

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th July, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.298

ESTABLISHMENT OF SIMISI LOCATIONAL HEADQUARTERS

Mr. Deputy Speaker: Mr. Kiminza not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.478

COMPLETION OF KIBABII TEACHERS COLLEGE

Mr. Wamunyinyi asked the Minister for Education:-

- (a) what the current status of Kibabii Teachers Training College is;
- (b) how the money provided in the previous Development Estimates was expended, since no development has been undertaken on site; and,
- (c) why the Government discontinued construction works and how much money was spent on the project at the time it was discontinued.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The current status of the Kibabii Teachers Training College is that the contract was terminated in 1997 and, therefore, no construction is going on.

(b) No money has been provided in the Development Estimates since 1997, when the construction was stopped.

(c) The Government discontinued construction on the 21st of November, 1997, after spending only Kshs177,000 as the project was eight months behind schedule.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, this Question has been brought to the House before and in the previous answer, the Minister told the House that a total of Kshs39 million had been spent on the project. When I asked about the status of the college, I know that no construction is going on. But will the college be constructed or not? What is the Government's position on that project? Will it go on or not?

Mr. Deputy Speaker, Sir, it has been a usual practice for Ministers to take Questions lightly. This is a very serious matter and that is why the people of Bungoma hate the KANU Government! They will not be forgiven!

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! This is Question Time! If you want to debate, wait for the Estimates of the Ministry which are before the House!

Mr. Wamunyinyi: He should tell the House---

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! This is Parliament and we have got rules to go by! Just ask your question and it will be answered! There will be no more interventions!

Mr. Awori: Mr. Deputy Speaker, Sir, the Government still intends to build Kibabii Teachers Training College but, at the moment, we do not have any funds. When we have the funds, it will be in the Estimates and we will build it.

Mr. Shitanda: Mr. Deputy Speaker, Sir, in his reply, the Assistant Minister said that the Government

stopped the construction of the college when it realised that the construction was behind schedule. Is he telling us that whenever the Government undertakes any project, and in the course of the project, realises that it is behind schedule, it normally abandons the project, or there is another reason for the abandonment?

Mr. Awori: Mr. Deputy Speaker, Sir, the contractor was unable to continue with the work. In fact, it is the contractor who abandoned the project and, as a result, the contract was terminated in accordance with the terms of the contract.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, like Mr. Wamunyinyi said, this Question was answered last year. I believe we were told that Kshs31 million was spent on the project. Could the [Mr. Angwenyi] Assistant Minister confirm or deny today, whether Kshs31 million was spent on the project before it was abandoned?

Mr. Awori: Mr. Deputy Speaker, Sir, I do not deny that. I accept that. I think the reason for that question is that I quoted the wrong figure of Kshs177,000 at the termination of the contract. But the Government had paid the contractor Kshs38 million in advance.

Mr. Anyona: Mr. Deputy Speaker, Sir, this project has the notoriety of our Kisii-Chemosit Road. For as long as I can remember, I have always heard this Question come before this House. Could the Assistant Minister tell us if the contractor abandoned the project, there are contractual consequences and obligations in the first place. Secondly, would the Government abandon a major project simply because the contractor failed to fulfil his contractual obligations? What sense of responsibility is that?

Mr. Awori: Mr. Deputy Speaker, Sir, the terms of a contract require that when a contractor does not fulfil the terms, the employer - in this case the Government - must follow up the contractor to recover the amount of the money paid, for which no work was done. That is happening now. In the meantime---

Dr. Oburu: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for the Assistant Minister to mislead this House that the Government followed up the contractor, when it is clear that there are always surety bonds by people who are supposed to pay the Government in case of default?

Mr. Awori: Mr. Deputy Speaker, Sir, it is one and the same thing. When I talk of following up the contractor, the question of surety bonds comes into play.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister was in the process of answering my main question before the point of order. Could he now answer that question? Does the Government have a sense of responsibility to complete that project?

Mr. Awori: Mr. Deputy Speaker, Sir, I was going to say that after the Government paid Kshs38 million and no work had been done, it started chasing up the contractor, including the surety bonds. In the process, money had not been made available for the job to continue. It is, of course, the responsibility of the Government to ensure that all the work that has been started is completed, but we know that due to the economic down-turn, there have been many such projects of the Government which have not been completed.

Mr. Deputy Speaker: Mr. Assistant Minister, the point that hon. Members are raising is: Payments to contractors are normally against certificates for work done. So, the Kshs38 million was paid for what work?

Mr. Awori: Mr. Deputy Speaker, Sir, I do understand. In that case, the money that was paid was called mobilisation funds.

Hon. Members: No!

Mr. Awori: I am just giving facts! Whether they are unpalatable; but they are facts. Money paid was for what they call mobilisation and work was not done. But even the people who were involved in that project are being followed up. So, it is not as if the Government is not taking the matter seriously.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Assistant Minister seems to imply that because one contractor failed, the Government has been unable to identify another contractor. I think Mr. Wamunyinyi's sentiments are correct; that the people of Bungoma are being punished by this Government for supporting the Opposition rather than the Government!

Mr. Deputy Speaker: What is your question?

Dr. Kulundu: The question is---

Mr. Deputy Speaker: No! Proceed to ask the last question, Mr. Wamunyinyi!

Mr. Wamunyinyi: He will also respond to Dr. Kulundu's question!

Mr. Deputy Speaker: Order! There is no question from Dr. Kulundu!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, what I would like to ask the Minister is this: If you heard him well, he told this House that the construction of the college will go on. Could he tell the House - and let him not tell the House when funds will be available - when work will start and if the process of identifying a contractor has started or not? I want to remind him that--- Could he respond to that?

Mr. Awori: Mr. Deputy Speaker, Sir, my reply was: Yes, the Government intends to continue with the construction of that college. On the next answer that I was going to give, he has already said that he does not want it! I do not know what else I can do because my next answer is: That will be done when funds will be available!

Mr. Shill: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that Kshs38 million was only paid for mobilisation and up to today, he has not told us who the contractor was, and whether he belongs to the politically correct---

Mr. Deputy Speaker: Order! If you want to know who the contractor is, you ask him! But nobody has, so far, asked him who the contractor was!

Mr. Obwocha: Mr. Deputy Speaker, Sir, if I can remember well, this Question has been asked every year since I came here in 1993! Could the Assistant Minister confirm or deny that the real purpose of that college not taking off is because of the new policy of the Ministry of Education, Science and Technology, where it does not want to train more primary school teachers? Could he tell this House who the contractor was? What is the name of the contractor?

Mr. Awori: Mr. Deputy Speaker, Sir, there is no secrecy about who the contractor was. His name is Martic General Contractors Limited of P. O. Box 60902, Nairobi.

Mr. Deputy Speaker: Mr. Awori, he also asked you whether you are delaying the construction of that college because your policy is not to train more primary school teachers.

Mr. Awori: Mr. Deputy Speaker, Sir, that is not the reason. The reason is simply that, at the moment, there are no funds to build that college. It is not that we do not want to build it because we do not want to train more primary school teachers.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that the construction of that teachers training college will continue if funds are available, when, in fact, there were funds? He has not told this House what happened to those funds after they paid the mobilisation fees!

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

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, could he confirm or deny that the Kshs38 million was paid to a KANU branch chairman, and the money was used during the campaign period in 1997? Where is he going to get the rest of the money now?

Mr. Awori: Mr. Deputy Speaker, Sir, I, certainly, deny!

Question No.276

EXPANSION OF SOUTH SAKWA WATER SUPPLY

Dr. Oburu asked the Minister for Water Development what plans he has to expand the South Sakwa Water Supply Scheme to serve Bondo Township and other areas in the district.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Deputy Speaker, Sir, we have not been able to contact our people in Bondo. So, could we be given more time until next week, please?

Mr. Deputy Speaker: Order, Mr. Assistant Minister! This Question has been with you for not less than three months! Even if somebody was walking to Bondo to get the information, he would have done so and come back!

(Laughter)

Order, hon. Members! This is not a laughing matter! I really would not accept that kind of answer! Just tell us why you were not able to answer this Question, when you had it for so long!

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Deputy Speaker, Sir, there are some complications which arose, and we did not like the reply that they brought. It is not satisfactory.

Mr. Deputy Speaker: Mr. Assistant Minister, you know that if you say that, you are telling me that you have an unsatisfactory answer. That is why that answer is not satisfactory! This Question will be answered on Tuesday, next week!

(Question deferred)

Question No.422

COMPLETION OF YATHUI-WOTE ROAD

Mr. Kalulu alimuuliza Waziri wa Barabara na Ujenzi:-

(a) ikiwa anafahamu kwamba sehemu ya barabara ya Yathui-Kalawa, kutoka Kalawa mpaka Wote, iliachwa kama haijatengenezwa wakati barabara hiyo ilikuwa ikijengwa;

(b) ni lini sehemu hiyo itakamilishwa; na,

(c) ni kiasi gani cha pesa kimetengwa kukamilisha barabara hiyo na hata kuimarisha daraja linalounganisha Kalawa na mji wa Wote.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I request that we defer this Question until Tuesday, the reason being that the answer I got is incorrect!

Mr. Deputy Speaker: Then give us the correct one which you know! In order for you to judge that something is incorrect, you must have the correct version! Give us that correct version which you have!

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I did not bring it because it is not correct, Sir! Please, give me up to Tuesday!

Mr. Kalulu: Bw. Naibu Spika, Swali hili limekuwa katika Wizara ya Barabara na Ujenzi kwa muda mrefu. Je, Bw. Waziri Msaidizi anaweza kueleza Bunge hili ni kwa nini jibu lenyewe halipatikani? Imekuwa zaidi ya miezi mitatu tangu walipopata Swali hili!

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I am sorry, but the answer we got was totally incorrect! Let me, please, answer the Question on Tuesday! I will be able to give the correct information on Tuesday.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. On two consecutive Questions on the Order Paper, the Government has failed to give a satisfactory answer to the House! I think you need to give guidance to this House on what action should be taken against the Government which, on a Wednesday morning, goes to sleep! It does not wake up until 11.00 a.m.!

Mr. Deputy Speaker: Order, Mr. Kihoro! Your Standing Orders tell you what should happen. When you refuse to answer a legitimate Question, that is disorderly conduct and there are certain consequences that flow from that. So, do not ask the Chair to impose new rules over and above the rules which you already have.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think the House is in a dilemma. The Assistant Minister comes to the House and says that he has an answer which is unsatisfactory or incorrect. Someone must be held responsible! The question we are asking is: Who is responsible for an answer that is unsatisfactory and incorrect? Which part of Government is responsible for that? Is that meant to sabotage the Government and Parliament? Who takes responsibility for this kind of thing?

Mr. Deputy Speaker: Hon. Members, as you well know, the Standing Orders state that the Ministers will personally be responsible for answers they give to the House. As I have said many times before, the House does not care where the Minister gets his information from; he is responsible for his answers. Hon. Ministers, do us a favour because the consequences of not answering Questions are quite clear in the Standing Orders. But we want answers given to these Questions because punishing a Minister for not answering the Question does not give the hon. Member the answer he wants. So, please, supply these answers and do not involve names of your inefficient civil servants. Just say that you have not been able to put the answer together and, therefore, you require more time. The House will not accept the views that the answer you have been given is not satisfactory because you must give it yourself.

Next Question!

