

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 17th October, 2001

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

**Mr. Onyango:** Mr. Deputy Speaker, Sir, I wish to ask Question No.331 although I have not received the written reply.

*Question No.331*

REHABILITATION OF MACALDER  
POLICE OFFICERS' HOUSES

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

(a) whether he is aware that staff houses and the building housing of Macalder Police Station require urgent rehabilitation; and,

(b) what steps he is taking to rehabilitate these houses.

**Mr. Deputy Speaker:** Anybody here from the Office of the President?

**An hon. Member:** Nobody is here!

**Mr. Deputy Speaker:** We will come back to the Question.

Mr. Kiunjuri's Question!

*Question No. 440*

WITHHOLDING OF MR. GATHUA NJERU'S PENSION

**Mr. Kiunjuri** asked the Minister for Finance why the Ministry is holding the pension of Mr. Charles Gathua Njeru, Administration Police No.93334.

**Mr. Deputy Speaker:** Is the Minister for Finance here?

**An hon. Member:** He is also not in yet!

**Mr. Deputy Speaker:** Since he is not in, we will come back to the Question later on.

Mr. Maitha's Question!

*Question No.360*

PAYMENT OF DUES TO FORMER KCHS EMPLOYEES

**Mr. Deputy Speaker:** Since Mr. Maitha is not here either, we will come back to his Question later on. Mr. P.K. Mwangi's Question!

*Question No.466*

ELECTRIFICATION PROJECTS IN MARAGWA

**Mr. P.K. Mwangi** asked the Minister Energy:-

(a) whether he is aware that the District Development Committee, Maragwa, identified and

recommended the electrification projects to be undertaken in the district by the Government during the 1999/2000 financial years; and,

(b) what the budgetary allocation for the district for the year 1998/1999/2000 was.

**Mr. Deputy Speaker:** Is the Minister for Energy here?

**An hon. Member:** Mr. Raila is not in!

**Mr. Deputy Speaker:** Since the Minister is not here, we will come back to the Question.

Mr. Gor Sungu's Question!

*Question No.375*

IRRIGATION PROJECTS IN LAKE BASIN

**Mr. Sungu** asked the Minister for Rural Development, in view of the arid and semi-arid nature of most areas surrounding the Lake Victoria Basin, what immediate and comprehensive plans he does have of initiating, expanding and supporting irrigation projects in the area.

**The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. J.D.M. Lotodo):** Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry is putting the following plans in place in initiating, expanding and supporting irrigation projects in areas surrounding the Lake Victoria Basin:

(i) The Government has embarked on the process of reviewing the irrigation and the drainage sub-sector as an integral and important component of the Agricultural Sector Reform Programme.

In this connection, the Government is in the process of formulating an irrigation, drainage policy and legal framework with the aim of stimulating growth in the sub-sector.

(ii) The reforms in the sub-sector will be geared towards creating structures that will ensure enhanced farm management of the irrigation system and the resultant produce and encourage increased private sector participation in the sub-sector.

(iii) In its development plans, the Government has major projects such as the Sondu Miriu Project (Irrigation Component), the Oluch Kimira Project, as well as the Yala Swamp Rehabilitation Project, which are awaiting identification of sources of funding.

(iv) Through extension and irrigation support services, farmers are continuously receiving extension services in irrigation development according to their needs.

(v) Farmers and leaders in the lake region and the entire nation are constantly encouraged by the Ministry to take the initiative in utilizing available land and water resources to produce food crops and high value crops for local and external markets. This entails taking the initiative to identify and develop irrigation systems individually or as groups and to finance them.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, this is a very important matter to the people of the lake region and the people of Kenya. The total irrigation potential for Kano Plains is only 200,000 hectares as opposed to the 15,000 hectares being utilized now. The Ahero and Bunyala Irrigation Schemes have failed and the Yala Swamp is also in the process of being revitalised, although Kshs150 million initially allocated by the African Development Bank (ADB) was "eaten". Will the Assistant Minister now tell this House reasons why these things have continued to occur in the Ministry and they are still going on, while we are suffering from lack of food?

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, first and foremost, I am not aware that there is money which has been "eaten". What I only know is that we did not receive any donor funding and as a result we depended on for irrigation. Therefore, the Ministry is committed to expanding the irrigation programmes in conjunction with farmers and leaders of that particular region.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, in view of the fact that the Ahero and Bunyala irrigation schemes, where millions and millions of shillings have been spent have stalled, and the fact that the Assistant Minister has been informed that the ADB allocated Kshs150 million for the Yala Swamp and that money was squandered and the project did not go far, what is the Ministry doing to rehabilitate these stalled schemes? Why should the Ministry not think of reviving those two irrigation schemes, including the Yala Swamp before they start other projects like the Sondu Miriu and others? Why are they proposing new projects when they have projects that were benefitting the people and are now stalled? Could the Assistant Minister tell us?

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, the Government has noted the shortcomings in the present Irrigation Act, Cap.347 and we are in the process of amending the Act to reflect the current and the future irrigation development.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, it is unfortunate that I cannot get the Assistant Minister's curriculum vitae to know if he exactly knows what he is talking about because the background answer the Assistant Minister has given to this Question---

**Mr. Deputy Speaker:** Order! Order!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the issue we are dealing with here concerns food. An hungry man is an angry man. People who are staying along Lake Victoria are hungry today and poor. These people are surprised to see the Lake Victoria water being used for irrigation purposes in Egypt to grow rice and horticultural crops and then those products are brought and sold to us here in Kenya. Here we have an Assistant Minister, who is given an answer without background information of what we are talking about, he just starts reading to us an answer which has irrelevant information. What urgent steps is the Assistant Minister taking to revive West Kano, Ahero and Bunyala Irrigation Schemes within the next financial year?

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, first and foremost, I would like to inform the hon. Member that I am not irrelevant. I would also like to inform him that I am an agriculturalist by profession and, therefore, I know what I am talking about. Despite being a pastoralist, I am a trained agriculturalist. When we talk of the irrigation potential in the country, we know that there are some shortcomings in all the irrigation schemes. Of course, this does not mean that the Government is to blame for all the shortcomings. We are aware that most of these irrigation schemes have their own management problems and, therefore, we are trying to make the farmers run these schemes with minimum support from the Government. That is the reason why we are reviewing the Irrigation Act.

**Mr. Deputy Speaker:** Mr. Assistant Minister, they are asking you about the steps that you have taken to revive specific schemes that already exist.

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, we are trying to improve the canals so that water can flow easily. We are also trying to supply planting seeds and provide extension services to the farmers.

**Dr. Oburu:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to keep on avoiding answering questions? He has been asked to tell us the specific steps the Government has taken to revive irrigation schemes that already exist. I have informed him that Kshs150 million that was meant for Yala Swamp was squandered. What is he doing to revive that scheme? He has also been asked what the Government is doing to revive West Kano, Kano and Bunyala Irrigation Schemes. We would like to know from the Assistant Minister what the Government is doing to revive these schemes. He should not tell us that they are providing extension services to the farmers.

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, I have said that I am not aware of any money that was squandered. I am saying that the Government is committed to providing extension services and supplying planting seeds to these farmers. The Government is also committed to improving the canals within the irrigation schemes to ease water flow.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Assistant Minister is hiding behind some very strange ambiguities. He has said that the problem lies with the Irrigation Act. He has also said that the Ministry is in the process of formulating some policies on irrigation. Are these things in the past, present or in the future? If he discovered that there is something wrong with the law, why did he not amend it long time ago? When the Assistant Minister says that the Government is in the process of formulating a policy on irrigation, how far has it gone and when will it materialise? Please, answer those questions!

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, the process is on, and the Ministry is consulting the farmers on how best to run the irrigation schemes. Because of the limited public resources, the Chair will note that the Government is committed to support these irrigation schemes. Therefore, as soon as this policy is through, we will implement the necessary recommendations.

**Dr. Omamo:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is a trained agriculturalist. The irrigation scheme at Kano, in Ahero was a pilot project. The Ministry leaves Ahero farmers in the middle of the pilot project without any warning, and yet the Assistant Minister is a trained agriculturalist! Could the Ministry, first of all, apologise to Kenyan rice farmers in Kano, Bunyala and West Kano? Could it apologise and then quickly say when it will resume assisting the farmers to get rice farming on course again in order to fight poverty and hunger? These farmers have only one cash crop, which is rice. If they do not grow rice, poverty and hunger will prevail.

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, I have got no apology to make. As the Chair knows, some of these things are natural. What I am saying is that the Government is trying its level best, of course, in conjunction with the farmers---

**Dr. Omamo:** On a point of order, Deputy Speaker, Sir. Is the Assistant Minister in order to try and mislead the House that stopping an irrigation project mid-stream is a natural phenomenon? What is natural in it? The House should not be misled to believe that this is a natural occurrence; it is man-made.

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, when there is no rain, it is a natural calamity and not man-made. On top of that, I have said that there is consultation between the farmers and the Ministry officials to find out how best we can improve the stalled project. The Ministry is also thinking of how it will get some funds to assist the farmers.

**Mr. Sungu:** Thank you, Mr. Deputy Speaker, Sir. This Ministry is actually paying lip service to the people of Kenya. As far as I am concerned it only exists on paper and not on reality on the ground. This is because they import rice from Pakistan and other countries when we have the potential to grow enough rice for this country. The area around Lake Victoria is dry and should be classified as arid and semi-arid. Could the Assistant Minister assure this House today that he will go back to his office and classify this area as arid and semi-arid so that it can attract the benefits that his constituency attracts? This is because his constituency receives the same amount of rainfall as this area.

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that I am also an interested party because I come from a semi-arid area. Therefore, we will do everything possible to ensure that everything is going on well.

*Question No.435*

TARMACKING OF MATI ROAD

**Mr. Mwenda** asked the Minister for Roads and Public

Works:-

- (a) why Mati Road (C92) which serves five districts has not been tarmacked; and,
- (b) when the said road will be tarmacked and at what cost.

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

- (a) Mati Road C92 has not been tarmacked due to lack of funds.

(b) We are unable to tarmac this road because of lack of funds at the moment. The total length of the road is 109 kilometres. We do not know the exact amount of money that will be used until the road is designed and tendered for.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, that road serves five districts namely Embu, Mbeere, Meru South, Tharaka and Meru Central. By a resolution of the House in 1989, the Government agreed to tarmac this road. That was 13 years ago. Could the Assistant Minister tell us the reason why this road has not been tarmacked for the last 12 years even when the House had resolved that it be tarmacked?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, I agree that there was a resolution of the House for the road to be tarmacked, but we have been unable to raise the necessary funds to tarmac it. We hope to gravel the road to high standard at a cost of Ksh330 million.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, sometime early this year, there was an advertisement by the Ministry of Roads and Public Works. This advertisement was inviting tenders for design work on this road. Could the Assistant Minister tell this House the progress of that advertisement, and whether the tender has been awarded? Could he also tell this House to whom the tender has been awarded?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, it is true that there was an advertisement for tender, but we have not finalised the matter. At the moment, we do not know who the tenderer is. But I would like to assure the hon. Member that the road will be gravelled this financial year.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, these answers we get in this House about a road or some project not being done, because there are no funds, begs a question. I would have thought that a policy decision is made in the first place to tarmac or not tarmac a road. Thereafter, then you look for funds. Could the Assistant Minister tell us the criteria and the process through which they determine that they have to tarmac a road in a given period and how they then go about sourcing that money? Quite clearly, we are going round in circles and we will never get anywhere if there is no process which we all understand.

