politics do we play? Are we playing the right politics and do we want to bring change for this nation?

With those few remarks, I beg to support.

**Mr. Speaker:** I am constrained as I have very little time now but I will try to balance. I will give the Floor to Prof. Kibwana, and I will finish with Dr. Kuti.

**The Minister for Environment and Natural Resources** (Prof. Kibwana): Mr. Speaker, Sir, I also send my condolences for all our departed colleagues. I have personal intimacy with Mr. M. Kariuki and Dr. Godana whom we went to school with together with you, Mr. Speaker. So, in this Parliament, two of us are now gone.

Mr. Speaker, Sir, one of my constituents, the District Commissioner for Moyale, has passed on. It is really a sad moment for all of us. I think like every speaker has emphasised, let us in a very genuine way find this sad occasion as the occasion that will reconcile us with ourselves and country so that we can genuinely, from both sides of the House, serve our motherland so that there can be peace so that the blood of men and women should not flow any more.

Finally, Mr. Speaker, Sir, I call upon this Parliament to bury all the dead. We should not just bury our fellow Parliamentarians because all of them were great Kenyans.

With those few remarks, I beg to support.

**Mr. Speaker:** Finally, Dr. Kuti! Unless you want to donate your time--- You can give me three minutes. I will donate two minutes to Mr. Samoei and one and a half minute to Mr. Nyachae.

**The Minister of State for Youth Affairs** (Dr. Kuti): Mr. Speaker, Sir, I would like to begin by saying *pole* to all family members of our departed colleagues and fellow Kenyans. Secondly, I would like to thank you for your leadership in handling this matter from yesterday up to today. You marshalled us to visit the families of the deceased. You have been with us throughout this tragedy.

Mr. Speaker, Sir, I have three messages. The first message is for the nation. All those colleagues were struggling to maintain peace. There are several areas in this country where clans are still fighting. As we are talking now, I know that Samburus and Pokots are fighting. Fighting is not only in that area. It is high time we re-dedicated ourselves to issues of peace among tribes and hon. Members. That is even when we have differences in opinion.

My other message is: The deceased hon. Members and Government officials were of tender ages. They have families. While we think about them and mourn them, I urge this House to stand by their families and support their children to achieve their goals.

Finally, hon. Members from the upper region of North Eastern Province - which suffered most - have been struggling with issues of peace and conflict. Those issues are related to the

infrastructure in the area. Right now, as we sit here, Marsabit and Moyale districts have lost all their Members of Parliament. They have perished struggling---

At one time, they marshalled 25 youths to walk from Moyale to Isiolo, so that the road between Isiolo and Marsabit could be improved. If that road was improved, and the weather was bad, they could have opted to travel to Marsabit by road. However, right now, as we speak, that road is impassable. Even food cannot be delivered to people of Marsabit and Moyale.

Mr. Speaker, Sir, I think this is the right time to remember our departed colleagues and heroes by fast-tracking the commissioning of the Isiolo-Moyale Road. That will answer many questions regarding security and economy. All other aspects of development will be sorted out if we commission that road now, in remembrance of our departed colleagues.

Thank you very much, Mr. Speaker, Sir.

*(Applause)*

**Mr. Speaker:** Thank you! Let us have Mr. Samoei, and finish with Mr. Nyachae! Mr. Samoei, please, take just one minute!

**Mr. Samoei:** Mr. Speaker, Sir, like my colleagues, I send my condolences to our departed colleagues and other Government officials. On behalf of the Official Opposition party, KANU, I wish to send our heartfelt condolences to the families, constituents and the country for the deaths of our departed colleagues and Government officials. Those people were on a very important national duty. Their mission was to harmonise the people of Kenya and give peace a chance in North Eastern Province. That has been an issue for a very long time.

Mr. Speaker, Sir, it is my hope that deaths of my colleagues will become a big lesson to us, as a country. We should learn to embrace consultations and peaceful co-existence between the various communities in Kenya.

Mr. Speaker, Sir, last week on Thursday, I had lunch with three of our colleagues who have passed away, to discuss issues that they were going to discuss in yesterday's meeting. It is very unfortunate that, Dr. Guracha Galgalo, Mr. Sasura and Mr. Ngoyoni did not have a chance to accomplish their mission yesterday.

With those few remarks, I beg to support.

**Mr. Speaker:** Thank you. Sorry, hon. Members. Time is up! Mr. Nyachae, please, proceed for one minute! I am mindful of the fact that, I have not reached out to our lady Members of Parliament! But the law is against me. Time is up! We will give you an opportunity at the *Kamukunji*.

**The Minister for Roads and Public Works** (Mr. Nyachae): Thank you, Mr. Speaker, Sir. First, I want to join my colleagues to support the Motion of Adjournment. Secondly, I wish to express my appreciation for the steps that you, our Speaker and leader of the House, took to organise most of the arrangements from yesterday. Thank you for that.

Let me say this: I think we must be asking ourselves one very important question. What is the genesis of that tragedy? That tragedy has occurred because we have some weaknesses in monitoring how our people live. We need to know the feelings of members of our clans. Fighting between clans and tribes does not begin suddenly.

Certain feelings start to develop over time. Do we have a system of monitoring what is going on, so that we can reconcile people before they start fighting? Our colleagues would not have left us! If we do not do our jobs in the correct way, such incidents will continue! So, we need to change our system of understanding our people. We need to understand their feelings and requirements. That is necessary.

Mr. Speaker, Sir, Dr. Kuti has talked about roads. I want to agree with him. I hope my

colleague, the Minister for Finance, is getting the message. We need his support to do the roads.

Thank you, Mr. Speaker, Sir.

*(Applause)*

**Mr. Speaker:** Thank you. I am sorry, hon. Members! The law demands that this Motion is dealt with, in 30 minutes! That is the law and it is my duty to enforce it!

Hon. Members, first of all, I would like to say that, Mr. Balala talked about some issues--- Yes, indeed, we have a place in this Parliament where we inscribe names of all hon. Members who die in service. It is found in the chapel. The names of hon. Members who have died while serving in the House since Independence are there. It has been done like that. But, maybe, we should change the location! Where it is currently found is called the "Meditation Chamber". It is a place where you can go and meditate. Maybe, we will think about getting a better location. However, this should be a continuous thing.

Finally, when we adjourn, I very kindly and humbly ask all of you to reconvene in the Old Chamber. That will enable us to discuss a few in-house, but important, matters. Some of them are very urgent.

Secondly, I have been informed that the bodies of our departed colleagues and other fellow Kenyans will be arriving at Wilson Airport at about 4.00 p.m. So, we will leave here immediately, transact business there and lets us "all" - this time I am saying "all" - be there to give them the honour that they truly deserve.

We shall discuss the other issues in the Old Chamber. But I will say something I do not know whether you will listen to. I plead with you that, during the duration of the funeral services and burials of our colleagues and officers, please, let us keep politics out of our mouths.

*(Applause)*

Let politics have a break for a change!

Thank you. Hon. Members---

**Hon. Members:** You have not put the Question!

**Mr. Speaker:** Sorry! Order, hon. Members! Like all Kenyans, we have been destabilised by this tragedy. We are just human and we feel for the hon. Members. I particularly do.

*(Question put and agreed to)*

## ADJOURNMENT

**Mr. Speaker:** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 18th April, 2006, at 2.30 p.m.

The House rose at 3.10 p.m.