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I think the Kenyan Parliament is the only Parliament in the Commonwealth where Ministers are playing about with us because the Chair is very lenient with the Government side. Why does the Chair not take action against one Minister for others to learn from that kind of action?

Mr. Deputy Speaker: Order! Order!

An hon. Member: You should take Mr. Ndicho very seriously!

Mr. Deputy Speaker: Mr. Ndicho is my friend and so I do not know which Ndicho to take seriously. The Standing Orders are very clear as to what should happen. Members should read and understand the Standing Orders and exploit them. The Chair will only be too glad to comply with the provisions of the Standing Orders.

Mr. David Manyara's Question!

Question No.482

RECARPETING OF NAKURU-NAIROBI ROAD

Mr. Deputy Speaker: Is Mr. David Manyara here?

Mr. Kihara: Mr. Deputy Speaker, Sir, can I, on behalf of Mr. Manyara ask Question No.482?

Mr. Deputy Speaker: Order! Order! Mr. Kihara, has Mr. Manyara given you instructions to ask the Question on his behalf?

Mr. Kihara: No, Mr. Deputy Speaker, Sir.

An hon. Member: It is a question of collective responsibility!

Mr. Deputy Speaker: I will not accept that.

Next Question, Mr. Ndicho!

Question No.306

REPAIR OF THIKA MUNICIPAL SEWERAGE LINES

Mr. Ndicho asked the Minister Local Government:-

(a) whether he is aware that Thika Municipal Council has neglected to repair and maintain sewerage lines in phases 4, 7, and 8 in Makongeni area of Thika Municipality;

(b) whether he is further aware that this has exposed the residents of Makongeni Estate to grave health hazards; and,

(c) what urgent measures he is taking to repair the sewerage lines.

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

(a) I am not aware that Thika Municipal Council has neglected to repair or maintain sewerage lines in Phases 4, 7, 8 and CU of Makongeni area of the Thika Municipality or anywhere else.

(b) Arising from the answer that I have just given in part "a" above, part "b" does not arise.

(c) The council has a standby team of council workers stationed at Makongeni, who clear all cases of sewerage blockage immediately they occur and they also undertake repairs of sewerage lines whenever the need arises.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am saddened by this answer because it is the people of Makongeni who invited me to go and visit that area to see how they are being inconvenienced, especially during the rainy season when the sewerage line is blocked and the sewage flowing into people's houses. I went there and witnessed this and I promised them to ask this Question in the House so that the Ministry can exert pressure on the Thika Municipal Council to repair these sewerage lines. Now that the Assistant Minister is saying that he is not aware, and I have now made him aware as the hon. Member for the area, what is he going to do about the broken sewerage lines? The people of Makongeni Estate are fearing that, during the next rainy season, they are going to have the same leakages from the sewerage lines and they risk being exposed to water-borne diseases and other hazards. Now that the Assistant Minister is aware, could he exert pressure on Thika Municipal Council to make sure that these sewerage lines are repaired?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, the question that the hon. Member has just asked purports to imply that this problem occurs during the rainy season. I have answered that, whenever any blockage occurs, there are standby council workers to do repair work. The blockage is likely to occur along any sewerage line. What I have said is that, whenever it occurs, the Council staff are on standby to remove it. If, indeed, we were to take Mr. Ndicho's word that he went there, maybe he went there when it had just blocked. So, it does not mean that it has been neglected.

Mr. Ndicho: Mr. Deputy Speaker, Sir, Makongeni Estate has over 100,000 residents who work in various factories in Thika Town. The sewerage lines are blocked during the rainy season because the sewerage system was constructed before Independence when the population of that town was very small. My appeal to the Ministry, and Thika Municipal Council, is that they should expand the sewerage system so that it can accommodate the high volume sewage resulting from increased population. Now that the rains are coming, given the fact that during the last rainy season, the sewerage system burst and the waste---

Mr. Deputy Speaker: What is your question?

Mr. Ndicho: Could the Assistant Minister consider, as a matter of priority, instructing Thika Municipal

Council to expand the sewerage system to cater for the current population of that particular town?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, urban development in terms of facilities will continue, including sewerage lines whenever the Government has carried out the study and is of the opinion that such services are required.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I am quite sure that the Chair has also noted that in all major towns; for instance, in Nairobi, Nakuru, Thika *et cetera*, there are a lot of broken sewerage lines and the sewage is overflowing into the drainage within the estates. What action is the Assistant Minister going to take, especially in Nairobi where there is a population of about 3 million Kenyans?

Mr. Kiangoi: We are trying to handle it in Nairobi, Mr. Deputy Speaker, Sir.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the Government is going to conduct some study or survey to establish whether this is possible. I am telling him that there is already a big problem in the area, especially during the rainy season. The Government does not need to conduct any study. What the Ministry needs to do is to exert pressure on the Thika Municipal Council to seek funds, even from outside this country, to repair the sewerage system. Could the Assistant Minister promise this House that his Ministry is going into the depth of this matter and exert pressure on Thika Municipal Council to have the expansion of this sewer system done so that we avoid some health hazards in the future?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, we will assess the situation and take appropriate action.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Honestly, help me and the people of Makongeni Estate, whom you know very well! The Chair knows Thika more than I do. The Assistant Minister does not need to assess anything. I am telling him to exert pressure on the workers of Thika Municipal Council to take action. Is he in order to evade answering the question and instead tell us about studies and assessments?

Mr. Kiangoi: I am not evading the question. This House will not go by the words of Mr. Ndicho. I have said that he has brought it to my attention---

Mr. Deputy Speaker: Order, Mr. Kiangoi! This House only goes by the words of hon. Members. The point that they are raising is: Since this seems to be a countrywide problem, what is your Ministry planning to do in order to rectify the situation?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I am saying that, with all due respect, we will assess the situation and then take appropriate action. We shall correct the anomaly, if it is there.

Mr. Anyona: Mr. Deputy Speaker, Sir, the purpose of Parliament is to ensure that where there are problems, they are solved. Parliament, on behalf of the people, makes sure that the Government discharges its responsibility to its citizens. Here is a Question which has been brought before Parliament in order for the Government to provide a solution and the Government says that we shall study it in future. We are talking about health hazards. Is that the right way for Parliament to deal with national problems? Can this Government not realise that it has a responsibility and this is a serious matter? Can this Parliament accept this way of doing things?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, Mr. Ndicho had given a time limit; before the next rainy season. I have said that we will take action before the next rainy season. I said that this Government is serious and that, indeed, even if I were to dispatch officers to that place, it would be one way of assessing the situation. I cannot say that by tomorrow, the sewerage problem will be solved. We will have to send officers there who will assess the situation and bring us back an answer and then we take an appropriate action.

Mr. Gitonga: Mr. Deputy Speaker, Sir, I think there is a problem with this Assistant Minister. He says that they will assess the situation, and Mr. Ndicho asked what kind of action he will take before the rains come. It is not an assessment that he is looking for. He is looking for remedial action now, so as to avoid the health hazards which are likely to come.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, not at all. I have discharged my duty by informing Mr. Ndicho and the House that, indeed, we shall take action before the next rainy season.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am paid by this Parliament to bring out all the issues from my constituents in order for the Government to tackle them, and I am paid a lot of money for doing that. We have got some officers in his Ministry who are also paid money for doing certain Government jobs. I have helped them by assessing the situation in Thika on their behalf and brought it to the attention of the Assistant Minister, so that action can be taken. Why should he now spend more money, by sending more officers there, who will be doing the same job that I have done? They would bring him the same information that I have brought to him. Could he make sure that he does not misuse Government resources by sending officers there, when he has all the information? All we want is the repair of sewerage by expanding it. They will tell you the same thing.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I am also taken aback. All I have been saying is that we shall

compare notes. We shall have to assess it by sending somebody there. I do think that, that is not the right way to proceed; for any Ministry to take action while acting on information brought before this House. The costs of such repairs have got to be estimated. We have to find out where we can get funds from. Those are the kind of things that we consider before taking any undertaking. I do not think there should be any problem on this matter.

Mr. Anyona: Mr. Deputy Speaker, Sir, I would find it very difficult to sit in this Parliament and listen to this kind of answers because it means that this Parliament is doing nothing! Here is an Assistant Minister and there is a serious problem and he is taking us round and round and in the end telling us nothing. Would I be in order to ask the Chair to demand that the Assistant Minister gives us a timeframe within which he can do this job and come back to this Parliament to confirm to us that he has discharged the obligations which he undertook? That is the only way this Parliament can remain respectable to the country.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, the time limit was already set by Mr. Ndicho who said that this problem is there mainly during the rainy season. I have said that we shall send officers there, who will have to take action before the next rainy season. What seriousness is required of me?

Mr. Deputy Speaker: Order! So, we take it that you have given this House an undertaking that the matter will be sorted out before the next rainy season?

Mr. Kiangoi: Yes, Mr. Deputy Speaker, Sir.

Mr. Ndicho: When will the rains come?

Mr. Deputy Speaker: Whenever they come!

(Laughter)

Question No.298

ESTABLISHMENT OF SIMISI
LOCATIONAL HEADQUARTERS

Mr. Deputy Speaker: Is Mr. Kiminza still not here? His Question is dropped.

(Question dropped)

Question No.482

RECARPETING OF NAKURU-NAIROBI ROAD

Mr. Deputy Speaker: Is Mr. Manyara still not here? His Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. CHEGE

(Mrs. Mugo) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that on the 7th June, 2001, Mr. Njui Chege, a resident of Uthiru was shot dead, with eight bullets pumped into his body?

(b) Could he explain why it took the police from Kabete Police Station, which is only a few kilometres away, four hours to respond?

(c) What action is the Minister taking to ensure that the perpetrators of this heinous crime are arrested?

Mr. Deputy Speaker: Is Mrs. Mugo not here?

Mr. Ndicho: Mr. Deputy Speaker, Sir, Mrs. Mugo is in a meeting and I would request the Chair to defer this Question.

Mr. Deputy Speaker: Order! Hon. Members are elected to this House to come and transact business in this House. If Mrs. Mugo knew that she was not going to be here, she should have had the courtesy to inform the

Chair. The Question is dropped.

(Question dropped)

REHABILITATION OF SABA SABA WATER SUPPLY

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

(a) Is the Minister aware that Kamahuha Girls Secondary School, Saba Saba Secondary School and Saba Saba Health Centre, are on the verge of closure, as a result of acute water shortage?

(b) What immediate plans are in place to rehabilitate Saba Saba Water Supply to provide water to these public institutions?

(c) How much has been set aside for the repairs?

The Assistant Minister for Water Development (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Kamahuha Girls Secondary School, Saba Saba Secondary School and Saba Saba Health Centre are at the verge of collapse. However, I am aware of the general water supply shortage to Saba Saba Market and the surrounding areas, caused by the breakdown of a pump set at the Saba Saba Water Supply intake.

(b) My Ministry is in the process of buying a new pump set to replace the old one. The procurement and installation of the new pump set will restore the water supply to the consumers. The new pump set is expected to be installed before end of September, 2001.