**Eng. Rotich:** Mr. Deputy Speaker, Sir, we have an intention of tarmacking this road. The criteria is that we should have, ideally, 385 vehicles per day passing through that road. But we have a problem with that criteria because we cannot raise 385 vehicles per day when you have a bad road. It is a vicious circle. If we build the road, we will have more vehicles. If we do not build the road, we have less vehicles. But we need 385 vehicles per day passing through that road. Then, we need an internal rate of return of 20 per cent. We will achieve this when we have 385 vehicles per day passing through the road. I have a feeling that we should tarmac this road. If we tarmac the road, we can have up to 600 vehicles per day.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that for a road to be tarmacked, it

must have 385 vehicles per day passing through it. They built Road C39; Eldoret-Kapsabet-Kisumu, from Eldoret up to the Uasin Gishu/Nandi border. It has the same number of vehicles. All the way down to Kisumu, it is not recarpeted and yet, the Uasin Gishu side is recarpeted. Why is this discrimination there?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, I do not think there is discrimination. Recarpeting and tarmacking the road are two different things. I think the contract to recarpet the road was given up to the border of Uasin Gishu/Nandi districts, but it will continue to Kisumu. Recarpeting is separate from tarmacking a road.

**Mr. Sungu:** Thank you, Mr. Deputy Speaker, Sir. This same Question arose yesterday and I asked the criteria for classifying roads---

**Mr. Deputy Speaker:** Order! If you had asked the Question, I will not allow you to ask it again.

**Mr. Sungu:** Well, Mr. Deputy Speaker, Sir, the answer was not satisfactory---

**Mr. Deputy Speaker:** This is not the same question as yesterday's. Ask a supplementary question!

**Mr. Sungu:** Thank you, Mr. Deputy Speaker, Sir. The criteria for classifying roads in Kenya; A, B, C, D, must be in order of importance *vis-a-vis* the relative need for the economy of this country. We know for certain that there are some roads classified as B---

**Mr. Deputy Speaker:** Mr. Sungu, this is not a lecture on roads, ask your supplementary question!

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I want Eng. Rotich to tell this House as to why a road classified as D would be tarmacked in politically-correct areas, whereas they leave out a road classified as C in less politically-correct areas, like Migori-Muhuru or Bondo-Siaya and other roads in the Republic?

**Hon. Members:** Because they are politically-correct!

**Eng. Rotich:** At the moment, the classification is not on economic terms. Roads A classification are those that cross the border to another country. There are no economic terms on that. Roads B classification are national trunk roads. So, you may get a road on classification E which is more important economically than a road on classification A. So, we are now reviewing the classification system so that we do not say A goes to--- The road to the Airport is A. The road to the Port of Mombasa is A, the road to Somalia is A and yet, there is no traffic. The Mwatate one to Tanzania is A. The classification at the moment has nothing to do with economic terms. It is just where it is going.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I rise to seek your guidance. In this House, the Minister for Roads and Public Works has always been promising hon. Members whenever they ask questions about roads, and I am a victim; "That this year, we have allocated this sum of money and the road will be gravelled." Would I be in order to ask you to ask hon. Members with those answers to bring them here next week so that we find out whether the Minister fulfilled his promises? The Sikiri Bridge has not been built although they had promised to do it in the last financial year. The ferry has not been repaired. Ruambua-Port Victoria and Bumala-Funyula-Sio Port Victoria have not been done, even gravelling alone. Would I be in order to ask you to tell us to bring these documents here so that you will see for yourself that this Government, as far as it continues cheating people out there, it cheats even Members of Parliament?

**Mr. Deputy Speaker:** Order! Order, Mr. Wanjala! If a Minister has given an answer which commits the Government to do certain things and the time has not lapsed, there is nothing the Chair can do. But, if the Member himself feels that the issue needs to be followed up, he is quite at liberty to raise it for the Chair to rule that it be referred to the relevant Departmental Committee for further investigation. Just learn your Standing Orders and you will save yourself the problem of having to ask the Chair to issue guidance.

Next Question, Mr. Onyango, for the second time!

*Question No.331*

REHABILITATION OF MACALDER  
POLICE OFFICERS' HOUSES

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

- (a) whether he is aware that staff houses and the building housing Macalder Police Station require urgent rehabilitation; and,
- (b) what steps he is taking to rehabilitate these houses.

**The Assistant Minister, Office of the President** (Mr. Haji): Mr. Deputy Speaker, Sir, I want to apologise to the Chair and the House for coming late.

Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.

(b) The buildings will be rehabilitated once we have sufficient funds to do so.

**Mr. Onyango:** Mr. Deputy Speaker, Sir, the cells at Macalder Police Station and the police quarters are in a pathetic state. One of these days, because of the nature of the buildings, the suspects who will be put in those cells will be found dead like it happened in Thika. What urgent steps is the Ministry taking to make sure that such a disaster does not happen?

**Mr. Deputy Speaker:** Surely, the question should be: "When is the rehabilitation going to begin?" because he has already told you there is money.

**Mr. Onyango:** Mr. Deputy Speaker, Sir, according to the answer I have been given, they are saying that there are some projects which have to be finalised before something is done about Macalder Police Station. What are those projects which have been tied to doing the job in Macalder Police Station?

**Mr. Haji:** Mr. Deputy Speaker, Sir, that is a valid question and I agree with the hon. Member that everything possible should be done so that we do not experience a disaster. Accordingly, we are going to send experts to inspect those buildings. If they are found to be dangerous to human habitation, then something will be done.

**Mr. Muchiri:** Thank you, Mr. Deputy Speaker, Sir. This is not the only police station that requires to be rehabilitated. All police stations in Kenya have not been painted, the roofs are leaking and the walls are falling. Could the Assistant Minister tell this House when he will start the rehabilitation of all police stations and police quarters? This Government has disregarded the police officers wherever they are.

**Mr. Haji:** Mr. Deputy Speaker, Sir, I am not aware that all cells and police accommodation are leaking. But we will look into the matter and do whatever is possible.

**Mr. Mutahi:** Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister tell us what the policy of the Government is when a Government building has been condemned by the Ministry of Health? For example, in my constituency, I have got some buildings which were condemned three years ago and there are still people living in them. What is supposed to be done after a building has been condemned?

**Mr. Haji:** Mr. Deputy Speaker, Sir, anything condemned is condemned. So, it should remain condemned.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, it is a known fact that our police officers live miserably, sharing houses, and the Assistant Minister is aware of this. These houses are not even rehabilitated. Could the Assistant Minister tell this House what action he is taking to ensure that police officers live a comfortable life, either by raising their house allowances to enable them rent houses outside the police lines or have a housing scheme?

**Mr. Haji:** Mr. Deputy Speaker, Sir, I know that sometimes police officers live in very congested accommodation. This is not a secret. But, as soon as the economy of the country allows, we will do everything possible to give them better accommodation.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek guidance from the Chair on this matter. Here is a matter where disaster can very easily strike and the National Assembly has been made aware of this situation. The Assistant Minister is not sure whether those houses are fit for human habitation and he is being very casual about it. Would I be in order to ask the Chair to require the Assistant Minister to urgently go and have those houses inspected and bring a report to this House, so that we are sure that one of these days we will not have to bury policemen and other people because of negligence?

**Mr. Haji:** Mr. Deputy Speaker, Sir, it is unfortunate that the hon. Member is taking the role of the Chair to order me to go and inspect those houses. Anyway---

**Mr. Deputy Speaker:** Order! The Chair does now so order!

*(Applause)*

**Mr. Haji:** Mr. Deputy Speaker, Sir, when I was reading the written reply, I said that we will send experts to go and inspect those buildings. What else does the hon. Member want me to do?

**Mr. Deputy Speaker:** Order! I think we must take the Business of this House very seriously. The Government has introduced the so-called Medium-Term Expenditure Framework (MTEF). It gives you, at least, three years of budgeting. Now the least you can tell this House is whether you are going to do it within that three-year period or after. At least, there is already a provision for that.

**Mr. Haji:** Mr. Deputy Speaker, Sir, I do not have that information right now. But if I am given time, I will provide that information to the House. That question came out of the "blues". If it had been filed earlier, I would have been able to answer.

*(Laughter)*

**Mr. Deputy Speaker:** Order! I think what I have just said should apply to all future Questions, that no Minister will be allowed to say "when funds become available." He must tell us whether within that period horizon there will be provision made or not.

**Mr. Mwenda:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has promised to send a team of experts to go and inspect those houses. Would he give the House an undertaking when he will report back to us the result of that inspection?

**Mr. Deputy Speaker:** Mr. Haji, are you able to give us a time frame?

**Mr. Haji:** Mr. Deputy Speaker, Sir, I cannot give a time frame. But I assure this House that we will send a team of experts to inspect those buildings.

**Mr. Deputy Speaker:** Next Question, Mr. Kiunjuri!

*Question No.440*

WITHHOLDING OF MR. NJERU'S PENSION

**Mr. Kiunjuri** asked the Minister for Finance why the Ministry is holding the pension of Mr. Charles Gathua Njeru, Administration Police No.93334.

**The Minister for Finance** (Mr. Okemo): Mr. Deputy Speaker, Sir, I wish to apologise for not having been there on time to answer the Question the first time it was asked. However, I beg to reply.

It is not correct to state that the Ministry is holding the pension of Mr. Charles Gathua Njeru. The correct position is that Mr. Charles Gathua Njeru's Pension File No.APL/PC93334 is being paid its monthly pension through his bank account No.4047778 Barclays Bank of Kenya, Nyahururu Branch, according to his instructions.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, there is no way a Member of Parliament, who happens to be on the ground can come to this House and lie that one of his constituents is not being paid his pension. However, it has become a habit for the Ministry whenever a Question is asked, to rush very quickly to adjust and pay the pensioner. Could the Minister tell this House what permanent solution the Ministry is offering to ensure that pensioners do not suffer unnecessarily and they are paid in good time?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I wish to assure hon. Members that we have almost completed the computerisation project in the Pensions Department. In the last nine months or so, we are actually up-to-date with pension payments. So, there is a remarkable improvement in the Pensions Department.

**Mr. Donde:** Mr. Deputy Speaker, Sir, could the Minister consider paying pensioners through the Post Office because there are a lot of complaints on the ground that banks are deducting them about Kshs600 per payment? If the Ministry could organise to pay them through the Post Office, they would save this Kshs600. Is that possible?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, that is quite possible. Normally, the pensions are paid according to the instructions of the pensioner.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, there are a lot of problems when pension is paid to the dependants of a deceased. What arrangement is the Minister considering to ensure that when somebody dies, his or her dependants are paid on time without unnecessary delays?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, normally, the delays that are experienced by the survivors of the pensioners are as a result of delays by them not giving all the necessary information. There are actual documents which need to be completed by the widow or widower. These have to be signed by the chiefs, assistant chiefs and DCs and brought back to the Pensions Department. That is the process that actually causes the delay. If it is done quickly, the payment is processed quickly and the widow or widower receives payment quite quickly.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, considering the high inflation rate in the country, and the fact that the Government has already adjusted the salary scales in all the sectors, could the Minister also consider reviewing this pension scheme, so that these people can be paid at least higher amounts of money? As we increase civil servants' salaries, let us also increase their pensions.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, in fact, there is an in-built formula where normally pensions are adjusted according to the rate of inflation. So, there is some adjustment made to pension according to the prevailing rate of inflation.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, who is the lowest paid pensioner in this Republic? And how

much does he get?

*(Laughter)*

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I have no adequate answer to that question. I do not know!

**Mr. Deputy Speaker:** Order! Mr. Okemo, the answer is in the law. The law does, in fact, state the minimum pension somebody gets here in Kenya.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I thought the hon. Member was talking of an individual!

**Mr. Deputy Speaker:** The law does give the specifics.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I think the Chair has been very helpful to me.

**Mr. Deputy Speaker:** Next Question, Mr. Maitha.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, before I ask my Question, I beg to apologise to the House for coming late.

*Question No.360*

PAYMENT OF DUES TO FORMER KCHS EMPLOYEES

**Mr. Maitha** asked the Minister for Labour:-

(a) whether he is aware that the former employees of Kenya Cargo Handling Services which has hitherto merged with Kenya Ports Authority, have not been paid their pension dues; and,

(b) what action he is taking to ensure that the said employees are paid their dues.

**The Assistant Minister for Labour and Human Resource Development (Mr. Maizis):** Mr. Deputy Speaker, Sir, I beg to answer.

(a) I am not aware.

(b) The former employees of the defunct Kenya Cargo Handling Services which merged with Kenya Ports Authority have been paid their pension dues promptly. Any specific case of unpaid dues should be brought to my attention for appropriate action.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, on part "a" of the Question, the Assistant Minister says he is not aware. But on part "b", he admits that he is aware. The former Kenya Cargo Handling Services (KCHS) was a limited company which merged with the KPA. But later the KPA came to learn that they were supposed to pay a lot of money in lieu of pension. To date, about 180 employees of the defunct KCHS have not been paid their pensions. The sad thing is that they are not in the pension scheme of the KPA. What was the criteria for the merger? Could the Assistant Minister give us a guideline as to how the merger was affected? What will happen to the former employees of the defunct KCHS who have not been paid up to now?

**Mr. Maizis:** Mr. Deputy Speaker, Sir, I am requesting the hon. Member to give me specific names of employees who have not been paid so that I take appropriate action as soon as possible.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the hon. Member has even mentioned the actual figure of 180 employees who have not been paid. The Assistant Minister has the record of the employees who were there at the time of the merger. Does he require to be given the names of the employees when he actually has the file and can check exactly who the 180 employees who have not been paid are?

**Mr. Maizis:** Mr. Deputy Speaker, Sir, sincerely, I am not aware that some people have not been paid. I have also not refused to take appropriate action. I am only requesting that this Question be deferred until I get the list of those people, then I will take appropriate action immediately.

**Mr. Maitha:** On a point of order, Mr. Deputy Speaker, Sir. When Ministers come to answer Questions here, they must have liaised with their officers in the Ministry. I am sure, if this answer came from the Managing Director of KPA who briefed the Assistant Minister in order to bring it to Parliament, the names of these people must be in the files of the KPA and he is aware. That is why he first said that he is aware people were paid. Some of them were not paid because KPA had the Ministry's excuse that they could not pay other pensioners because it is a lot of money. The Assistant Minister is aware of that fact.

**Mr. Maizis:** Mr. Deputy Speaker, Sir, with regard to part "a" of the Question, I said I was not aware and for part "b" of the Question I said that, any specific cases of unpaid dues should be brought to my attention for an appropriate action to be taken. As soon as I get the list of the names of former employees who have not been paid, I will take appropriate action immediately.



**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Assistant Minister is trying to have it both ways. Either the Assistant Minister is definite and categorical that all the employees were paid or he is not. If he is not, then he is trying to seek some assistance. But then, he must make some initiative to check through the records. Really, you cannot leave the House hanging. Tell us categorically whether you are definite that they were paid. In which case, you do not have to ask for any other names.

**Mr. Maizs:** Mr. Deputy Speaker, Sir, I still insist that I am not aware and I am not refusing to be aware. Once I am made aware, I will take appropriate action.

**Mr. Deputy Speaker:** Mr. Maizs, I think the question hon. Members are asking is: If you are certain that due pensions for all the employees have been paid, then there is no point asking for any other names. But if you are not sure, then you should say so and then we will proceed to assist you in getting those names.

**Maizs:** Mr. Deputy Speaker, Sir, any method which will enable me to satisfy the hon. Members is acceptable. If they think that the answer is not adequate and they provide me with specific cases, I will take appropriate action immediately.

**Mr. Gitonga:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request that this Question be deferred so that the Assistant Minister can go and do some research to ascertain whether all the people have not been paid or whether it is true that 180 people have not been paid their pensions?

**Mr. Deputy Speaker:** I think I agree with that. The Question is deferred to next week.

**Mr. Maizs:** Mr. Deputy Speaker, Sir, I agree, but I want the specifics.

*(Question deferred)*

**Mr. Deputy Speaker:** For the second time, Question No.466!

*Question No.466*

#### ELECTRIFICATION PROJECTS IN MARAGWA

**Mr. Kamande** asked the Minister for Energy:-

(a) whether he is aware that the District Development Committee, Maragwa, identified and recommended the electrification projects to be undertaken in the district by the Government during the 1999/2000 financial year; and,

(b) what the district budgetary allocation for 1998/1999 and 1999/2000 was.

**Mr. Deputy Speaker:** The Minister for Energy is not in? The Question is deferred to Wednesday next week!

*(Question deferred)*

#### QUESTIONS BY PRIVATE NOTICE

##### DISBURSEMENT OF HELB BURSARIES

**Mr. Keriri:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:-

(a) What criteria does the University Loans Board use to award bursaries and loans to students in public universities?

(b) Could the Minister produce a schedule showing the following in respect of each of the six public universities for the current university year:-

(i) the name of each student;

(ii) the student's district; and,

(iii) the amount of loan and bursary given to each student?

**The Assistant Minister for Education, Science and Technology** (Mr. Poghiso): Mr. Deputy Speaker, Sir, we have talked over this matter and found that the Question demands more than the answer that we had prepared. There are a few issues that have not been addressed, so I would like to request that we answer the Question next week.

**Mr. Deputy Speaker:** Question deferred!

*(Question deferred)*

## ISSUANCE OF TLB ANNUAL LICENCES

**(Mr. Kariuki)** to ask the Minister for Transport and Communications:-

(a) Is the Minister aware that the Transport and Licensing Board (TLB) annual licence for *matatus* has promoted unnecessary police harassment against vehicle operators and overloaded courts with many petty cases?

(b) Could he consider merging *matatu* TLB licence fees with annual road licence fees?

**Mr. Deputy Speaker:** Mr. Kariuki is not there! The Question is dropped!

*(Question dropped)*

## BAN ON PORRIDGE SALE IN MACHAKOS TOWN

**(Mr. Kikuyu)** to ask the Minister for Public Health:-

(a) Why has the Ministry stopped the selling of porridge in Machakos Town?

(b) How many people have been affected and made jobless?

(c) Could the Minister order the reinstatement of the same?

**Mr. Deputy Speaker:** Mr. Kikuyu is not in? The Question is dropped!

*(Question dropped)*

CONVERSION OF NURSERY SCHOOL  
LAND INTO CHIEF'S CAMP

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:-

(a) Is the Minister aware that the ex-chief of North Kitutu Location converted land parcel No. Bonyamondo 1-501 in Kitutu Masaba, Nyamira District into a chief's camp without the authority, consent, knowledge of the community who had donated the land for construction of Eronge Nursery School?

(b) Could he confirm that the land is the rightful property of the community and school?

(c) Could he also urgently restore the ownership of the land and issue title to Eronge Nursery School?

**Mr. Deputy Speaker:** The Minister for Lands and Settlement is not in? Question deferred to Wednesday next week!

*(Question deferred)*

## POINTS OF ORDER

## NON-ISSUANCE OF MINISTERIAL STATEMENT

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. You will remember that about two weeks ago, I sought a Ministerial Statement from the Ministry of Local Government with regard to various local authorities and particularly, with regard to Keroka Town Council whose offices remain closed to this day. I do not know what has happened. The Minister seems to be staying away deliberately and avoiding to answer this very urgent Question. I do not know what we should do.

**Mr. Deputy Speaker:** Mr. Mudavadi, where is the Minister for Local Government?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would like to apologise. I will definitely communicate with the Minister for Local Government on this issue so that he can come forward and give a Ministerial Statement.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. It is not that the Minister is not aware. He is more than aware. Could the Deputy Leader of Government Business indicate definitely which day the Minister will give that Ministerial Statement, and undertake to order or instruct the Minister to do so? If these young Turks aspire to run the country they must know how to govern, instruct and give orders! Orders are sometimes important. Could he tell us which day he is going to have the Minister answer this Question?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I can see Mr. Anyona is very agitated. I agree he has a point. I would like to give an undertaking that the Ministerial Statement will be given on Thursday next week.

**Mr. Deputy Speaker:** Order, hon. Members! Mr. Deputy Leader of Government Business, I want to draw your attention to the Constitution, section 17(iii), which states as follows:

"The Cabinet shall be collectively responsible to the National Assembly for all things done by or under the authority of the President or the Vice-President or any other Minister in the execution of his office."

This House holds you collectively responsible and please be advised.

#### POLICY ON COUNTERFEIT GOODS

**Donde:** Mr. Deputy Speaker, Sir, I would like to request for a Ministerial Statement from the Minister for Trade and Industry. It is now evident that the issue of counterfeit products has reached alarming proportions in Kenya. One out of three orders in shelves and warehouses is counterfeit. This is costing the country in excess of Kshs15 billion a year and 300,000 jobs lost. Local companies only operate below capacity, yet they have the capacity to produce these goods.

The economic saboteurs are known and I request the Minister to explain what action he is going to take, or what policy he is going to make to deal with this menace since these people who are behind these things are known.

#### EXTERNAL AGGRESSION AT TODONYA

**Mr. Munyes:** Mr. Deputy Speaker, Sir, I wish to request for a Ministerial Statement from the Office of the President, regarding a recent raid in Turkana North in a place called Todonya where there was an external aggression. Over 1,000 foreigners from the Government of Ethiopia, or from the nearby communities attacked Todonya and overpowered the police; 1,000 foreigners against about 10 police officers! I would want to request for a Ministerial Statement to inform the House whether that external force against five police officers is a form of justice, or whether the police should not deal with such external aggression.

**Mr. Deputy Speaker:** You are seeking that from the Office of the President?

**The Minister of State, Office of the President** (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, a Ministerial Statement will be issued.

#### HARASSMENT OF NON-RESIDENT FARMERS IN NANYUKI

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I rise on a point of order to demand for a Ministerial Statement as to why non-resident farmers of Nyanyuki Forest Station, that is Kahurura, are being forced to contribute, first, for the maintenance of the road leading to the forest. Two, they are being forced to guard the forester at night, five of them per night, and, three, why they are being subjected to corporal punishment for failure to do that. Lastly, why they are being forced to work for three days in the Government tree nurseries, instead of one as agreed by the Ministry?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, a Statement shall be issued on Thursday, next week.