(c) No funds have been set aside for repairs and rehabilitation of the Saba Saba Water Supply. The water supply was started in 1950s. The intake was designed to produce 44 cubic metres per day, but due to high demand of water as a result of population increase, the requirement has risen to 300 cubic metres per day. In line with the current national policy of water resources management and conservation, my Ministry is encouraging the beneficiary to raise funds, through Harambee donations, to rehabilitate the Saba Saba Water Supply and eventually take over the operations and maintenance completely.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, this is quite a confusing answer read to Kenyans by such a useless Government. This problem has affected the management of these two schools for quite a long time. The reason why I said this answer is confusing is because in part "a" of his reply, the Assistant Minister says he is not aware and at the same time he says he is aware. On the second part he says they are about to buy water pumps and then he says in part "b" of the reply, that they have no funds. What is he telling us? Both schools spend more than Kshs160,000 per term on water. We have been restraining these schools from going on strike. I have raised complaints with his office now and then, but nothing has been done about the problem. I have even complained to President Moi who told me to go to KANU---

Mr. Deputy Speaker: Ask your question!

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much they have set aside for purchase of a water pump for Saba Saba Water Supply and the cost of fuel for the next financial year?

Mr. Kofa: Mr. Deputy Speaker, Sir, Mr. P.K. Mwangi has truly been coming to our offices and we took note of his involvement. The reason why I said we were not aware is that these institutions; Saba Saba Health Centre, Saba Saba Secondary School, Kamahuha Girls Secondary School, are not part of the Ministry. We are aware of this and we appreciate the efforts being made by Mr. P.K. Mwangi. I did not say that there are no funds for the water pump. It will cost the Ministry Kshs400,000 only and it will be in place by September, this year.

Mr. Mwenda: Mr. Deputy Speaker, Sir, I wish to concur with the sentiments expressed by Mr. P.K. Mwangi, that this answer is really confusing. The Assistant Minister says that these institutions are not part of the Ministry; whatever that means. The question echoes a serious water crisis in Government institutions. I would have expected the Assistant Minister to carry out a survey to see the seriousness of this issue. What is the Ministry doing to ensure that these institutions are not closed because of lack of water? A health centre without water is a very serious problem. What is the Ministry doing immediately, apart from waiting until September, to ensure that these learning institutions and the health centre have water supply before they close down? You cannot just pass the buck.

Mr. Kofa: Mr. Deputy Speaker, Sir, I have already answered that question; that, by the end of September, 2001, a water pump will be sent to Maragwa. Therefore, this will ease the problem.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, in part "c" of the answer, the Assistant Minister says that the Ministry is encouraging able water users to take over these kinds of water projects. One of the requirements by the Ministry is that, in order for one to be allowed by the Government to be a water undertaker, you are required to register under the Societies Act. The Ministry went ahead and prepared a hand-over manual which gives guidelines on how such water undertakers are supposed to write a constitution and do many other things. The

Registrar of Societies says that the guidelines are not in conformity with Cap.108. What is the Ministry doing to streamline the two such that any willing and able water undertaker would be registered immediately under the Societies Act and hence, take over the water project?

Mr. Kofa: If the hon. Member comes to our offices, we shall guide and assist him to register---

Hon. Members: Tell us! We also want to know!

Mr. Deputy Speaker: Order, Mr. Assistant Minister! When an hon. Member asks a Question in the House, you are obliged to answer him in the House. More importantly, members of the public also want to know. So, supply an answer here. You are not only discharging your responsibility to the House, but you are also providing information to the public. So, tell him what you are doing to harmonise the licensing of water undertakers.

Mr. Kofa: Mr. Deputy Speaker, Sir, we are actually aware of that complication, but we are trying to handle it. Very soon, that problem will be over and the water undertakers will be registered.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, the most serious problem is this Saba Saba Water Supply. In 1998, I asked a similar Question when Kamahuha Girls Secondary School went on strike. The then Minister sent the PS to Saba Saba and the Government released Kshs750,000 and an old water pump was bought. Now that the schools are in serious problem, my only plea to this Government is to make sure that they find a solution to this water problem by next term when these schools will be re-opened and also for the health centres. Could the Assistant Minister assure this House that this pump will be available by August since we cannot restrain these girls any more from going on strike due to lack of water which is caused by laxity of the Government?

Mr. Kofa: Mr. Deputy Speaker, Sir, as a Ministry, we sympathise with hon. P.K. Mwangi. The problem is that this water supply was designed in the 1950s. The water shortage has been caused by population increase and other constraints which have damaged part of this intake. As I said, I believe this will be done by September, 2001.

ALLOCATION OF FORESTRY DEPARTMENT'S LAND

Mr. Gitonga: 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 15-acre piece of land hitherto belonging to the Forestry Department along Nyambari-Nairobi-Naivasha Highway at Uplands turn-off, has been allocated to a private developer?

(b) Who is the developer and what kind of development does he intend to carry out in the area?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply but with a little explanation. I answered this Question last week, but the reason for its being back is that you ordered that I go back and explain what am I going to do with those squatters who are on that piece of land. So, I will formally go through the answer I gave and then there will be an additional part "c" explaining that.

(a) I am aware that approximately 15 acres of land hitherto belonging to the Forest Department at Nyambari-Nairobi-Naivasha Highway has been allocated to an individual.

(b) The allottee is a Mr. Onesmus K. Ngunjiri. The land was allocated for agricultural purposes.

(c) After consultation and review of the situation, but given that the transaction had gone too far due to the registration process, the Ministry is willing to accommodate those squatters on this site. We are finding a solution where we guarantee we will be able to allocate squatters most of that piece of land.

Mr. Gitonga: Mr. Deputy Speaker, Sir, as you are aware this Question has been in this House for about three weeks and lastly the Minister was asked to go and do further consultations. I raised the issue here in 1998 and this Government made a commitment to this House and to the people of Lari that this land will be allocated to them and, in particular, to those poor Kenyans whose kiosks were demolished by the Provincial Administration. When did this Government change its mind and decided that Mr. Onesmus Kimani Ngunjiri, KANU Chairman of Nakuru, is a more deserving case than those poor Kenyans whose kiosks were demolished so that they decided to give him the 15-acre piece of land?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, we allocated this land in 1989 to Mr. Onesmus Kimani Ngunjiri. However, I wish to confirm also that because of the interest of the people of the area, Members of Parliament and generally the issues raised, we have agreed to work with the local administration and leadership in order to accommodate those people who were affected directly and the people of the area who will benefit from that, in addition to leaving part of it to Mr. Ngunjiri.

Mr. Kihara: Mr. Deputy Speaker, Sir, this is the height of corruption. This is a piece of Uplands Forest Station land. Could the Minister tell us the criteria used in allocating the land to Mr. Kimani Ngunjiri, who comes

all the way from Nakuru, for agricultural purposes as if he is the best farmer around that area?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, in keeping with Government policy, we give land anywhere in this country. For example, the hon. Member was given land in Naivasha and he is from Gatundu. So, the KANU Government believes in allocating land everywhere!

(Laughter)

Mr. Muiruri: Mr. Deputy Speaker, Sir, this is not only a laughing matter but it is also ridiculous. This is because here is the KANU Chairman from Nakuru where there is a lot of land who is being allocated the same in Lari. In my constituency and I hope you saw it last night on Kenya Television Network (KTN), there are over 7,000 squatters in Kieni Forest. They cannot even get a half-acre piece of land and yet the Minister tells us that it is a KANU policy of giving people land anywhere. Is it only a matter of a well-connected person like Mr. Kimani Ngunjiri all the way from Nakuru who can be given land anywhere? Could the Minister cancel that allocation totally and give it to the deserving squatters who own that piece of land?

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I have used my very good office. Given the stage at which this allocation had reached, it would have been impossible to reverse it. However, I have consulted and tried my level best because I understand the concerns of the people. So, given that we have accommodated the feelings of the people but it is only 15 acres. We will accommodate the local people who are affected but I will not totally cancel it. It is not possible! If I attempt to go that route, it is impossible and so I have to use my good office in order to ensure the bulk of the land goes to the people who are deserving.

Mr. Kihoro: Mr. Deputy Speaker, Sir, could the Minister be kind enough to provide an environmental impact assessment of this 15-acre piece of land? Secondly, the user has been changed. This land, presently and most likely, will be used for agricultural purposes. Most likely it is going to be subdivided and sold by this rich KANU baron. Could the Minister provide, under Section 58 of the Environmental Co-ordination Act, a report for the change of user from the previous forest user to the intended agricultural or commercial user? And Section 167,000 acres from this Government is--

Mr. Deputy Speaker: Order! That is enough!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, this was done before the Act the hon. Member has referred to came into effect because the land was transferred back to my Ministry and issued out before the Act came into effect.

Mr. Mboko: Mr. Deputy Speaker, Sir, what assurance is this Minister going to guarantee to this House that the squatters who hitherto occupied that piece of land are going to be settled elsewhere? Going by his past answers in this House, he answers so casually and forthrightly but he takes no action after the answers!

Mr. Deputy Speaker: Order! I think the Minister has discharged his responsibility really and let us give credit where it is due. We must now hold him to his word which is already on record in the HANSARD.

Mr. Gitonga: Mr. Deputy Speaker, Sir, allow me to thank my good friend here, hon. J. Nyagah, for this answer. However, there is one thing that I still need some clarification on. He has mentioned that the bulk of this land will go to the local people. Now, what is the *prorata* basis that will decide how much of the bulk of this land will go to the local people when you think of it in terms of 15 acres? How much of the 15 acres will go to the local community?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, my proposal given that the land has already gone, was to involve the local leadership, Provincial Administration, the gentleman involved and my Ministry in order to reach an amicable solution that will take into account the people of the area and also the fact that he had a legal right to the land and he is willing to that arrangement.

Mr. Deputy Speaker: Next Question, Mr. Munyasia!

NON-PAYMENT OF SALARIES TO
BUNGOMA COUNCIL WORKERS

(**Mr. Munyasia**) to ask the Minister for Local Government:-

- (a) Is the Minister aware that the workers of Bungoma County Council have not been paid their salaries for the past 10 months and are threatening to ground the services in the area?
- (b) What has led to this default in spite of the fact that the Council has enhanced its revenue collection?
- (c) What urgent measures is the Minister taking to avert an imminent showdown from the

workers?

Mr. Deputy Speaker: Mr. Munyasia is not here. The Question is dropped!

(Question dropped)

POINTS OF ORDER

REQUEST FOR WITHDRAWAL OF MINISTER'S REMARKS

Dr. Kulundu: Mr. Deputy Speaker, Sir, on Thursday last week, the Minister of State, Office of the President, while replying to Member's remarks on the Budget of his Ministry, cast aspersions on the Departmental Committee on Health, Housing, Labour and Social Welfare, to the effect that Members of that said Committee had demanded Kshs3,000 before they could organise a symposium for Members of Parliament on HIV/AIDS. The Chair ruled that the Minister should substantiate that assertion yesterday and you know that he was not here to do so. So, I stand on a point of order to demand that the Minister withdraws that allegation or else we move a Motion of censure against the Minister.

Secondly, I have minutes of the two meetings of my Committee. There is one that was held on 13th where we allegedly demanded to be paid Kshs3,000 and the other one held on Monday this week where members of the National Aids Control Council (NACC) unreservedly apologised for the inaccurate remarks that the Minister made in this House and I would like to table them.

(Dr. Kulundu laid the documents on the Table)

Mr. Deputy Speaker: Order, Dr. Kulundu! I did rule that the Minister should produce the minutes of your Committee in which it is alleged you demanded Kshs3,000. The Hon. Minister was not here yesterday afternoon nor is he now. But I want to say that I will require, either himself or one of his colleagues to produce that evidence tomorrow afternoon, at the very latest, so that we may put this matter to rest.