**Mr. Deputy Speaker:** Next Order!

#### MOTIONS

##### ESTABLISHMENT OF HEROES FUND

THAT, in view of the continued suffering of the country's founding fathers, this House urges the Government to establish a Heroes Fund to cater for the basic needs and wellbeing of the heroes and heroines and their immediate families.

*(Dr. Ochuodho on 3.10.2001)*

*(Resumption of Debate interrupted on 3.10.2001)*

**Mr. Deputy Speaker:** Yes, Mr. W.C. Morogo! It seems that Mr. W.C. Morogo is not here. Yes, Dr. Kituyi!

**Dr. Kituyi:** Asante sana Bw. Naibu Spika kwa kunitunukia fursa hii ya kuchangia mada ambayo ninaona ni ya maana sana kwa taifa letu, kuhusu wale ambao kwa jitihada zao wameleta heshima na sifa kubwa kwa taifa letu la Kenya. Wakati tunapongea mambo ya kuwakumbuka wale ambao wamejitolea mhanga katika historia ya taifa letu, kuna shida kubwa. Kuna uongozi wa siasa ambao hauna mila za heshima, wala mazoezi ya kuheshimu historia. Wao wanaishi leo na ukiona kwa vitendo vyao, wanakumbuka yale ambayo yanawahusu sasa hivi. Hata yale ambayo yalihusu wao wenyewe siku zilizopita, hayana maana kwa maisha yao. Kwa hivyo, ni vigumu sana kuanza kufanya waanze kufikiria na kukumbuka ya kwamba historia ina maana au inachangia mbinu za kusuluhisha shida za sasa na kutafuta utu wetu kwa siku zijazo. Hiyo ndiyo sababu moja angalau wale wazalendo ambao wanastahili heshima katika taifa hili wengi walijitolea na kufanya yale yote waliyofanya wakiwa katika Chama cha KANU. Wale viongozi wa KANU wakiona tunajadilia jambo kama hili, hawana habari na hawajui ni kitu gani tunazungumzia.

Utaona ya kwamba kuna watatu au wanne wamesalia katika Bunge kwa sababu wanahitaji masomo kidogo. Kawaida duniani, shida iliyoko kubwa ni kwamba wale zaidi wanaohitaji kusomeshwa ndio hawaoni maana ya kusoma. Wale ndio wanasikiza kuliko wale ambao wanahitaji kujua zaidi. Uongozi huu umebahatika ya kwamba hata kama wamekuwa na ukosefu wa heshima kwa mila na nguzo za historia, wamepata faida yote kama wale mnaowajua. Mali wamepata, wengi wamepora mali, na amani wameipata kwa heshima ya Wakenya. Uongozi wameupata kutokana na kujitolea kwa wengine ambao wamekataa kuwaheshimu. Kawaida, ungetarajia ya kwamba wale ambao wamedhibiti uongozi kutokana na jitihada za wale mashujaa ambao wametoka, wamekuwa kwenye mstari wa mbele kutafuta mbinu za kuheshimu wale ambao wamejitolea. Lakini kwa sababu imewaangukia tu, wakimangamanga, wanafikiria ni bahati yao kutoka kwa Mungu. Hawawezi kuheshimu ni akina nani walijitolea mhanga, ili nao wakapata hii faida ambao wamekuwa nayo miaka hii yote.

Lakini mwanzo huu wa karne, tunastahili kuanza kujiuliza ni njia gani tutaanza kujenga taifa lenye uso mpya, utu wetu na uzalendo wa Wakenya. Kama tunatafuta mbinu za kuwa na nyuso mpya wa Kenya, na kutafuta mbinu za kufanya siasa isiyo ya ufukara, na ukabila, tunahitaji kuona vile tunaweza kujenga historia pamoja. Hatuwezi tukajenga historia pamoja kama Wakenya bila kuona ni akina nani wamejitolea na kuonekana wana heshima kama Wakenya. Wao ndio viongozi ambao tunahitaji sasa kubuni chombo cha kuwasaidia na kuwaheshimu na kuwashukuru. Huu Mjadala tulio nao ni hatua angalau ya kwanza, kama taifa ya kwanza kuweka heshima kwa wale viongozi ambao waliojitolea mhanga. Wengine wao wamekufa kama Dedan Kimathi, na wengine wameishi maskini kama Bildad Kaggia. Hatuwaonyeshi heshima, ila tu kuwaalika katika siku za kitaifa kama, Mabwana Ramogi Achieng Oneko. Wengine wao wanaishi kwa umaskini kama Kisoi Munyao. Tunastahili kuwaonyesha heshima zao na kuwashukuru, tukijiweka kwenye mstari wa mbele na kuifuata barabara baada ya wao. Tutaanza mwelekeo wa taifa la Kenya, kwanza, bila kujali ni kabila gani au ukoo gani walitoka au Mkoa gani, na kuwaona kama wazalendo halisi wa taifa la Kenya. Wakati huu, taifa hili liko katika shughuli kubwa ambazo watu wa siasa tuliamini vizuri sasa. Shughuli zetu sasa hivi ni kubadilisha Katiba, na inaweza kututawanya sana. Wengine wameanza kuchora mipaka na badala ya kujenga madaraja ya kutuleta pamoja, wanatafuta mipaka kama mito ili kututawanyisha. Kama taifa wakati huu halitakuwa na viongozi wenye fikira endelevi za kuona ni wapi tunaenda---Njia moja ya kutuleta pamoja ni kutafuta katika historia yetu ni akina nani wanaweza---

*(Mr. Shidiye stood up in his place to consult Mr. Sunkuli)*

**Mr. Deputy Speaker:** Order, Mr. Shidiye! If you want to talk to him, sit next to him!

**Dr. Kituyi:** Na huyo ni Kiranja wa Serikali!

Bw. Naibu Spika, kama hatuna viongozi wenye heshima na fikira endelevi kwa wakati wa mpito kama huu, njia moja ya kupunguza madhara yanayoweza kuvamia umma, ni kutafuta katika historia yetu ni akina nani wana wadhifa ambao unaweza kutuhusisha pamoja. Ni kweli kwamba kwa wakati huu, taifa la Kenya halina viongozi wengi wanaoweza kutuleta pamoja. Huu ni wakati mwafaka ya kujiuliza, kati ya wale viongozi tuliwapoteza siku zilizopita na wale wengine tumewadharau wangali wako mpaka sasa, ni akina nani tunaweza kuwapatia heshima ili tukiwakumbuka na kukumbuka vitendo vyao, tunaweza kupunguza zile tofauti ambazo zinatisha kuturarua kama taifa. Wengine wanaweza kusema Serikali haina pesa sasa, lakini huo ni utani kwa

sababu tukiwa na nia ya kuheshimu viongozi ambao wamejitolea kwa niaba yetu na nia ya kujenga historia na mila za utu wetu kama wazelendo wa Kenya, hatuwezi kukosa mbinu za kupata pesa. Jukumu letu kubwa ni kuona ni njia gani tunaweza kutumia wale hawaheshimu historia, na wamefaidika kwa shuguli za wengine, ili waone maana ya kuanza kujenga mila za kuheshimu viongozi waliojitolea na kusaidia taifa hili.

Bw. Naibu Spika, jambo lingine ni kwamba wakati wa mpito, kuna shida moja kubwa sana. Viongozi wengine ambao wamekuwa na madhara makubwa sana wamedhuru umma kwa kubora mali na wamekuwa walangusi. Watu wote ambao hawakuwajibika, wanaogopa ni nini itafanyika kwao baada ya kutoka ofisini. Wengi wao wanakatalia kuondoka katika wadhifa kubwa. Wazee wakisikia mambo ya "Young Turks", wanaogopa kwa sababu wanajuliza: "Tukitoka hapa tutaishi kama Paul Ngei?" Kama hawataki kuishi kama Paul Ngei, wabadilishe maisha ya Paul Ngei! Na siyo kukatalia mamlaka mpaka wapigwe. Ingefaa wajaribu kutengeneza mazingara ambayo yatakuwa mazuri kwako wakati umestaafu. Njia moja ya kufanya hivyo ni kuanza kutengeneza mazingara ya heshima kwa wale viongozi ambao sasa wanaleta aibu kwa nyuso zetu kwa sababu hatujaheshimu historia yetu. Kuwasaidia watu kama Ngei ni kusaidia watu wengine katika Serikali ambao wamepita "sell by date" na wanastahili kuenda nyumbani. Lakini wasiende nyumbani kama waombaji! Waende kama tumeanzisha mila za kuwaheshimu viongozi. Angalau hawakuwa viongozi wazuri lakini umma wa Kenya uko tayari kuwalipa kitu kidogo kupunguza uoga wao ili wasiendeleo kudhuru nchi yetu. Wao wangekuwa mstari wa mbele kuteta kwamba haya yanahitajika. Lakini shida yao ni kwamba mawazo ya sasa ndiyo yanahusisia; fikira za sasa ndizo kipenzi chao. Kuwaeleza kufikiria kihistoria, ni kama kumpatia mbwa mrija. Hawawezi kuona wala hawana uwezo wa kuthibiti fikira za maana kama hizo.

Bw. Naibu Spika, nikimalizia, ningependa sana kumshukuru Dr. Ochuodho kwa kuleta Hoja ya maana ambayo inaonyesha kwamba kuna wengine katika taifa letu wanaoona mbele, na kuona maana ya kuwaheshimu wazalendo waliojitolea siku zilizopita, kwa kafanya mambo ya maana kwa taifa. Nataraji kwamba viongozi wengine na historia itaona kwamba Bunge la sasa liliona heshima ambayo ilitahili kutendwa tangu Uhuru, na tuanze sasa badala ya kuendelea kubandika kila shule, barabara na uwanja wa ndege majina ya watu wawili au watatu. Ni sharti tuyaheshimu majina ya wale viongozi wa maana kuliko hapo.

Kwa hayo machache naunga mkono.

**Mr. Muite:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I stand here to state very strongly that we should pass this Motion.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Dr. Kituyi) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, there are people holding meetings in Githunguri, where you will find that almost the entire Cabinet is there, in Murang'a and other places, persuading Kenyans who reside in that part of our unitary State to join the ruling party KANU. A good starting point to perhaps, begin to persuade those Kenyans to consider joining that particular party is to support this Motion, and ensure that the Motion does not gather dust. The Government should implement the Motion by setting up this Fund. If this Fund was to be set up instead of just having meetings in Murang'a and the other places, that money could be accessed by this Government as a meaningful way of persuading Kenyans who live in that part of Kenya to consider joining the party. Such a Fund would be used to assist the widow of the late Bildad Kaggia, his children and grandchildren. The Government should not be persuading people with empty rhetoric to join KANU! If the Fund was to be set up and we were to see the leaders of this particular party going to pay school fees for the grandchildren of Bildad Kaggia, that might be a much more meaningful way of persuading that particular community to consider joining KANU.