I did say then that really, when we make statements in this House, we are bound by our Standing Orders to be accurate. Particularly for Ministers, this is relevant: It is not an expression of opinions; whenever you are answering a Question or making a statement, it must be based on facts. So, let us give the Minister until tomorrow afternoon to discharge that responsibility.

DELAY IN TABLING REPORTS

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Yesterday I raised the question of reports that were laid on the Table of the House. This is a matter that takes place all the time. My concern is that the law is being broken. By accepting reports whose laying violates the law to be laid before it, Parliament also becomes part and parcel of the violation of law. Yesterday, nine reports were laid here. Three of them were for the financial year ending 31st March, 1997. We are in 2001 and so, those reports were four years in arrears. There were two reports for the financial year ending 30th June, 1998. Those reports were three years in arrears. There were four reports for the financial year ending 30th June, 1999; those reports were two years in arrears.

Section 14 of the State Corporations Act requires State Corporations to prepare their accounts and have them audited by the Auditor-General (Corporations) in accordance with the Exchequer and Audit Act. Section 31 of the Exchequer and Audit Act requires that at the end of the financial year, all accounts should be delivered to the Auditor-General (Corporations), who will within a period of seven months, conduct an audit. At the end of that period, unless Parliament grants an extension - it must be strictly seven months - the reports should be presented to the Minister who within seven days is required to present them to the Public Investments Committee (PIC), and within another seven days, he is required to lay them before the House. Failure by the Minister to do so, the law requires the Auditor General (Corporations) to present the reports to the Speaker, who will have the reports tabled before the House in accordance with the law.

As you can see from those reports that were laid here yesterday, that section of the law has been thoroughly violated and this happens all the time. If we are to stop the inefficiency in this Government, which breeds corruption, then the stopping must start here. What will then happen? Reports which have violated the law for being four years in arrears were laid here yesterday. What will this Parliament do so that the Government and these State Corporations are brought to book?

I would like the Chair to make a pronouncement on this issue.

Mr. Deputy Speaker: Well, this is clearly a matter that the Chair requires time to study and make a definitive ruling on. But before the Chair does that, the State Corporations Act is administered by the Office of the President. I will give the Minister in that Office an opportunity to explain these delays before the Chair makes a ruling. So, will you take note of that hon. Assistant Minister, Office of the President? The sooner you do it the better. If you can do it by tomorrow afternoon, we will surely be very pleased. But otherwise, I will give you up to Tuesday next week, after which I will then make a ruling.

SUBSTANTIATION OF AN ALLEGATION

Mr. Murungi: Mr. Deputy Speaker, Sir, the Chair yesterday ordered me to substantiate an allegation I made before this House on July 18th, 2001.

Mr. Deputy Speaker: I ordered you to substantiate last week and yesterday I merely repeated that order.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. You repeated that I should substantiate the allegations I made before this House on 18th July, 2001. The HANSARD reads:

"Mr. Deputy Speaker, Sir, everybody knows that the reason why the Kenya Co-operative Creameries Ltd collapsed was because of massive looting by powerful people in this country, including the son of the President, Mr. Raymond Moi".

Mr. Deputy Speaker, Sir, I would like to substantiate that statement this morning in accordance with the rules of this House. When a Member of Parliament is required to substantiate an allegation, there is no legal requirement that he proves that allegation beyond reasonable doubt. All the Member is required to do is to provide some evidence or some information, which will show on a balance of probabilities that there is some substance in the allegation that he has made. So, I have information which, on the balance of probabilities, would substantiate the statement that I made before this House. It is not in question that Mr. Raymond Moi was one of the directors of KCC at the time it was collapsing and that he was the Vice-Chairman of the Board of Directors.

I have got a report here which was prepared by a task force of 15 people, under the Chairmanship of the former Permanent Secretary in the Ministry of Co-operatives, Mr. Philemon Mwaisaka. The report details the various activities that led to the collapse of KCC. The report itself contains evidence of massive theft, looting and plunder of KCC with collusion of the directors.

On page 22 of the Report there is chapter eight which is headed: "Purchases that Ruined KCC Ltd". It reads:

"The purchases started late in 1992 and went on until May, 1995, when the task force came in. According to records, there were vast purchases of computer paper and stationery and later the move spread to all areas. The companies involved were not many, but all of them had connections with the directors. The Chairman of the Tender Committee was involved in all the purchases as he was a director."

Mr. Deputy Speaker, Sir, between pages 22 and 25 of the Report, it states that one of the companies that were involved used two strategies of over-invoicing and over-pricing goods supplied to KCC. One of the Companies called M/s Katestai Ltd, which had connections with Mr. Raymond Moi, overcharged the KCC by Kshs100,726,116. All the companies involved over-charged KCC to the tune of Kshs183,645,419.50. I have the list of all those companies and I do not want to go through them. If the hon. Members want to hear more about this, there was M/s Cosmoplastic and Devan---

Mr. Deputy Speaker: Order! Mr. Murungi, to whom is that Report directed? Who set up the task force?

Mr. Murungi: Mr. Deputy Speaker, Sir, the task force was set up by the Government of Kenya.

An hon. Member: It was set up by the President!

Mr. Murungi: Mr. Deputy Speaker, Sir, Mr. Kirwa, in the Seventh Parliament, brought a Motion on KCC before this House, and he produced this Report in the course of the debate, but we could not trace it within the documents of Parliament. Mr. Kirwa is here and he will confirm that he tabled this Report before this House.

Mr. Deputy Speaker: Order! Mr. Kirwa was not a party to your issue!

Mr. Murungi: Mr. Deputy Speaker, Sir, but he will confirm that he tabled the Report before the House. We also have two Directors---

Mr. Deputy Speaker: Order! Mr. Murungi, do not direct the Chair on what to do. Discharge your responsibility which you are doing very well, so far.

Mr. Murungi: Mr. Deputy Speaker, Sir, I would like to lay on the Table of this House another copy of this Report.

(Mr. Murungi laid the Report on the Table)

What I have said will be confirmed by the former Directors of KCC, Dr. Murungaru and Mr. Muiruri, who are here.

Mr. Deputy Speaker: Order! Mr. Murungi, you started by saying that you did not have to prove your allegation beyond reasonable doubt, but now you want to bring in witnesses. The Chair will not accept that!

Dr. Murungaru: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Who are you informing?

Mr. Murungi: Mr. Deputy Speaker, Sir, I accept the information.

(Laughter)

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

Mr. Deputy Speaker: Order! Order! There will be no debate on that issue.

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

Mr. Deputy Speaker: Not on that issue!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, to the best of my knowledge, the hon. Member has proved that KCC was plundered, and that there was theft in that organisation. That is not in question. We are very concerned about the theft that went on at KCC, and all the persons who were involved should face the consequences. The company that the hon. Member has named - "Kartasai" or whatever it is, he should prove that Mr. Raymond Moi is a director so that he can qualify---

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

Mr. Deputy Speaker: Order! Mr. Samoei, are you suggesting to the House that the Government is responding to Mr. Murungi's substantiation?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, being a Member of this House, I care about the integrity of this House. We do not want a situation where hon. Members use this House to settle their scores. We will not use this House to witchhunt other people and propagate falsehood. If he can only prove that Mr. Raymond Moi is a director of that company, it will be in order, otherwise, he should withdraw the allegation.

Hon. Members: On what?

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. What is worrying me here is that, if you have no definite standard of proof, really, you cannot solve this problem. Mr. Murungi, obviously, in the absence of any standard, set up his definition of what the standard is, and I can understand what Mr. Samoei is saying. Could we have some set standards of substantiation? In a case like this one, where Mr. Samoei says that, that is okay, let us have further information to establish that, that is the valid standard. I think there is a point there. So, I do not know what the Chair will do so that in future we do not find ourselves in this kind of a dilemma.

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

Mr. Deputy Speaker: Order! This is what your Standing Order states. I would like to read it out for your benefit. It reads:

"A Member shall be responsible for the accuracy of any fact which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegations with suitable apology if Mr. Speaker so requires."

Therefore, what should a Member do if he is called upon to substantiate? I would like to refer to a ruling made in this House by the late Speaker, Humprey Slade. He indicated that, when a Member is called upon to substantiate, firstly, he must disclose the source of his information upon which he relies to make the allegation he has been called upon to substantiate. Secondly, he does not have to prove beyond reasonable doubt that the allegation he has made is true and can be supported in a court of law. Parliament is really not a court of law, but if a Member is called upon to substantiate an allegation, and he produces the source of his information, it is for the House to decide whether that substantiation satisfies the House that the allegation he made can be let go. So, Mr. Murungi has produced his source of information. If any hon. Member wishes to proceed further with an inquisition, he must first read this Report and find out to what extent it does not prove the allegation made by Mr. Murungi. So, for the time being we have before us what Mr. Murungi relied on, and that satisfies our condition. But let me add that Mr. Samoei has made a very valid point, that we cannot merely produce documents if they do not prove the allegation, to the extent that they can also clear the name of the injured party. Those who cannot defend themselves in this House, for all practical purposes are, in fact, injured, if they have not had an opportunity

added either by themselves or through a Member to ask questions. We do not have a system where we can open the House for members of the public to come and ask questions so that they are given an opportunity to defend themselves. So, the fault does not lie in what Mr. Murungi has said or what Mr. Samoei has raised, but in our system and our Standing Orders which preclude us---

(Two hon. Members stood at the Bar)

Order, the two hon. Members at the Bar!

I think, Mr. Murungi, to the extent that we can hold him to what he said, has discharged his responsibility.

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

Mr. Deputy Speaker: Order! Mr. Samoei, the ruling that I have given involves Mr. Ruto and Mr. Murungi. I now want to hear Mr. Samoei.

Hon. Members: It is not different!

Mr. Deputy Speaker: It cannot be different before he is---

Hon. Members: On this issue, the law---

Mr. Deputy Speaker: Order! The hon. Members were---

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

Mr. Deputy Speaker: Order! This is not a hearing! This was a question for Mr. Murungi and Mr. Ruto to prove certain allegations which they made. Mr. Murungi has discharged his responsibility. Now, I want to hear Mr. Ruto.

Hon. Members: He is not here!

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

Mr. Deputy Speaker: Order, Dr. Ochuodho! Honestly, I cannot understand you as much as I try. In fact, the more I try, the more I fail.

(Laughter)

I was disposing of a point of order, and I have not done it. Whatever it is that is itching you, scratch it!

Mr. Ruto is not here in spite of the fact that he was here when I said that I wanted this matter to be disposed of this morning. I will deal with that aspect of this issue this afternoon.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Mr. Murungi has made a very serious allegation that these documents were tabled in the House by Mr. Kirwa and now they seem to have disappeared from this Parliament.

Mr. Deputy Speaker: They have not disappeared! He merely stated that he did not find them.

Dr. Ochuodho: But more substantially, Mr. Samoei did say in reply to Mr. Murungi, that if it can be proven that those people looted KCC, the Government would want to prosecute them. It is more than five years since that Report was presented here.

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

Dr. Ochuodho: Could he explain to the House why they have not prosecuted those people?

Mr. Deputy Speaker: Order! Order! Dr. Ochuodho, you are stretching our limits of understanding. You cannot stand under a point of order and require Mr. Samoei to substantiate anything. This Report was made to the Government, so I believe. It is now with us and the Government is at liberty to take it, study it and respond, if it needs to do so.