Mr. Temporary Deputy Speaker, Sir, we would like to see KANU accessing the Fund to assist the grandchildren of Dedan Kimathi; find out whether there are some of children who are not going to school, or living in abject poverty. I know there are some of Kimathi's children who live in abject poverty. By so doing, KANU might persuade people to consider joining this particular party. Nothing is more important than patriotism! In order for people to be patriotic, the party in power has to set an example. Patriotism is what binds a nation together. When you look at what is going on currently with the war in Afghanistan, America is sending their children aged 18 years, 19 years and 21 years to go and fight. They are now preparing to send ground troops composed of young men and women. Some of those troops will go back in body bags! But they are prepared to do it. Mrs. Thatcher, for example, was prepared to persuade the English people to send their young sons and daughters to go to Falklands to fight in the honour of United Kingdom. Why are parents prepared to give their

daughters and sons for such missions? There is no greater sacrifice that can be made by a person than to give a 19-year old or 21-year son or daughter to go and fight for the country. Why are they able to do that? They are able to do so because they feel patriotic. They are prepared to make any sacrifice. But you only make a sacrifice if the quality and value of patriotism binds that nation together. You do so if you protect the individuals themselves. If Kenya was attacked, I wonder how many people in this country would be prepared to give their 18 or 19-year old sons and daughters to go and fight. Why are we so unpatriotic? It is because of the lack of promotion of the value of patriotism. The importance of this Motion is the spirit behind it; this is what would promote the concept of patriotism. This is what would make all of us patriotic and want to give our children to go and fight in the name and honour of our country, Kenya. So, I am urging that, indeed, the Government of the day should see this as a golden opportunity, to demonstrate that it can actually promote patriotism.

Those heroes who laid down their lives and those who continue to lay down their lives do so not in order to benefit themselves, but to benefit the country. That is why people like Dedan Kimathi laid down their lives. They were hanged! Time has come when we should set up that fund to honour the family of Dedan Kimathi, and also to allow the family to get his remains from Kamiti Maximum Prison because he was not a terrorist. He was a freedom fighter. Let us not keep on requesting the Government to give him a hero's burial every year. This is a good opportunity for the Government to demonstrate its commitment to promoting patriotism by giving Kimathi a decent burial. If Nelson Mandela had been hanged, I am sure South Africans would have taken his remains and given him a decent burial today. He was imprisoned for 25 years. At that time, America and the United Kingdom were calling him a terrorist! Today, he is a statesman. Let us honour our heroes. Nothing can be more appropriate than this Motion. Let us set up a fund to honour our heroes.

Mr. Temporary Deputy Speaker, Sir, today, if you go through the list of those who are living in palaces and have got more money than they know what to do with it, they are living like that as a result of the sacrifices and the sweat of those heroes. It is not just in Central Province but all over the country. We have people like the late Jaramogi Oginga Odinga. It is not fair to ask his sons Mr. Raila or Dr. Oburu to look after his many grandchildren from their pockets. It is not fair because they have got their own respective families. We should be looking after those grandchildren from that fund. Nobody in the national Government cares about the many grandchildren that the late Jaramogi had. Are they living? Do they go to school? What stress is being placed on my friend Mr. Raila? Perhaps, that is the stress that eventually was the last straw in persuading him to go into the "co-operation"! We do not know! But if there was a fund--- When you are not living in dignity and free from all, you are vulnerable to overtures. You need to be very hardened to withstand some of those pressures. I know what a friend of mine like Imanyara went through in terms of sacrifice. I am very magnanimous when I see people faltering. I know the pressures that can be heaped by the family, friends and everybody. So, let us honour our heroes if we are going to create a nation.

With those few remarks, I beg to support.

**Mrs. Mugo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support the Motion before the House. Every nation must have its roots. A nation that has no roots cannot develop because it has no history.

The base of our roots is the Independence of this country. The country was there long before, but we were not in control of our affairs as we were colonised. Our history rightly begins with our Independence or during the fight for Independence. So, those heroes, heroines, founding fathers and mothers are the ones who gave us this nation.

As we are now, even our schools do not learn about our origin in their syllabi. If you go to study in the United States of America (USA) or any other country, the basics of those countries are the founders and the unsung heroes because they are very many. The founding fathers and mothers are not just the Achieng'-Onekos, Paul Ngeis or the Kenyattas. We have got so many other unsung heroes. It is my submission that the fund should be established. One of the areas where that fund should be used is to have a research machinery at the local level. That research machinery should be used to unearth all those heroes and heroines whose names do not feature anywhere, and whose children continue to suffer.

Mr. Temporary Deputy Speaker, Sir, in every locality, we should establish the identity of those heroes, heroines and their families. Even if they are not rewarded today, at least--- Even in America, there is a list of heroes and those who die fighting for their country. There are many people who argue that those who gave their lives did so because of patriotism and should not be rewarded. I beg to differ with that! They did so, so that all the children of Kenya may be free and have a better life. Those children include the children of those heroes and heroines. But what we tend to forget is about those children. They also fought for their own children and grandchildren. That is why they gave their lives. We have many of them.

The Government has a bursary fund for poor deserving children. If those families are identified, most of them who are living under severe poverty conditions, their children and grandchildren should benefit from that bursary fund. What we have today is that some of the people who receive those bursaries are who is who in the

society. Whose child is who? Who is recommended by which Minister or Member of Parliament, when he or she is not the deserving case? We can only have justice for our heroes and heroines, who so gallantly fought for this land so that we may be free, by giving something little to their children and grandchildren, especially those who are poor. We know that majority of them are poor because their fathers died or were not able to fend for them. This nation owes a living and a right to those families.

Mr. Temporary Deputy Speaker, Sir, there are many plots which are being grabbed because those in power have decided that all the wealth in Kenya belongs to them. I know that is so in many other localities. In Dagoretti, we have the Mau Mau Heroes and Heroines Association. They have been asking to be given a plot somewhere to develop and create an economic empowerment centre for themselves. They are known, genuine and they fought for Independence. If there is any trust land or Government land, such a group should get the priority. That is because it will go to that community. It will serve to help the families of those people who really gave something to this country, as opposed to those who just take and take, and do not give anything back to this country. We know them. I am proposing that such a fund be established so that the money can be given to those heroes who are well known and yet their children are suffering. These groupings can also get some support from such a fund to develop economic empowerment projects. There are many ways that these people can be helped. They cannot access health facilities. The Government is capable of establishing this fund and supporting these people. The Government can establish small holdings for those who fought for land in this country and yet they do not even have somewhere to live. There are people like Sarah Sarai, Rebecca Njeri and Field Marshal Muthoni who have been forgotten. We would like those names to ring the bells along those of the founding fathers.

The other day we read in the newspapers about a grandmother who fought for Uhuru and she is living somewhere in Majengo in abject poverty. In fact, she is being thrown out because that land that has been her home for all those years has been grabbed. Do we have anything to bequeath this nation or our children? We need a history that will reflect our heroes and heroines. I submit that this is the time. This Parliament should honour our heroes and heroines so that it will go down in history that it is the one that brought some sanity back to our nation.

Another thing that is very worrying is that we have had a lot of mushrooming of the so-called "Mau Mau heroes", some of whom are my age or even younger. They certainly did not fight for Independence and they are confusing politics today. They claim that they are the Mau Mau and that they support insane ideas like *Majimboism*. Our founding fathers fought for a unitary government; they did not fight for this country to be divided into small kingdoms where we have some "governors" living off the people. That time has passed. We want genuine heroes and heroines who advocated for a free Kenya to be recognised. When they give advice on how this country should be governed, they are not doing so because they have been given some small token gifts by those in power so that they can confuse the whole country.

We must respect where we are coming from and our roots. Failure to do that, we can forget that there is a nation called Kenya. Right now, we have more and more grabbers and people who do not want to preserve the history of this nation because they want the country to serve just a few people. It is time to say "No" and to say that all Kenyans have a right to a decent life and livelihood, especially those who gave their lives for the struggle of Independence like Dedan Kimathi, his whole family and many other unsung heroes, so that we can have a future. We should jealously guard that future which they gave their lives for.

The other day, one hon. Member said that the whole Cabinet follows the President wherever he is going just to clap their hands. The people who should clap are the ones whom the President went to visit and not the Ministers. We do not pay the Ministers salaries to go and clap. We pay them to be in their offices running the affairs of this country. Some of the money that they use for petrol should go to the fund.

I beg to support.

**The Assistant Minister for Local Government** (Mr. Hashim): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

First, I would like to congratulate the Mover of this Motion for bringing it to the House. This is a clear manifestation of how it feels about the heroes of this nation. It is very unfortunate that when liberation of this country is being discussed, a very important part of history has been hidden, either deliberately or because some hon. Members are not aware of it. There are people who should be called heroes. The people from the Coast were the first ones to struggle for the Independence of this country in the year 1400. The indigenous people from the Coast who fought the Portuguese regime were the first heroes of this nation. Unfortunately, these people are being omitted from mention and I do not know the reason why this is being done. I would like to inform my colleagues here that whatever measures we take, we should consider these people first.

The second liberation of this country emerged after the British took over the country. People like Dedan Kimathi and others were heroes because they fought for this nation. The struggle did not end there. We should

know that there are several other heroes from each community. I understand that there were certain people from North Eastern Province who fought vigorously for this nation. They fought the Italian Government. There are people from my area like the most celebrated and distinguished hero, Fumo Liyongwe, who fought the Germans and who are not being mentioned. Today, when we talk of Independence, it is just the struggle of people from Central Province which is being highlighted, and this is not very fair. I do not dispute that these were heroes; there is no doubt about it, but we should be considerate when addressing this issue.

The struggle which led to the detention of the first President of this country, His Excellency President Jomo Kenyatta and his colleagues, indicates that those are the heroes of this country. But they were not the only heroes. We are forgetting Ronald Ngala who was the President of KADU; Abdillahi Nassir and hon. Jeneby, the Chairman of Shungwaya Freedom Party. All these were heroes. It is very much unfair---

**The Temporary Deputy Speaker** (Dr. Kituyi): Munyasia's group, can you tone down your consultations?

**The Assistant Minister for Local Government** (Mr. Hashim): It is very much unfair to forget all these people. The most distinguished and celebrated hero of this nation is Daniel Toroitich arap Moi. He participated fully in the struggle during the colonial period---

**Mr. Kihoro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to start confusing the concept of heroes and heroines in this country? Could he be demanded to retract that statement, that hon. Moi fought with the colonialists in 1957 up to 1963?

**The Assistant Minister for Local Government** (Mr. Hashim): Mr. Temporary Deputy Speaker, Sir, there is no dispute at all that hon. Daniel Toroitich arap Moi is the hero of this nation. He participated in the struggle to oust the British colonial Government. The heroes are not only those people who were jailed. That is not the criteria to judge heroes in this country. All those people who fought for the Independence of this country are heroes. Ronald Ngala is a hero.

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to confuse this House? We are not saying all those people who fought for Independence are heroes. We are talking those who are suffering and we need to establish a fund to support their livelihood. We certainly do not need that for President Moi. He has more than he can even use on his great grandchildren!

**The Temporary Deputy Speaker** (Dr. Kituyi): That is a point of information and not a point of order. Proceed!

**The Assistant Minister for Local Government** (Mr. Hashim): Mr. Temporary Deputy Speaker, Sir, so long as he participated in the struggle, he is a hero and if this Fund is going to be established, he should be considered.

Mr. Temporary Deputy Speaker, Sir, I would like to say here that President Moi has fought many evils in this country. The first evil he fought was the British colonial Government. The second evil he is fighting is poverty in this country. He has given the mandate to Members' emotional intensity to eradicate poverty and we are seeing it being achieved and there is no dispute about that.