Dr. Murungaru: On a point of order, Mr. Deputy Speaker, Sir. Mr. Murungi did mention in his substantiation that there were two former directors of KCC in the House. He did, indeed, mention my name. I wish to clarify the following: I was a director of KCC, during the time when that Report was being written. Indeed, I was party to the production of that Report.

Mr. Deputy Speaker: Order! Order!

Dr. Murungaru: Mr. Deputy Speaker, Sir, I have to clear my name!

Mr. Deputy Speaker: Order! Order! You can only be saying what you want to say in support of what Mr. Murungi said and I have already said he has discharged his responsibility. So, if you are caught in the cross-fire over this Report, that is your own business.

Next Order!

MOTION

DISTRIBUTION OF LAND TO LANDLESS PEOPLE

THAT, being aware that the Government had done census for houses and people in Kenya in 1989 and 1999; acknowledging that thousands of Kenyan families are unemployed, poor and landless, this House urges the Government to:-

- (a) declare how many Kenyan adults and/or families are landless in all areas where land has been adjudicated and demarcated and prepare a list of such on location by location basis;
- (b) reserve all the remaining Agricultural Development Corporation (ADC) farms, net of research land, for sub-division and distribution among landless people; and,
- (c) earmark all Nyayo Tea Zone lands, when the divestiture programme is implemented, for distribution to the landless or for re-afforestation.

(Mr. Kihoro on 18.7.2001)

(Resumption of Debate interrupted on 18.7.2001)

Mr. Deputy Speaker: Order! Order! Mr. Kiunjuri was on the Floor and he still has seven minutes.

Mr. Kiunjuri: Thank you, Mr. Deputy Speaker, Sir. As I rise to support this Motion, I would like to state that I bear the burden of squatters and half of my constituency is occupied by them. This issue should be extended further. If we remember what Abraham Lincoln did for the Americans, then we should be very clear and, at least, have a good definition of slavery and slave trade. We have people owning thousands of hectares of land whereby they have employed our people who live on wages. They even humiliate our people to make sure that they are poor. We have big ranches like Ol Pajeta, Sorio Ranch and others where people working there earn between Kshs300 and Kshs1,000. They are expected to survive, feed their families and educate them. The worst part is that these people work there for over 20 years and after they are fired, they are packed in vehicles and taken to Nanyuki Town or any other close town like Naro Moru or Nyeri where they are left without land. They are left somewhere as squatters.

Now that the Minister for Lands and Settlement is here, I would like him to either deny or substantiate this allegation. We have a no-man's land in Laikipia District. This is Government land called PND and it is over 40,000 acres. There is another farm called Lunek which is 58,000 acres of land. The Minister is here and I want him to listen to me. The two farms are 98,000 acres and they are not occupied. This is the source of insecurity in Laikipia District. It should be noted that over 27 people have been brutally massacred in the last six months. You remember the Ol Moran massacre which occurred in 1998 in the same piece of land that I am talking about. The most worrying thing about the people of Laikipia is that the Government has refused completely to settle them there. The farm was sub-divided and nobody is settled there. But the funny thing is that everyday, we hear gunshots, bomb blast and hand grenades in that area. They are always felling people up and down that farm. Nobody is in control. We do not have a police post or police division, a DC or DOs or chiefs in that area. The people of Laikipia would want to know who owns this land. Warriors who perpetuated the 1992 massacre at Ol Moran and Molo are trained in Laikipia and particularly on this piece of land by this Government. That is why the Government is not sub-dividing this land. They are using it as a training ground because they are preparing for war. If they lose the 2002 elections, this Government will declare war in this country. They are training people on this piece of land, 100,000 acres, and nobody is occupying it. It is not owned by any government.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. You have heard what Mr. Kiunjuri has said; that this Government is preparing and training people to declare war. Could you, please, ask him to substantiate that?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I will substantiate. We have 100,000 acres of land which are not governed by anybody. We do not have a police post, a police division, a chief or a DC who controls that area; PND and Lunek farms in Laikipia District next to Mugi Ranch which was owned by the late Kitili Mwendwa. In addition, 45,000 acres of land owned by the Member for Baringo Central are also not occupied. This gentleman is always on the streets saying how he loves Kenyans and how he would like to see our sons and daughters develop.

Mr. Deputy Speaker: You are not substantiating anything! You have just continued to make wild allegations.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we always see lorries ferrying people up to that land. We hear

sounds of bomb blasts, gunshots and hand grenades from that area. Nobody has ever been arrested in that ranch. Whenever killings have happened in Laikipia, people run to that land. They cannot be pursued because the police officers cannot pursue criminals beyond their boundaries. Who owns that land? Who is training these people in that area? Who is killing the people of Laikipia? Could this Government come out clear? I challenge the Minister to tell this House who owns that land before I make any further clarification.

Mr. Deputy Speaker, Sir, Kenyans are dying poor when we have people owning 1,000 acres of land in memory of their mothers. In the same areas, we have squatters. I would like to request this Government to buy all that land that has not been utilised and control it, like Solio Ranch. The owners of Solio Ranch are selling water to the people of Laikipia. They are the gods of water. These people are the owners of that water. They live upstream but this Mzungu is selling water to us. The Government must buy out all this land, sub-divide and settle our people.

Mr. Deputy Speaker: Order! Order!

Mr. Ndicho: Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to support this Motion.

The issue of land is very close to my heart. Why do we call for reserve of the remaining ADC farms? Why can this Government not come up with a system that will revert back all ADC farms to do what they were set up for? Why should we do away with research land? All developed countries in the world are successful in their agricultural policies because of research. Why should we grab the research land in this country when we have an equal land that lies idle all over this country? There are tens of thousands of acres of land which were illegally and forcefully occupied by the former white colonial masters and farmers. They were supposed to have surrendered those pieces of land to Africans at the attainment of Independence in 1963. The whole purpose of Mau Mau War was two-fold; first, to attain Independence and to get back their land that was forcefully taken by the white colonial masters.

Mr. Deputy Speaker, Sir, there is what we call First Occupation Theory by an English Philosopher, Mr. Bentham. According to this theory, the first person to occupy some property that has never been occupied before, owns that property. This is the theory that was advanced by white colonial masters to occupy our pieces of land forcefully. They came to Africa and occupied our treasured resources that were given to us by God. At the attainment of the Independence, they refused to surrender those lands by Africans.

Mr. Deputy Speaker, Sir, we are very proud of the Government of the late President Mzee Jomo Kenyatta. He governed this country well; safe for one thing only that his Government is blamed of. This is the way his Government handled the issue of land in this country. We have chunks of land lying fallow in this country. For example, if you travel from Western Kenya to Coast Province, you will see thousands of acres of land that lie idle. Why do we have to import food? Why should we have landless people in this country? Why can this Government not rise to the occasion and address the issue of landlessness in this country?

The Government must understand that the issue of population explosion will sooner than later, catch up with them. What will the Government do about population explosion?

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. Mr. Ndicho has mentioned the name of the late President Mzee Jomo Kenyatta. He went on to say that Kenyatta Government had some failures. However, he did not specify those failures.

Mr. Deputy Speaker: Order! Mr. Muiruri, if you listened carefully, hon. Ndicho talked about the failures of the Government and not of Kenyatta.

Mr. Muiruri: Mr. Deputy Speaker, Sir, he specifically mentioned the Government of Kenyatta!

Mr. Deputy Speaker: Yes, he talked of the Government of Kenyatta and not Kenyatta as a person. Please, stop arguing with the Chair!

Mr. Ndicho: Mr. Deputy Speaker, Sir, the hon. Member should listen carefully to what I am saying. I know that he represents Gatundu Constituency that was once represented by Mzee Kenyatta.

All I am saying is that the Kenyatta Government failed to address the issue of landlessness in this country. This was the purpose of waging the Mau Mau War.

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. Kenya attained Independence in 1963 with Mzee Jomo Kenyatta as the first Prime Minister. In 1964, Kenyatta became the first President of this nation. It is very well known that the Kenyatta Government settled many people in this country. Is the hon. Member in order to mislead this House by advancing a false illusion that the Kenyatta Government did not settle people of Kenya?

Mr. Deputy Speaker: Order! Mr. Muiruri, first of all, that is not a point of order. If you want to argue for or against the Motion, stand up and catch the Speaker's eye and you will be given an opportunity. But, in the

meantime, hon. Ndicho has the perfect right to express his opinion.

Proceed, Mr. Ndicho!

Mr. Ndicho: Mr. Deputy Speaker, Sir, the hon. Member wants to waste my time.

All I was saying is that Kenyans had high hopes that the new Government in 1963 would address the issue of landlessness in this country. That is why so many people died fighting for the land. Why do we still have white settlers in this country? Why did they not leave at the time of Independence? These people are occupying millions of acres of land. I have said severally in this House and outside, that Ms. Kukki Gulman owns 98,000 acres of land in Laikipia. There are not many African Kenyans who equal Ms. Kukki Gulman. She is just one among many. Lord Barclay owns 100,000 acres of land near Kabarak, the President's home. Lord Nightingale owns over 100,000 around Ngata Farm in Njoro. The Bob Harris Family owns over 500,000 in Juja Constituency. All I am saying is that this Government must understand that we have a population explosion. Unless the Government addresses the issue of landlessness, Kenyans will not wait for them to do so, when there are chunks of fallow land where wild animals graze.

I must take this opportunity to thank all African Heads of State, including President Moi, for their support for President Mugabe of Zimbabwe on the land issue. Two weeks ago when they visited Zambia for the formation of African Union (AU), I was very pleased with their stand on the land issue. I sincerely thank our President for supporting President Mugabe on the issue of land. However, I would like him to extend that support from Zambia to this country. President Mugabe is fighting for the land because the British Government cheated his Government that they would compensate or buy those farms in Zimbabwe. Twenty years down the line, the British Government has refused to honour its commitment to compensate or buy those farms in Zimbabwe. That is why the landless people in Zimbabwe are forcefully occupying those pieces of land. Over 75 per cent of arable land in Zimbabwe is occupied by 4,500 whites at the expense of millions of black Africans who are either in the hills or on barren land. All I am saying is that this problem is not only in Kenya, Zimbabwe, Zambia, Namibia and South Africa, but in the entire continent of Africa.

Mr. Deputy Speaker, Sir, I would like to take this opportunity also to thank, most profoundly, President Muammar Gaddafi of Libya for bringing the Heads of States together to think about Africa and discard the yoke of colonialism. This is because most African Heads of States still pay their allegiance to the Queen of England or to their colonial masters. We must support President Gaddafi because he is not only addressing the issue of land, but even other important issues like our national resources. All minerals mined in Africa end up in Europe and America. We Africans cannot buy them because their prices are so prohibitive. We cannot even buy a ring of gold or diamond which was mined from our soil. It is a pity that we cannot afford them. All these natural resources were given to us by God and we should not allow the whites to exploit us in the name of civilization.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to talk about European farms in Africa when, in fact, the Motion is about ADC farms?

Mr. Ndicho: Mr. Deputy Speaker, Sir, the hon. Member was sleeping!

Mr. Deputy Speaker: Order! Mr. Ndicho, your time is up!

Mr. Ndicho: Mr. Deputy Speaker, Sir, I beg to support.

Mr. Muite: Mr. Speaker, Sir, I would like to support this Motion very strongly. I can see that the Member for Westlands is also itching to contribute to the Motion.