Mr. Temporary Deputy Speaker, Sir, if I go back to the original Motion, the issue of establishing a fund to cater for the interests of these people is a very complex one. It is very sophisticated and fragile and if we establish this fund, maybe, its implementation might be impossible. First, we have to know the criteria of establishing who are the heroes and who are not. Is one a hero just because he or she was detained? Are those who were struggling for the Independence of this country not heroes just because they were not detained? That is not fair. Is the late Jaramogi Oginga Odinga not a hero? Therefore, as much as I would like to support the sentiments and feelings expressed by hon. Dr. Ochuodho in bringing this Motion, I find its implementation impossible.

**Hon. Members:** Why?

**The Assistant Minister for Local Government** (Mr. Hashim): Mr. Temporary Deputy Speaker, Sir, because the Motion might discriminate against the whole issue. Unless a clear picture is brought---

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to mislead the House while he knows very well that I have not talked about any criteria? In fact, one of the people I have in mind is hon. Ronald Ngala that he has talked about. We are not talking about the mechanism. Is he in order to mislead the House that we have done that?

**The Assistant Minister for Local Government** (Mr. Hashim): Mr. Temporary Deputy Speaker, Sir, all those people who fought valiantly for this nation are to be considered once this fund is established. However, what I am trying to express is that as the matter is a very complex one, it might end up discriminating against the whole issue. In fact, I do not know why the first Government of this nation did not establish this fund. It may be just because some people who are seated here today were in Treasury and were chiefs then, and did not want to cater



for the interests of the Mau Mau people.

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

**The Temporary Deputy Speaker** (Dr. Kituyi): Not allowed! However, hon. Hashim, you are walking too close to the boundary. Please, stick to the substance of the Motion.

*(Applause)*

**The Assistant Minister for Local Government** (Mr. Hashim): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to express that as much as I support the Motion, I find very many problems and handicaps in its implementation. Therefore, if this Motion is going to be approved, it will discriminate against some other people.

With those few remarks, I beg to oppose.

**Mr. Katuku:** Thank you, Mr. Temporary Deputy Speaker, Sir, for that opportunity. I do not want to take much of this House's time on this issue because, to me, it is a straightforward matter which I would urge Members to support. It is straightforward in the sense that we are spending a lot of money doing other things which are not as essential as the Motion proposes.

Mr. Temporary Deputy Speaker, Sir, we have different funds in this country. We have bursary and all kinds of funds in this country which are designed to serve certain purposes. In my view, this is one of the important aspects which we should address, of the people who set their time aside to serve this nation and sacrificed their time and egos to acquire money. These are fellows who even have not had time to dedicate their time to economic activities in order to serve this nation. Some have died; others are still living, and we must address the basic needs of these people and their families.

I am very surprised with the former immediate speaker who talked about assisting people like hon. Daniel arap Moi. It is just like telling us that hon. Daniel arap Moi or his children should benefit from a bursary fund. That is contradictory. The purpose of this Motion is to assist the needy. Even bursary funds are established to assist the needy in the society. Even in countries like Britain, they have systems set up for the unemployed, whereby they get allowances. Why not us in Kenya? Why are we not sensitive to the needy in our society? That is the basic principle and not the question of who did what. When it comes to the criteria to be used---

*(Mr. Obwocha stood up in his place)*

**The Temporary Deputy Speaker** (Dr. Kituyi): Hon. Obwocha, go round or just sit where you are!

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I was saying that when it comes to the criteria to be used for identifying the persons to benefit from this fund, then we can put into consideration the regions. That is who did what in the Coast, Central and Eastern provinces, *et cetera*. That is a different matter which is not before the House. The criteria can be designed and brought wherever it is necessary for adoption and that is where we can cater for such fellows. This is not a Motion designed to cater for a certain society, community or some tribe. It is a Motion with the purpose of assisting the needy among us and especially the ones who sacrificed their time to fight for the Independence of this country.

Mr. Temporary Deputy Speaker, Sir, some people may ask: "Where will this money come from?" We can cut on unnecessary expenses. We can even start with reduction of the number of Ministries from 18 to 15. The money spent on paying these excess Ministers for grabbing can be used to cater for that fund. It is adequate. The money used to purchase the Mercedes Benzes they are driving around with bodyguards, coupled with the cost of fuel can be used to give allowances to such fellows who are suffering in our midst. It is not fair and I am sure when some go to heaven, since I am sure some will while others will not, they may be asked: "What did you do to so-and-so, who did this for this country?" Somebody who served in jail for many years like hon. Joseph Ngei and is out there suffering and has nowhere to sleep should be a beneficiary of this fund. It is the same Government he was trying to come up with which is harassing him by selling his house and shamba. Surely, when we go to heaven--- I am sure some people will not get even near the judgement place. They will be told from far: "Wewe songa. We do not know what you are doing here." This is because we are not being fair to our people. We are not being fair to our people. Some of them sacrificed their time, money and everything they had to bring the peace we have in this country. As Mr. Muite rightly said, one wonders why a hero like Dedan Kimathi would be buried in a prison graveyard. In fact, one wonders who the actual killers of Dedan Kimathi were. Did the Government of the late Jomo Kenyatta and the current Government have a hand in the killing of Dedan Kimathi? Why have the two Governments refused to release the body of Dedan Kimathi for decent burial?

Kenyans are wondering whether these Governments killed Dedan Kimathi in order for them to be in power comfortably. Dedan Kimathi would not compromise with the colonialists. Maybe, Kenyan leaders who were close to power then decided to eliminate him. Maybe, that is why up to now, they do not want him buried as a hero at his home. These are the questions being asked by Kenyans today. When addressing such issues, one should steer clear of personal interest in them; common knowledge and conscience should prevail. I am, therefore, appealing to everybody here to support this Motion. I would be surprised if any one of us opposed it.

The bad prevailing economic situation is a result of the activities of this country's "Saddams" and "Osamas", who have terrorised Kenyans; they have reduced Kenyans to beggars. Therefore, I appeal to everybody to support this Motion. We want to assist--

**The Assistant Minister for Local Government** (Mr. Hashim): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to some people in this country as "Saddams" and "Osamas"? Could he say who the "Osamas" are?

**The Temporary Deputy Speaker** (Dr. Kituyi): That is not a point of order, Mr. Hashim. Proceed, Mr. Katuku!

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, you can see the kind of material we have in this House.

**The Temporary Deputy Speaker** (Dr. Kituyi): Mr. Katuku, please, use honourable language.

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I am annoyed with the hon. Member's comments. I apologise for the use of that language.

The "Osamas" of this country are the people who have put Kenyans on the current economic hardships. These include the people behind the Goldenberg scam. These people, in fact, are worse than Osama Bin Laden, having caused Kenyans to go without a meal. They have condemned Kenyans to abject poverty when they are themselves driving big Mercedes Benz vehicles. Some of the "Osamas" of this country are Cabinet Ministers despite the fact that they have cases pending in court. The Attorney-General has confirmed that these people have a case to answer. These are the "Osamas" I am talking about. The money these people have stolen would have been used to benefit the country's freedom fighters. Who would you want to benefit from taxpayers' money? Is it the "Osama" who flies this country's flag on his official vehicle, with a case pending in court, or the country's freedom fighters, who are languishing in poverty? We must be fair to ourselves. It is important that everybody benefits from the national cake. That is the purpose for which I urge all hon. Members of this House to support this Motion. The criteria of identifying the beneficiaries of the fund to be created will be determined later; for now, we should address the purpose of creating that fund.

You and I might, one day, find ourselves in the same situation as this country's heroes. So, we would want to see a fair sharing of this country's resources. A few people should not benefit simply because they are in power. Everybody should have a share of the national cake. We fought for Independence--

**The Assistant Minister for Local Government** (Mr. Hashim): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Dr. Kituyi): Not allowed!

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, Kenyans are now busy talking about succession, but leaders are not addressing the problems facing Kenyans. People are busy talking about "Young Turks." Some of those in Government have been Members of this House for the last 47 years. Assuming that they became Members of this House when they were 40 years old--

**Mr. Gitonga:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Dr. Kituyi): Would you like to be informed by Mr. Gitonga, Mr. Katuku?

**Mr. Katuku:** Yes, Mr. Temporary Deputy Speaker, Sir.

**Mr. Gitonga:** Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that ordinary Kenyans are struggling to survive. Only leaders are struggling to succeed the leadership of this country.

**Mr. Katuku:** That is very correct, Mr. Temporary Deputy Speaker, Sir. Leaders are busy talking about the succession while other Kenyans are--

**The Temporary Deputy Speaker** (Dr. Kituyi): Order! Order! Mr. Katuku, I am afraid your time is up. It is now time for the Government Respondent to reply to this debate.

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I support the Motion.

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, first of all, I wish to thank Dr. Ochuodho for having given us an opportunity to discuss our heroes and pay tribute to all those Kenyans who sacrificed all their time and belongings to fight for the Independence of this country. Those

who fought for this country's Independence fought for an egalitarian society where the children of Kenya would get an opportunity to better their lives and advance their happiness. It is for that reason that many were prepared to fight.

I would have been very happy if the hon. Mover of this Motion, or any other hon. Member who had spoken, would have defined who was a hero and who was not a hero. That is actually my main problem with this Motion. If I said that those who fought for this country's Independence did so for a very noble course and they would be paid 30 pieces of silver, I am sure that many of them would be very surprised. They fought for a noble course, which no money can pay. We had better recognise the fact that the acts of going into the bush to fight the colonialists, and that of travelling out of the country by those who struggled for this country's Independence, were not for any piece of silver; they were for an extremely noble course. I want to pay my extreme tribute to all those who did that in the fight for the society in which we live today, in which we are absolutely free.

Mr. Temporary Deputy Speaker, Sir, the limiting nature of this Motion demands that those who genuinely believe that they are the heroes of this country should sit down and come up with a true definition of who a hero was. First of all, the Motion begins by talking about the founding fathers; it says that the founding fathers of this nation are living in abject poverty, which in itself is not true. If I remember well, the hon. Member for Dagoreti said that the founding fathers of this nation are only a few people. If that is the case, that is a definite group of people who can be dealt with as individuals rather than under the blanket of heroes. The act of hero-making--

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to clarify what I said while contributing to this debate. I did not say that there are a few people. I said that the names of heroes we talk about today are few. I said that there are many more others, some of whom were at various levels of society. That is why I called for a research unit to identify all those other heroes who are not known. That is what I said.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, if, indeed, I have confused what Mrs. Mugo said, I will go back to my original position; that those who fought for this country's Independence, most of them, named or unnamed, are people who, wherever they are, must be glad to see the society in which their children live today. I know that many people who speak about Bildad Kaggia and a few other people are people who themselves have not even exercised a single act of philanthropy or even contributed anything as an act of mercy and charity to the home of Mr. Bildad Kaggia. Drafting a Motion to be debated in Parliament is not in itself sufficient contribution to the people we claim are suffering. It is because of the problems we are facing today that people are now talking about the Government doing it when, in fact, many people have tried to help these people.

Mr. Temporary Deputy Speaker, Sir, sacrifice can never be remunerated. In fact, sacrifice can never be rewarded. Sacrifice is motiveless good that you do without expecting any reward here on earth as well as in heaven. Our freedom fighters are such great people that if they descended upon the balcony of this House today, they would be surprised to hear what we are asking for them.

**Mr. Wamae:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to contemplate what God will do to us when we die? Is that the responsibility of an hon. Member of this House?