Mr. Temporary Deputy Speaker, Sir, the issues of land use and ownership are very fundamental. The Member for Westlands contributed very positively in having the Commissioner of Lands reverse an irregular allocation of a three-acre land parcel, which is located just after the Westlands Shopping Centre roundabout. In this country, there is a misconception that any land which is not registered in the name of an individual is available to the Government of the day to allocate to its politically-favoured individuals.

There is nothing like Government land; that is a misnomer. Any land which has not been demarcated and registered in the name of an individual is held on trust by the Government of the day for Kenyans. The terms of the trust bestowed upon the Government is that any alienation of such land can only be promotion of the public good. If you alienate such land for the construction of public schools, hospitals and sports grounds, you will be promoting the public good.

You and I can wake up poor in the morning. By lunch time, I will have got a letter of allotment of public land. The following day, I will sell that land for Kshs100 million. What right would I have to put that money into my pocket? If, for whatever reason, any public land is no longer required, the Government should sell it at market rate and the proceeds put into the public coffers, so that every individual can benefit. This habit of the Government handling public land like individual property, which it uses to buy political loyalties, is unacceptable; it is breach of trust.

I hope that a commission will one day be appointed to look into this matter right from 1963 so that whoever may have benefited from public land wrongly can surrender it or pay the equivalent of its market value at the time of its acquisition, together with interest. We cannot leave this issue alone as we have been doing. Public land belongs to all of us. This country's Chief Executive has no right to import political supporters from Nakuru and give them 15 acres of public land---

(A mobile phone rang)

Mr. Deputy Speaker: Who has that cell phone in here?

An hon. Member: Mr. Gumo!

Mr. Deputy Speaker: Could the hon. Member who has that cell phone own up? Really, if we cannot own up to such simple things, we are not hon. Members. It is a shame!

Proceed, Mr. Muite!

Mr. Muite: Mr. Deputy Speaker, Sir, I can confirm that the phone rang on the Government side and not on this side.

Mr. Deputy Speaker, Sir, I am glad that the Minister for Lands and Settlement is here. We appeal to him to watch what is happening in the lands office. In terms of facilitating land grabbing, the current Commissioner of Lands is worse than his predecessor. We would like land grabbing to stop.

What is the point in the Government spending public funds on the Njonjo Land Commission? The Commission is spending enormous amounts of public funds going round the country when land grabbing is still going on! Forest land is still being excised. What is the point in appointing that Commission? How can we justify the expenditure of taxpayers' money on that Commission? If the Government is serious, that Commission should prevent any further alienation of forest land. Land grabbing must stop, so that we can take that Commission seriously.

If the Commission continues to go round the country as forests are destroyed and land grabbed, we can infer that this is yet another Commission being stage-managed for the purpose of fooling the public that the Government is doing something about land grabbing. Not a single inch of public land in this country is alienated without the green signature. So, the buck stops at the desk of the person who uses green ink to authorise the grabbing of land.

Mr. Temporary Deputy Speaker, Sir, on Friday, a Harambee will be held at Westlands Market. The land on which that market stands used to be owned by an Italian. He was requested by the late President Kenyatta to surrender it so that the City Council could construct the market on it. The market was constructed on only half of the plot, and then the City Council ran out of money. So, the traders who were operating from that land were told to continue selling their wares on the open air market until the City Council acquired money to build stalls for them. A KANU supporter from Kirinyaga now claims that he was allocated that plot after paying Kshs1 million. He now wants to be paid Kshs108 million, which he says is the price at which he sold that plot to some Indians.

There is no justification in an individual benefiting at the expense of poor people who are trying to eke out a living by selling their wares on those stalls. That is immoral and unacceptable. That is why I said that, one day, when there will be change in this country, a person like that one will be required to repay the Kshs108 million he is demanding. Let me sound a warning to the purchasers of such land. If you look at the Penal Code, you will see that the sentence for theft is three years while that for handling stolen property is seven years. So, handling stolen property is a more serious offence than stealing. Therefore, the Indians and other individuals who are buying grabbed public land, knowing that it was grabbed, or having reasons to know or believe that it was grabbed, will one day cry; they will be required to surrender that land back to the public and ask for a refund from the person who had sold it to them.

Mr. Temporary Deputy Speaker, Sir, how much land should one person be allowed to own? Do we want to put a ceiling to land ownership? These are fundamental issues which require debate and a consensus. So, as we wait for the issue of land ownership to be addressed exhaustively in the new constitutional order we are debating, I support this Motion. The issue of land ownership must occupy a very central place in the new constitutional dispensation. The right of any Kenyan to own land anywhere in the Republic without being kicked out because he does not come from that region, needs to be debated so that we can arrive at a consensus.

However, as we wait for the constitutional reforms to take place, the Government should support this Motion so that we can, at least, have some stop-gap measures. It will, obviously, be long before the new constitutional dispensation is debated and finalised. The land issue is very important, and should be debated in the new constitutional order. That is a very important issue that needs to be debated in the new constitutional order. There is no way of going about that constitutional order with regard to land. It is dangerous for us to wait for the

Constitution of Kenya Review Commission, until around October next year to start talking about an interim Constitution. At that time, our minds will be on the elections. You cannot agree on an interim Constitution on the eve of general elections. This is the time. If he knows that he is not going to be able to give us a new Constitution, let him bring the interim now.

Mr. Deputy Speaker: Order! Your time is up! Mr. Kirwa, I will give you three minutes because the Government must respond in order for us to conclude this matter.

Mr. Kirwa: Thank you, Mr. Deputy Speaker, Sir, for giving me those three minutes.

First of all, the basic issue why Kenyans fought for Independence was because they wanted land. The most interesting thing is that those who got into positions of leadership decided to amplify the appropriation of power for themselves and forgot the basic reason why Kenyans decided to go to the bush to fight for Independence. As it is, I am worried about the two sections of this Motion, parts "b" and "c", which basically seem to give the Executive a lot of powers to give out land the way they have been doing for the last number of years. I wish we could focus on those particular two sections of the Motion such that the question of land allocation must be clearly mirrored within the regulations that we provide. This is because my main concern is that all public land that has been allocated for a number of years has been done in strict conditions within the Office of the President such that the Minister for Lands and Settlement does not seem to have adequate powers to direct the programmes on land allocation to the extent that some list comes from the State House and creates a lot of conflicts on the ground.

As I speak, there is a piece of land that has been demarcated and allocated mainly to the Marakwet community who are my neighbours. But in this land, the person who has the allotment letters is not necessarily the person occupying the land. This is a serious time bomb that the Minister for Lands and Settlement must demonstrate, indeed, that he is interested in bringing the situation under control within that particular area because if we allow that situation to continue, we are going to create a big problem for the residents of Trans Nzoia. This is because those who have land in that particular area are not the people who have allotment letters because land has been indirectly allocated by the Office of the President. The Ministry of Lands and Settlement to write allocation letters while the allocation was done in the Office of the President. For example, all the ADC farms that have been allocated have been allocated with the express authority from the Office of the President. Why did the ADC come under the Office of the President? Rational thinking would provide that the ADC is under the Ministry of Agriculture and Rural Development. If any land has to be alienated and be given to members of the public, it should be done by the right Ministry and that is the Ministry of Lands and Settlement. This is an anomaly and unless we address it effectively, it is going to be a dangerous trend in our country.

Secondly, when land is being allocated, the people who seem to get favours of the Government are people who can be termed as, Who-is-Who in Kenya. As I speak, Trans Nzoia District has got almost everybody from the Judiciary and other departments because they have benefited from land allocations that have been done with total disregard of Trans Nzoia people.

For example, Kwanza Constituency has a population of 40 per cent of the squatters who were left by the white settlers and these squatters have been churned from one ADC farm to the other and this is creating a very dangerous situation such that poverty levels in that particular district are beyond realistic limits. When we are talking about 56 per cent of Kenyans living below the poverty line, I can say, with a measure of authority, that in Kwanza Constituency, close to 70 per cent of the residents live below the poverty line and this is a Government created poverty because we have been moving squatters from one farm to the other. This is a dangerous situation and the Government must do something about it.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, since Government has collective responsibility--

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. We would like to have the guidance of the Chair on this issue. The Minister had contributed to this Motion. Could he be allowed to contribute twice? I thought the Government Responder would have been somebody different. If, indeed, he was going to be the one to respond, then he should have waited until this time.

Mr. Deputy Speaker: Well, Mr. J. Nyagah, you had really spoken. According to our rules, you cannot speak twice on the same Motion.

Hon. Members: Mr. Samoei is there!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, the sentiments that have been aired by hon. Members, indeed, to a greater extent are of great concern even to us in the Government.

I do admit that Agricultural Development Corporation (ADC) farms have in the past been given out to both deserving and non-deserving cases. Fortunately, to a greater extent, those deserving cases have been allocated

pieces of land in various parts of the country where we have had ADC farms.

The rationale behind having ADC farms was originally for the purpose of research, especially with respect to dairy farming and crop production. This noble duty is still the core function of the ADC. The balance of the land that is still available is still used for a very worthwhile and a noble cause. Nyayo Tea Zones are still regarded as forest land and, indeed, Nyayo Tea Zones were started as a way of protecting our forests. Because of the problems that we have had with squatters in the forests and the problems that follow the destruction of forests by these quarters and other persons, the Government thought it wise to develop Nyayo Tea Zones to act as buffer zones between properly settled areas and the forests. Part of the Nyayo Tea Zones are currently owned by the local county councils and a bulk of them are still owned by the central Government. The Government derives revenue from the Nyayo Tea Zones and, therefore, these zones are not in any way targeted for sub-division for purposes of settling landless people because these are lands under the Forest Department and their original intention is still intact. The issue of landlessness is as old as our nation. It is a source of concern to the Government; that, after 40 years down the road, we still have people who do not have a piece of land to live on.

Mr. Deputy Speaker, Sir, as much as we appreciate that problem, there is not enough land to be given to everybody. However, the Government will consistently look at ways and means to settle as many Kenyans as possible on land that is available to us. The last census that took place did not specifically categorise Kenyans as landless or landed. However, this is an exercise that would be worthwhile, if we had a more comprehensive strategy on how to settle landless people. The spirit of the Motion is correct, as far as I am concerned, but the manner on how to go about settling landless Kenyans is wrong. I think the Mover of the Motion is looking at it in a very simplistic way. I do believe that we should, as a nation, try and put in place, a strategy and means to be able to address the issue of landlessness, not necessarily with a view of trying to have every Kenyan have a piece of land. I think a strategy that would help landless people is not necessarily to give them land. I think that there is a way we can help the landless people without necessarily subdividing every piece of land that we have in order to give every Kenyan a piece of land.

The greater interest of our economy, if we could be able to turn around our economy, is to engage the landless people in a more gainful employment and they can contribute more positively to nation building. That could be by not merely having a piece of land, but by having something worthwhile to do, in order for them to contribute to the development of this country. However, owing to the attachment which Kenyans have on pieces of land, the Government would still consider with time, and within the available resources, setting land aside for allocation in order to give Kenyans at least a roof and a piece of land, so that they can generate livelihood.

To this end, within the constraints of the Budget and the administrative arrangements we have, the Ministry of Finance and Planning, the Ministry of Lands and Settlement, the Ministry of Agriculture and Rural Development and the Office of the President, should be able to come up with a strategy that will deal with this problem in a more comprehensive way and with a view to providing long-term solutions to the issue of landless in our country.