**The Temporary Deputy Speaker (Dr. Kituyi):** That is not against our Standing Orders.

**The Minister of State, Office of the President (Mr. Sunkuli):** You are a fair Temporary Deputy Speaker, Sir.

I would say that one good thing about those people who fought for Independence is that as soon as they finished fighting for Independence and formed a Government, many of them went to the business of establishing families and that is why we have a great nation. Most of those who were directly involved in fighting for Independence took up positions in the Government. They have great families today. The great families are also beneficiaries of the great families that were formed then. I must say that it is absolutely wrong to bring it as a general principle that our founding fathers are, in fact, suffering. I think our founding fathers are people who partook the great deal of the fruits of Independence, except for a small minority. I support hon. Hashim's sentiments that this Motion ought to have been Motion number one after Independence. One wonders why people who were in the Government and for whom these matters were very fresh, did not think about it during those days.

Mr. Temporary Deputy Speaker, Sir, I know that there were some disputes in those days as to who was a hero or a homeguard and, perhaps, that could have been the problem why this Motion has delayed this much. There are some people who are now talking about Mau Mau being a great thing, but who were not prepared to do that in the 1960s. That is why it is us today, rather than a Minister who was a Minister then, replying to this Motion. I am answering questions which should have been asked on 13th December, 1964. That was when this Motion ought to have been brought before this House.

I will eventually give a little bit of my time to somebody else, but before I do that, I would like to say that the art of making heroes in Kenya is on-going. In fact, there is a poem called "the Sidarata", that says that everywhere, the world is full of heroism. I am sure hon. Muite would like one day to be described as a hero as a politician, and Mr. Kipchoge Keino would like to be considered a hero in athletics. I am sure Dr. Ochuodho would like to consider himself as the super opposition hero. Everywhere, the world is full of heroism. I want to say that we are slowly getting to a time when those who fought for Independence are moving out of the political scene. Those people who fought for the Independence of this country and took part in forming the original and the subsequent Governments, should, in fact, start writing books. This is because some of these people will never be remembered for anything.

I want to request those who advise the Leader of the Official Opposition in this country to advise him on this issue, and I wish my friend, the hon. Member for Mathira, Mr. Wamae, could listen to this. I read in a certain book when I was in primary school that the Leader of the Official Opposition used to be one of the brightest sons of Kenya in the 1960s. Even brightness gets old, but I am saying that, because of that and because he has served in the Government all this time, why does anybody not advise him to write a book about himself? Some of us, including myself, have forgotten the good things that he ever did during all those years. It appears that unless he himself explains what good he has done---

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to discuss the conduct of an hon. Member of this House?

**The Temporary Deputy Speaker (Dr. Kituyi):** I have listened carefully to him and he has not yet started discussing the conduct of the Leader of the Official Opposition.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I have not discussed the conduct of the Leader of the Official Opposition and I will never do that. I am just saying that if people want to be considered as heroes in the making, it is important for them to actually put their achievements in writing. You will discover that unless they do so, we will be forgiven to think that they achieved nothing all these years. What many people wait for is the day when they will become presidents, but since that will not happen, the only record that we will ever get is the written record of somebody who considers himself a hero.

I would like also one day, to read a book written by one of the heroes about his days in the Civil Service, how he became a Provincial Commissioner and how he was the last Chief Secretary of Kenya. We would like to know their achievements because many people today want us to mould the future of Kenya when, in fact, they made zero contributions in the past. They want us to regard them as heroes today.

Mr. Temporary Deputy Speaker, Sir, I want to thank Dr. Ochuodho because he has brought up a very pertinent issue to be discussed here. Who actually are the heroes? Is it those people who just happen to pass through the Kenyan political scene? You cannot limit heroes to the time of Independence alone. Heroes will be made and I am sure hon. Mugo would like to be considered a hero although she did not fight for Independence.

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

**The Temporary Deputy Speaker (Dr. Kituyi):** Order! I will not allow debate on this.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, all of us suffered because if our grandfathers suffered, then we all suffered. So, it is high time we demanded of those who want to be put on the list of heroes to tell us about their heroism credentials. You do not just turn up one day and ask Kenyans to fall in love with you for no reason at all. You have got to explain to them why you think you are one of the heroes of this country.

**Mr. Gitonga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not misleading this House? One does not make himself a hero, but is made a hero by those who see his performance.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, if we do not see your performance and you are not prepared to tell us, then you are not a hero. That is why I am saying that this Motion should wait for a time when we know who our heroes are, so that we know what kind of a person we are creating a fund for. In fact, in the first place, I do not think a hero worth his salt would like a fund to be created for him. I am sure that a real hero would even cherish a medal on his lapel rather than a few silver coins.

The heroes of this country made a foundation for us. That is why I keep saying that those who were brilliant, civil servants and Ministers in the 1960s and are now old, should, therefore, be put on the roll of heroes and quietly go to retirement. This is because there is now a new generation that they begot. They themselves begot that generation. The late Jaramogi Oginga has got sons, some of whom are in this House. Mr. Matiba has got sons and we went to school with the late Tom Mboya's sons. Mr. Nyachae has got sons who ought to be here and their fathers should now consider giving away the things they used to do when they were young.

Mr. Temporary Deputy Speaker, Sir, they should gracefully surrender things to the youth of this new generation of theirs, which, therefore, will inscribe their names as heroes. This is because I do not think those who keep fighting the whole concept of the Young Turks--- I do not intend to use the words "young turks" because these are the words of the Press. I am talking about the young generation. They want to laugh at it and ask, what is the age limit? That is not the issue. There was a generation and there existed a generation that fought for Independence. They got children and their children are now old enough to take over. I do not care about the age because I am talking about a generation.

That is the only way that we can ever regard our fathers as heroes, because we must learn leadership from them. Wisdom is not the only qualification for being a hero.

By the way, the day King David left leadership to his son Solomon, Solomon had no wisdom at all and he had to pray for wisdom. He went before the Lord and said: "God, I do not have wisdom, I am a child and yet you have made me a leader". That is the day God gave Solomon wisdom. Indeed, he was also given a bonus of wealth by God, a thing he did not ask for. What is wrong if our heroes, who founded this nation, eventually gave leadership to their sons and pray to the Almighty God that their sons get wisdom to lead this country? If they can also claim that experience is the only issue, they should know that even experience can be a terrible thing. You can have a terrible experience!

Mr. Temporary Deputy Speaker, Sir, I think it is time this country started registering its true heroes and gave them their due respect. But I do not think that you can remunerate the efforts of our heroes.

Mr. Temporary Deputy Speaker, Sir, if the Standing Orders permit, I would like to donate two minutes to Dr. Anangwe to wind up.

**The Temporary Deputy Speaker** (Dr. Kituyi): The Standing Orders do not permit you to donate time after you have contributed. But I can donate the remaining 2.5 minutes to Dr. Anangwe.

**The Minister of State, Office of the President** (Mr. Sunkuli): With those few remarks, I beg to oppose.

**Dr. Anangwe:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond towards this Motion.

Mr. Temporary Deputy Speaker, Sir, let me begin by saying from the outset that I have very strong reservations about the viability of the proposed fund because in terms of national priorities, we have very many unemployed people. We have sectors which are suffering due to lack of resources. I am not saying that it is not an issue, but amidst many other competing priorities, I think we should be focusing more on matters that are currently affecting our people.

Having said that, let me salute the freedom fighters, the many people who sacrificed their time and efforts in trying to bring about freedom. Colonialism brought a very difficult situation, which could cow the ordinary mind. But those who did stick their necks out were people who were prepared to sacrifice their lives. They did sacrifice lives and compromised their comfort in order for many of us to earn Independence and freedom. Many people did suffer in the process and as a consequence--- Of course, the best example is Dedan Kimathi, who ended up being hanged. Therefore, I think they should be commended.

**The Temporary Deputy Speaker** (Dr. Kituyi): It is now time for the Mover to reply. Dr. Ochuodho, the Floor is yours.

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, with the permission of the Chair, I wanted to donate two minutes each to Messrs. Kihoro and Munyao.

*[The Temporary Deputy Speaker  
(Dr. Kituyi) left the Chair]*

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

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, a lot has been said about the Motion on the Floor. Basically, I would want to say that heroes in this country were previously impoverished. They are people who gave everything they had to this country. If you look at Orders, Proclamations and Regulations issued by the colonial government in 1954-1956, you will find that a lot of proclamations were issued during that period to confiscate land that belonged to the nationalists. A lot of that land was confiscated and, subsequently, it was taken over by chiefs, children of chiefs and some of the leaders of the day. The nationalists are not the laziest people in this country. What has happened is that they have been impoverished by the party in the opposite side of the House, which has failed all along. It has honoured traitors and people who grab properties, but has failed to recognise

patriotism and those who are criticising so that it does not take the wrong direction. Basically, that is what has happened in this country and that is why you find traitors presiding over the affairs of this country which, in a way, they should not do.

Mr. Temporary Deputy Speaker, Sir, I had a long list of people who have served this country well. During the KCA and the KAU years and the Mau Mau period and time of Dini ya Musambwa--- Unfortunately, Dr. Anangwe did not even talk about Elijah Masinde. There are very many nationalists who need honour, recognition and not money. It is the party opposite that believes in money. We believe in having a good country and patriotism.

Thank you.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Mover for moving a very good Motion and also for donating two minutes for me to contribute.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the heroes and the fund. It is very difficult to introduce new issues on top of what has already been said, particularly about this Motion. What we should emphasise is just the importance of this Motion.

The Mover of this Motion is seeing beyond zones, regions and beyond tribal lines because he is just seeing Kenya as one country. The hon. Minister, whom I respect very well, stood up here and zeroed in on some individuals. It is wrong to have an hon. Member and a full Minister to zero in on some individuals or bring to this House a war of words which he has been fighting outside this House, by bringing the issue of the "Young Turks" and what-have-you.

Mr. Temporary Deputy Speaker, Sir, we are talking about establishing a fund. We should do some research in order to know the names of those heroes who ought to be rewarded in all the regions of Kenya. Right now, we only know a few of them. But we intend to compile a bigger list of people who sacrificed their lives in order to benefit Kenyans.

One other thing that needs to be done, after passing this Motion, is to discard the idea of naming streets, buildings, and institutions with names of people who are still living. We must start now naming streets, building and institutions, maybe, ten years after people have died. That is the time you should evaluate what some individuals did. But it is wrong to start naming streets with people's names when those people are still alive. For instance, when Mr. Munyao takes over and he wants his name to be given to a street, we will have to erase somebody's name from one street in order for that street to be named after Mr. Munyao. A new policy of naming streets, buildings and institutions must be formulated. Since we have now given names to all primary schools and secondary schools, where are we going to build more schools and give them names of our leaders? Will it be in heaven or in the universe? We must start another system of naming streets, buildings and institutions!

Mr. Temporary Deputy Speaker, Sir, I support the idea that, even the existing heroes, like the Ngeis and Onekos should easily be supported with this country's revenue. For instance, paying them about Kshs200,000 per person from the Exchequer is something that this country can afford. These people sacrificed their lives so that their country could be free.

I beg to support this Motion and ask all hon. Members to remain in the House until we have voted for it.

Thank you.