As I said, as much as the spirit of this Motion is correct, I am opposed to the way in which we are trying to go about solving this problem. This is beyond the issues raised by Mr. Kihoro. The issue of landless, as I said, is as old as our country and we need a more comprehensive, objective and holistic approach to solving this problem. The Agricultural Development Corporation (ADC) is undergoing restructuring and the whole setup of the ADC and its original vision is being assessed with the change in time, with a view to making it more objective, results-oriented and competitive in the services it is offering and in line with the privatisation programme that our country is going through. When this exercise is over, we should be able to assess the viability of land that is now under ADC. If that will be viable, we should be able use those pieces of land for settlement purposes. We do have a strategy to settle landless people and this strategy is holistic in a way. Land that was set aside for forests has come under great pressure from landless people. We have to balance and weigh the gains of us having forests against the pressure exerted by people who want a piece of land. As a Government, those are very serious decisions that we must adopt because as much as we want to give pieces of land to Kenyans, we must protect our forests and our environment.

As I said earlier on, the issue is bigger than we can see and the Government will look at it with a view to providing long-lasting and more comprehensive solutions to it.

I beg to oppose the Motion.

Mr. Deputy Speaker: I now call upon the Mover to reply.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am seeking your indulgence, because I want to give three minutes to Messrs. Mboko, Obwocha---

Mr. Deputy Speaker: Order, Mr. Kihoro! Your own resolutions state that the Mover shall be given ten minutes to reply. It is now time for replying and not time for contributing.

Proceed, Mr. Kihoro!

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am very much encouraged by the words of Mr. Samoei; about the need to look at the issues about land in this country. It is very encouraging, but he only discourages me when he says that we should just look at the whole problem in a holistic way and at the whole country. We have no starting point. I am proposing, as a starting point, that we should tell our people that the Government is concerned about that issue. During my contribution, I did lay on the Table, a list of people in the Government who have been allocated ADC farms and my concern is that the parcels of land are going to disappear piecemeal. This is because already some have got 1,000 acres of the ADC farms, and they will disappear. Even though the Government claims to be concerned, there will not be any starting point.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, Mr. Kiunjuri did speak about idle land in this country; about 100,000 acres that is located in Laikipia West, that is Luneki. That is land that is available for immediate allocation. Let us start somewhere, and take some action. Our people are hungry, and that is the most important issue we should address before we talk about any other development. My concern is that this land is disappearing so quickly that in another two or three years, there will be no ADC farms to speak about; no 4,000 hectares of Nyayo Tea Zones to talk about, especially when you have the parcels of land being under-sold.

When I was making my main contribution, I did give an example of the Baraka Farm in Western Kenya, comprising of 1,040 acres. I did give an example of Baraka Farm in Western Kenya with 1,040 acres which was sold for Kshs95,000 only and that worked out at Kshs10 per acre. How do you sell land for Kshs10 per acre? This is a former ADC land and it is also on this list which is official and which I tabled in the House last week. Also, the Waterfall Farm with 785 acres was sold at Kshs120 per acre. Edge Farm was sold for Kshs120 per acre. This is totally unacceptable.

I do agree totally with Mr. Muite when he says that we will have to go back to 1963 in order to sort out some of these issues if we are to improve the lot of our people in this country. There is no escaping. Issues about land are not issues about bananas, potatoes or food. They are long lasting and permanent. Mr. Ndicho did speak about Zimbabwe going through its third *Chimurenga*. Why do Europeans pride themselves about the conquest of Cecil Rhodes at the turn of the century and yet they do not take pride about a black man trying to liberate land for black people to occupy? We will have to go back.

The Minister has talked about this new dispensation that will ensure that land resources in this country are used for the betterment of all Kenyans. There is no escaping it. It might take 38 years or another 18 months before it is done. We will have to do it in a way that will empower our people with land. As we go through retrenchment, landlessness and homelessness, we will have to go through this process whereby we will make sure that land will only be allocated to those people who can till it and not to those who speculate in it for years on end.

The other day, I went to the Commissioner of Lands office and I noted that you cannot even walk in the corridors. I started wondering what was happening there. On the third floor, there is a lot of human traffic and it is impossible to walk through. It was incredible! No work can be done in that kind of environment. With all due respect to the Minister, no work can be done in that Ministry, where I worked 22 years ago. When I went there, I could not believe that I was seeing land speculators walking all over the corridors. They have even worn out the carpets everywhere in the building except, maybe, in the Minister's office. There is too much human traffic at Ardhi House and all of them are trying to look for plots for speculation. We will have to go back to this position whereby land will be allocated in this country on the basis of need. We cannot continue talking about squatters, 38 years after Independence. We will have to do it our own way. Land will not be allocated to people who have got money to buy it; it will be allocated to those who want to use it.

The Ministers of today could be the paupers of tomorrow. With all the best intentions we might have, that happening. We want to ensure that when it is their turn to be landless; whether it is them or people down the line in their families, they will enjoy their human rights in this country. This is a great country, but it is led by a lot of greed and selfishness. We will have to trample those vices down and ensure that land in this country goes back to the people who want to use it for the betterment of this country and also to satisfy their human needs. That is the bottom line.

The present policy is guided by the question of who has got money, connections and in good books of the powerful and the rich. Such are the people who buy the land. That policy will have to be relegated to where it

belongs; that is, in the dustbins of bad governance in this country. We have a new land policy that will allocate the land resources in this country on the basis of need, production and utility. There is no other criteria that will be durable, respected and will bring integrity on our land use in this country. That criteria was abused during the colonial period and the same is still continuing during our post-Independence period.

A land commission will be important. We had one in 1932 called the Carter Land Commission. That is nearly 80 years ago, when the colonial masters found it necessary to have one, but it did not solve land problems. They were resolved on a racist basis. This Government will now have to bring in people of integrity and honour to look at the issue of land use in this country because we cannot continue utilising resources in this country and import food. There is no reason why we should continue to do so. The Nyayo Tea Zones continue to take public funds every year. Indeed, last week, when we were debating the Budget for the Office of the President, Kshs25 million was allocated as a grant to the Nyayo Tea Zones. Since 1985, the Nyayo Tea Zones have been allocated a grant of Kshs20 million to Kshs25 million from public funds, every year. If this is an investment - because that is how it should be seen - why should they be allocated Kshs25 million? One of the pieces of land in Kericho was undersold for Kshs35 million when it had been valued by the Ministry of Lands for Kshs65 million. My fear is that we will be unable to pay the debt incurred by the Nyayo Tea Zones. The debt today is estimated to be more than Kshs300 million. If you take away the best of it and sell it to co-operatives and leave the rest to service the debt that is already there, that will be impossible.

With those remarks, I beg to move.

(Question put and negatived)

REPEAL OF INDEMNITY ACT

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

THAT, in view of the provision of Indemnity Act, Cap.44 of the Laws of Kenya, which restricts legal proceedings in respect of certain omissions and commissions done in the prescribed area, namely, North Eastern Province, Isiolo, Marsabit, Tana River and Lamu districts, between 25th December, 1963 and 1st December, 1967; this House urges the Government to repeal the Act and consider compensating and/or indemnifying the people grossly affected by the aforementioned omissions and commissions by public officers.

Mr. Temporary Deputy Speaker, Sir, the provisions of this Act have violated the very basic rights of the residents of the entire North Eastern Province.

QUORUM

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Vice-President who is the Leader of Government Business to take all the KANU Members out of this Chamber and behave like a voting machine? Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order! We have a quorum now. You may proceed, Mr. Keynan.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I was saying the Indemnity Act, Cap.44 of the Laws of Kenya, provides a regime of legislation that has been used to terrorise the residents of North Eastern Province. I know many Kenyans are not aware including even Members of Parliament, about the existence of this Act. This Act was put in place in order to coerce the residents of North Eastern Province to submit to the wishes of the then Kenyan Government, which were very unpopular with the residents.

Mr. Temporary Deputy Speaker, Sir, one of the provisions of this Act states, and I quote:-

"No proceedings or claims to compensation or indemnity shall be instituted, made or entertained by any court, authority or tribunal established by another law on account of or in respect of any act, matter or anything done within or in respect of the prescribed area as long as they are done in good faith."

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Manyara): Order, hon. Kihoro! I have been told by the Clerk right now that we have a quorum.

Proceed, hon. Keynan.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, since this is a very serious Motion, I would like the Members of Parliament to respect the time given so that we debate it seriously.

Mr. Temporary Deputy Speaker, Sir, the Indemnity Act was enacted to restrict the taking of any legal action against all the malpractices done by the security forces against the people of North Eastern Province. I was quoting one of the provision of this Act and it states:-

"As long as the Government security forces, between the years 1963 to 1970, as long as they are led in good faith - killed and maimed, the intention will be that there is no legal proceedings that can be taken against them."

Mr. Temporary Deputy Speaker, Sir, the provisions of this Act provide the regime of legislation that has provided the framework for all the injustices done or committed by the security forces against the residents of North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, it is not possible to collect evidence to support this. It is also impossible to determine what damage has been caused by the security forces. It is not also possible to react to the perpetual public demand for justice to be done for the people of North Eastern Province. We are demanding for the repeal of this particular Act. There are sufficient sections in the Constitution that allow the Government to deal with any problem in any particular area without resorting to this primitive and barbaric legislation that has been existing in our statutes.

This Act violates Section 82(3) of the Constitution that provides that no person is to be discriminated against on grounds of religion, race or region of origin. This Act provides for a flagrant violation of the rights of the residents of the North Eastern Province. What can we use to determine whether the intention of raping somebody was good or not? I am surprised that the Attorney-General has not realised, to date, the magnitude of the evil of what is contained in this Act. This should have been one of first things to be repealed immediately we adopted multipartyism. I am saddened that we have been talking about the transformation of the Kenyan society, yet we have one of the most repressive Acts in our statute books.

Mr. Temporary Deputy Speaker, Sir, the Act violates the jurisdiction of courts because it states that no soldier can be taken to court. This is prohibitive, restrictive and denies the residents of North Eastern Province the right to seek legal protection. The Act is also one-sided. It takes away the right of the residents to demand their rights. Equally, the provisions of the Act are also unreasonable because Section 3(1)(d) gives restrictive powers to public officers and members of the armed forces. I am sure you will remember, in 1980, when the then turncoat in the name of Mr. G.G. Kariuki said: "For every single civil servant killed in North Eastern Province, 1,000 Somalis will be killed". This was because a District Officer (DO) by the name Mr. Wellington of Daadab Division had been killed by a bandit. What followed was that residents of Garissa Town were taken to Garissa Primary School and left in the sun for six days until God saved them. The same man is now accusing the same Government today of injustices. I would like the likes of Mr. G.G. Kariuki to be brought to justice before they comment on any other thing. Mr. G.G. Kariuki was part and parcel of all the injustices that were committed against the residents of North Eastern Province. When I hear him comment on very important issues in Laikipia District concerning insecurity, when he has been one of the perpetual perpetrators of insecurity in Kenya, then I wonder whether he is taking the intelligence of Kenyans for granted.

Mr. Temporary Deputy Speaker, Sir, in the world of today, everybody must be accountable for his actions. This is why we are demanding that the likes of the late Mzee Kenyatta be tried posthumously because they committed a lot of crimes against the residents of North Eastern Province. His body is just here and we should take it to court so that all those who were instructed to commit these crimes can answer charges and plead guilty. This regime of legislation was meant to permanently silence the residents of North Eastern Province. In 1963, when other Kenyans were about to get Independence, there was some sort of master plan to silence the residents of North Eastern Province. They were promised that they would be provided with water, electricity and other social amenities. Nothing was provided. The only thing that they got was harassment by the police. Our ladies were raped and there were so many massacres. You are aware of the Wagalla massacre where the security forces apprehended the residents of Wajir District, and up to now, over 1,500 people remain unaccounted for. We do not know whether they have died or not. Those privileged hon. Members of this House who visited the Wagalla Airstrip know that we have over 600 human skulls scattered all over that place. I am glad that through the Assistant Minister, Office of the President, the Government admitted having committed such an atrocity. The residents of Wajir are yet to get any compensation.