**Dr. Ochuodho:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to thank all the hon. Members who have contributed to this Motion. I did not hear any one substantively oppose it. Maybe it is just the manner in which it is implemented that is in dispute. I would like to clarify a few facts. First, we are not saying that we want to pay these people. I think there is an impression that is being created that we are trying to pay them. I do not think it is enough to pay these people, because how much money can you pay somebody who was ready to put his or her life in the balance? I think it would be wrong for us to give the impression that we are trying to pay the late Dedan Kimathi, the late Jaramogi Oginga Odinga or Mr. Kipchoge Keino. We cannot pay them enough for what they have done for this country. This is because nobody else would have done what they did in some of those cases. So, I would like to dispel the impression that we are trying to pay these people. We are just trying to appreciate and recognise the roles they have played in this country.

I would also like to dispute the claim that we are making noise about the heroes and we are doing nothing to support them. I happen to have been a Member of the Paul Ngei Parliamentary Intervention Committee, to which hon. Members in this House, including Cabinet Ministers, generously contributed, to bail out the Kenyan son. If we had such a fund, we would not have created another Parliamentary Committee to intervene in the case of Mr. Ngei. Apart from the Ngei case, there are many instances when Members individually or collectively, have come in to assist. I remember when Mr. Bildad Kaggia was hospitalised, a number of hon. Members visited him and helped in one way or the other. I think it would be wrong to say that hon. Members have ignored the heroes. But even if we have ignored them, today, I would like to appeal to hon. Members to support this Motion so that we

can have a fund in place and show that we are concerned about their wellbeing.

Mr. Temporary Deputy Speaker, Sir, I would also like to appeal to some hon. Members, especially on the other side of the House, to put aside our differences. It is not right to oppose this Motion. Let us not oppose this Motion for the sake of opposing it. It does not matter whether it is the Opposition or the Government opposing this Motion for the sake of it. I would like to plead with the hon. Members, especially the ones on the other side of the House who oppose it, even though there are some who support it, that for once, let us put those petty differences aside and support a meaningful Motion.

In terms of management, I think what we should look at is--- We are not saying that let the heroes be "XYZ", but we are proposing that let there be an independent accreditation committee that will say that so and so merits to be a hero. This will ensure that somebody does not sit somewhere and decide that so and so should become a hero. But there are also some people whom Kenyans know about. The late Daudi Wabera from Isiolo was the first African DC who was persecuted by the *Wazungu*, while he was fighting for the Africans. We even have a street in Nairobi which is called "Wabera". It would be difficult to dispute the fact that this person should be considered a hero. There are many other people who should be considered heroes. The other one is the Laibon of Nandi, the late Koitalel arap Somoei, who fought the British so hard. There is a grandson here, Mr. Maizs. He is a descendant of Laibon. I would be saddened if Mr. Maizs came up and opposed a Motion calling for the establishment of a fund that would recognise his great grandfather for what he did not only do for the Nandis, but for Kenyans in general. I have in mind people like the late Pio Gama Pinto, and the late Mbae Tembo who died two months ago without recognition. So, I am not being specific on people who belong, maybe, to a particular community. If the late Jaramogi Oginga Odinga contributed uniquely for this country, we should recognise him. If the late Tom Mboya did the same, we should recognise him. We should also recognise other people. So, we are saying that let us move ahead and establish an independent accreditation committee which will vet and say so and so merits being a hero or a heroine. We should create a fund to support these people and their descendants.

Finally, I would like to take this opportunity to thank the House Business Committee. This is my first Motion that has gone through largely because I was de-whipped by my party. I have had many Motions since I came to Parliament and I had to plead--- I would like to thank the Chairman of the House Business Committee for allowing this Motion to come to this House as a Private Member's Motion. Given that I do not know when I will get another Motion to this House, I would like to plead with the hon. Members to support this Motion so that I also have something to add to my name.

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

*(Question put and negated)*

**Hon. Members:** Division! Division!

**The Temporary Deputy Speaker:** Order! There are enough hon. Members who have stood up in their places to warrant a division. Ring the Division Bell!

*(The Division Bell was rung)*

*(Mr. Haji and Mr. Letting consulted  
on the Floor of the House)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, Mr. Haji! The doors have been locked. Could you draw the bar?

Order, Mr. Haji!

Hon. Members, you know the rules. The doors have been locked and the bar drawn. The following hon. Members will be the tellers. For the Noes, we will have Messrs. Obwocha and Kombe. For the Ayes, we will have Messrs. Githiomi and Shidiye. "Ayes" will go to the my right, and the "Noes" will go to my left. Those who wish to abstain should register their names with the Clerk.

Hon. Members, you may proceed to vote.

## DIVISION

*(Question put and the House divided)*

*(Question defeated by 31 votes to 28)*

**AYES:** Messrs. Donde, Gitonga, Imanyara, Kaindi, Kamanda, Kariuki, Karume, Kathangu, Katuku, Kihoro, Kikuyu, Kiunjuri, Kombo, Muchiri, Mrs. Mugo, Messrs. Muite, Mutahi, Muya, Munyao, Mwangi P.G., Mwangi P.K., Mwenda, Obwocha, Dr. Ochuodho, Messrs. Omingo, Shitanda, Wamae and Wambua.

Tellers of the Ayes: Messrs. Githiomi and Shidiye.

**NOES:** Dr. Anangwe, Messrs. Ayoki, Chanzu, Ekirapa, Dr. Godana, Messrs. Haji, Hashim, Kajembe, Kajwang, Keah, Khaniri, Kombe, Leting, Manga, Mbela, Mkalla, Mokku, Morogo E.T, Morogo W.C., Muchilwa, ole Ntimama, Rotich, Prof. Saitoti, Messrs. Shakombo, Shambaro, Shidiye, Sirma, Sungu, Sunkuli, Dr. Wako and Dr. Wamukoya.

Tellers of the Noes: Messrs. Obwocha and Kombe.

Abstentions: Messrs. Ochilo-Ayacko and Munyasia.

**The Temporary Deputy Speaker** (Mr. Musila): Next Order!

LEAVE TO INTRODUCE RENT  
CONTROL (AMENDMENT) BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Rent Control (Amendment) Bill to standardize, control and regulate all residential, business premises and structures and for the establishment of Rent and Business Tribunal courts in all provincial and district headquarters.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, I have consulted with the Minister for Roads and Public Works on this Motion. We have agreed that since he has already drafted a Bill similar to what this Motion seeks to do, I request the Chair to defer this Motion subject to our consultation.

**The Temporary Deputy Speaker** (Mr. Musila): All right! The Motion, will be deferred in view of what the Mover has requested.

*(Motion deferred)*

Next Order!

AMENDMENT TO IMMIGRATION ACT  
TO PROVIDE FOR DUAL CITIZENSHIP

**Mr. Shidiye:** Mr. Temporary Deputy Speaker, Sir, I did not thoroughly prepare myself to move this Motion today. The fact that my colleague has requested the Chair to defer his Motion, and the fact that I do not want to interrupt the Business of the House, I beg to---

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, with the indulgence of my colleague, could I stand on a point of order in respect to that particular subject matter? As you will notice, the matter touches on the Immigration Act. The Minister responsible for the Department of Immigration is hon. Madoka.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Sunkuli, even the Motion has not even been moved.

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I could see the intention of Mr. Shidiye.

**Mr. Wambua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to speak on behalf of Mr. Shidiye who is present in the House?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Sunkuli, are you on a point of order because I did not give you a chance to raise it?

**The Minister of State, Office of the President** (Mr. Sunkuli): Yes, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member request the Chair to defer this Motion to a time when hon. Madoka under whose docket this matter falls will be present to listen to the contributions by hon. Members? I am sure he did not foresee a situation where this Motion would be called. It was an oversight.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Sunkuli is saying that even though Mr. Shidiye is prepared to move this Motion, we defer it because the Minister in charge of the Department of Immigration is not here to listen to the contribution by hon. Members. Therefore, Mr. Sunkuli requests on behalf of the Government



that this Motion be deferred.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to seek guidance from the Chair. We have a tight timetable in this House. The time of the House should be used as economically as possible. You are aware that even the Leader of Government Business was here. Everyday we are told about the doctrine of collective responsibility. Mr. Julius Sunkuli himself is a Minister in the Office of the President where, hon. Madoka is also a Minister. Should the time of this House be used in a manner in which we now adjourn the House early merely because hon. Madoka is not here and yet, there are many other Cabinet Ministers who can go and tell him what transpired in this House? The Minister will read the HANSARD. In the spirit of collective responsibility, any hon. Minister can take notes for him. I would ask the Chair to guide the House on this issue. We should not adjourn the House because the Mover of the Motion is prepared to proceed and we are ready to contribute to this very important Motion.

**Mr. Musila:** Order, Mr. Sunkuli! The Chair now rules that Mr. Shidiye is the Mover of the Motion, and he has just mentioned that he is prepared to proceed and, therefore, I will give him the chance to proceed.

**Mr. Kajwang:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have a serious point of order on a serious matter of law. In fact, if I was in court, I would be saying I have a preliminary point. But now that I am in Parliament, I would like to say that there is a serious matter here, on which I need the Speaker's guidance. If you read the Motion, it seeks to introduce an amendment to the Immigration Act and then to provide for dual citizenship. The Immigration Act has nothing to do with citizenship. In fact, a matter of citizenship - Mr. Muite who is an able lawyer will tell you - is provided for in our Constitution and not in the Immigration Act. So, if this Motion seeks to amend the Immigration Act, then it should have shown us the provision which it wanted to amend. But if it is for dual citizenship, then it seeks to amend the Constitution. So, as it is, it is bad. Even if it was argued, we would be making a mockery of this Parliament to vote for an amendment of the Immigration Act, when actually, what Mr. Shidiye wants to amend is the Constitution. I would like to seek the Chair's direction. I thought Mr. Speaker should rule that this Motion is bad in law and should be thrown out.

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mr. Kajwang! In the first place, the Motion is not before the House. It has not even been moved. Such arguments would probably be valid when you start debating the Motion. There is a procedure through which Motions are brought to the House. They have to be approved by the Speaker and they are presented to the House Business Committee, which allocates time. Now, the points you are raising about conflict with the Constitution could be raised when you start contributing to the Motion. In any case, the Chair has ruled that this Motion is properly before the House and Mr. Shidiye should proceed to move it.

**Mr. Shidiye:** Thank you for your indulgence, Mr. Temporary Deputy Speaker, Sir. It is very unfortunate that when lawyers come to this House, they think this is a place to argue, whereas this is a place to persuade people. It is different from the operations of a court of law. That is why, when lawyers come to the House, they get short-sighted.

Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-  
THAT, in view of the fact that the world---

**Mr. Kajwang:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I appreciate your ruling that before a Motion comes to this House, it goes through some rigorous procedures, through the Speaker and the House Business Committee, and that, in their collective wisdom they found that this Motion is fit to be debated. I hate to sit in this House and listen for 30 minutes to a Mover talking about something which I know is a nullity. It is a waste of time.

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mr. Kajwang! The procedure of the House is that, if it is a Motion, it is first of all presented to the House. Now you are talking of something that does not even exist. Mr. Shidiye is yet to move his Motion and get a Seconder. He might even not get a Seconder. If he does not, it will not be valid. Could we follow the procedure of this House?

## QUORUM

**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, are you satisfied that the Motion should be moved when we do not have a quorum in the House?

**The Temporary Deputy Speaker (Mr. Musila):** That is another issue now. It is true we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Members! Having realised that there is no quorum, under Standing Order No.25 1(a), the Chair has no alternative but to adjourn the House. It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 11.55 a.m.