Also, we have the Malkameli incident of 1980, where again the residents of Malkameli Division of Mandera District were rounded up. The security forces knew of the existence of this Act. I am surprised the Attorney-General does not know of the existence of this Act in our statute books. It is not just enough to talk about some these atrocities committed; just because of the existence of this Act, the residents of North Eastern Province have been denied their rights. I talk of the late Mzee Kenyatta's regime because just because his Government was not happy with the then liberal regime of Somalia, the residents of North Eastern Province were punished. Today, because of this Act and other laws in our statute books, the culture of repression still remains. That is why a former Provincial Commissioner for North Eastern Province, Mr. Benson Kaaria, in 1984, ordered the massacre of the Degodia community in Wajir. If this Act was not in place, he would have been put behind bars. I am sure Mr. Benson Kaaria is a public servant. I know he serves in one of our public bodies. Those are the people who are supposed to be behind bars. We need to have our own tribunal because we have a society within a society. Some of these individuals who have committed these atrocities or were party to them are the same individuals today who are in the forefront of accusing other people of rights violations. It is high time, as part of the Constitutional Review Process, we set up a tribunal to have some of these individuals account for their past crimes. That is the only way in which we can forgive them.

The North Eastern Province has remained totally undeveloped. We have been massacred, our young and beautiful ladies have been raped continuously and there is nothing to uphold. Can we be proud of our Independence? If the Attorney-General was serious, he would have realised the existence of this Act. But he has not bothered and the Act is still in force. I want to plead with this august House, which has been generous to Kenyans, to be generous to the residents of North Eastern Province. We feel that this Act has not been fair to us. We need to have an avenue through which some of these individuals who have been party to the atrocities committed against the residents of North Eastern Province can be brought to justice. That is the only way in which we can forget the past. As long as this issue of atrocities and injustices lingers on, the memories of the residents of North Eastern Province will not be at peace. For the last 30 years, the ethnic Somalis, and people in other adjoining districts, have been caught up in the wider conflict between Somalia and Kenya.

Mr. Temporary Deputy Speaker, Sir, when people talk of North Eastern Province, the only districts that come into our mind are Garissa, Wajir, Ijara and Mandera. The entire area that I am talking about includes Lamu, Tana River, Isiolo, Marsabit and Moyale Districts. This Act has denied the residents of North Eastern Province an opportunity to demand for their rights. This Act was used by the Kenyatta regime, and even the present regime, to bring in the emergency laws that were in existence until 1991. I would like to pay tribute to the great sons and daughters of this country who fought for multipartyism in this country. This is because the residents of North Eastern Province are the greatest recipients of multipartyism.

Before 1991, I remember a DC by the name of Ole Mosian used to act as the magistrate and the DC, Mandera District. This is why I would like to plead with the hon. Members to pass this Motion unamended so that the residents of the affected areas can have a right to demand for compensation, name in court--- This is because some of the individuals are still alive, while others hold senior positions in the Government. This is not an issue that is directed at the Government, but it is an issue of the right of the residents of that region.

People have talked about the Constitutional Review Process. I always say that in the hierarchy of needs, there are different categories. When other Kenyans talk of rights and civic education, the residents of that area think that they are at the highest level of civilization. When our young girls who have been raped, and can still identify the people who raped them, fail to seek legal redress, what type of civic education are we talking about? Until we get that level playing field, the Kenyan society will remain suspicious and the issue of massacre will be a permanent feature in our history. We cannot wait for the Constitutional Review Process because the way the debate is raging, it seems it will take a couple of years before we agree.

I would like the Government, through the Attorney-General, to immediately repeal this Act so that we can get some sense of belonging. This is because whenever I remember the existence of this Act, I feel that the residents of that area are not recognised as part and parcel of this country. I remember one of the things that contributed to this.

When the British Government was psychologically getting prepared for the Independence of this country, a Commission was appointed. This Commission was headed by a famous Nigerian, but later on, the Report of that Commission, which was favourable to the residents of North Eastern Province--- One of the things that they demanded was not to join Somalia, but to be put at par with the rest of Kenyans as far as development was concerned. This was misconstrued. When the residents demanded for their rights, and the colonial Government knew that for the 40 years they had been in that area, nothing had happened, the whole thing was arm-twisted and the residents were branded as socialists. This is one of the things that led to the culmination of this Act.

I would like to go on record saying that there is no time the residents of North Eastern Province desired to

join Somalia. The only thing they wanted was to be given equal rights as other Kenyans. But because of the mistrust between the then Somalia Government and the Kenyatta Government, the entire residents were punished. I would like to inform this House that the late President Mzee Jomo Kenyatta did not set foot in North Eastern Province, which in terms of land accounts for more than 50 per cent of this country. How did he rule that area? He ruled that area through the military, the police and the extra judicial measures. These are some of the things that we do not want to happen. We want this august House to be generous---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Keynan, who is seconding you?

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I call upon Mr. Murungi to second the Motion.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. It is my great pleasure to second this Motion. The Motion calls upon the Government to repeal the Indemnity Act, Cap. 44 of the Laws of Kenya, so as to enable the people of northern Kenya, especially the Borana and the Somali community, to claim damages and compensation for all crimes committed against humanity by agents of this Government. To them, this was during the period between 25th December, 1963 and December, 1967, or during the so-called "shifta war".

The KANU Government has treated the people of northern Kenya as permanent enemies. I would like to promise these people that as the shadow Attorney-General, if this Government does not repeal this law now, it will be my first task and duty to repeal it when our Government comes to power.

(Applause)

This Act came into force on 5th June, 1970, immediately after the Arusha Accord. Section 3 of the Act makes it quite clear what the intentions of the Act are. The whole idea was to bar any claim for compensation and to protect criminals who committed various atrocities against the people of northern Kenya in the cause of prosecuting the shifta war. The Act protects any act which was committed or purported to have been committed by public officers or members of the armed forces in the interest of public safety or order. We are saying that this law should be repealed now because, first, it offends the Police Force, morality, and justice. Secondly, this law is also inconsistency and repugnant to the Constitution of Kenya. Thirdly, this law violates the basic concept of international humanitarian laws and the laws of war as set out in the Geneva Convention.

As far as the Constitution is concerned, this Act is intended to make it impossible for people whose fundamental human rights have been violated from seeking compensation from our courts. All the soldiers and public officers who killed, tortured, raped women and killed children in northern Kenya are supposed to go unpunished. The people whose properties were destroyed are also supposed to go without compensation.

Section 74 of the Kenyan Constitution provides:

"No persons shall be subjected to torture or inhuman or degrading treatment."

We have been to court for the interpretation of this Section. I do remember in 1993 in the case of Charles Young Okan against the Republic, in which the court clearly stated that there can be no exception to the protection against torture, inhuman or cruel punishment. It said that even in times of war, excuses of public safety cannot be used to subject people to indignity. So, this law, in so far as it seeks to remove the protection against torture, is inconsistent with Section 74 of the Constitution. Section 84 of the Constitution also provides that any person whose fundamental rights have been violated has access to the High Court to seek redress for the violation of his or her rights. Cap. 41 of the Indemnity Act makes it impossible for people from northern Kenya, whose rights have been violated to exercise their right under Section 84 of the Constitution.

Mr. Temporary Deputy Speaker, Sir, it is obvious that under Section 84 of the Constitution of Kenya, any law which is inconsistent or repugnant with the Constitution of Kenya is void to the extent of the repugnancy or inconsistency. The Indemnity Act, Cap.41, is now null and void to the extent that it violates Sections 74 and 84 of the Constitution. This law is unconstitutional and cannot stand. Even if this Parliament were to repeal it, the people of northern Kenya can challenge it in court. The court can declare it unconstitutional.

Mr. Temporary Deputy Speaker, Sir, we are also saying that the law is contrary to the laws of war as set out in the Geneva Conventions Act, which has been made part of our law by the Geneva Conventions Act, Cap.198 of the Laws of Kenya. Section 3 of the Geneva Convention's Act, Cap.198, provides that any person, whatever his nationality, who, whether within or outside Kenya commits a grave breach of the Geneva Convention Act is guilty of an offence and liable to imprisonment for life. The Conventions are set out in the Schedule, and Article 3 of Schedule I states:-

"In the case of an armed conflict not of an international character (and here we are talking about internal wars, like the shifta war) as a minimum, non-combatants (that is people who are not taking active part in the war) shall be treated humanely without any distinction founded on race,

colour, religion, sex and so forth".

Article 50 of Schedule I always prohibits wanton killings, torture, inhuman treatment or extensive wanton destruction of property not justified by military necessity. We are saying that much of the atrocities committed against the Boran and Somali communities in the shifta war were not justified by military necessity. A case in point is: How is raping a woman justified by military necessity? Instead of the soldier fighting the enemies, he is busy raping women in the villages. So, the Indemnity Act, Cap.44, in so far as it covers up these criminals who have committed crimes which are not justified by military necessity is contrary to the Geneva Conventions Act, Cap.198. Because this is part of the international humanitarian law which we have incorporated in the laws, any law which is against it is inconsistent with the basic principles of the laws of war. Those who committed those breaches of the laws of war should be tried by the military tribunals and the ordinary courts of this country.

Finally, Mr. Temporary Deputy Speaker, Sir, this law is contrary to the basic principles of humanity and morality. When Jesus Christ was born, King Herod passed a law that all the first-born sons must be killed. If such a law was to be passed in Kenya today, it would be unconstitutional and illegal because it offends public policy and the basic principles of morality. We cannot support a law for wanton killing of human beings. The Indemnity Act is a law, like King Herod's law, which justifies the killing of first-born sons among the Somali and Boran communities. It is a law which gives immunity to the people who have committed those atrocities. That law is immoral and the perpetrators of the crimes against the people of northern Kenya must be brought to book. We are not asking for too much, we are asking for justice. You cannot talk about justice in abstract. Kenya is not made of big places. Kenya is every small village in this country and we have to look at the injustice at the village level. We have to look at the injustice in the manyattas among the Somali and the Boran communities. Let us find out what compensation can be done.

With those few remarks, I beg to second.

(Question proposed)

Mr. Shidiye: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I want to say, from the very outset, that I support this Motion. There can never be two societies in this country. Also, there can never be two laws in this country. Justice must be for all. As they say, justice is the midwife of peace. Where there is no justice, there can never be peace. I say so because when you remember what has happened, we must face history and ourselves. We must be sincere to our people. When you have a community which has been humiliated, purged, annihilated, swallowed, raped or looted; that is, the Somali and Boran communities; the Cushite communities. These communities have suffered under the colonial regimes and the successive African regimes. Mr. Temporary Deputy Speaker, Sir, there are very few Members on that side of the House who are willing to support this Motion. Why are those benches empty? When another Member of the Opposition brings such a Motion, you will see how the turnout will be. When a Cushitic Member on the other side moves such a Motion, you see Members walking out and others raising the issue of lack of quorum. This is double standards and it must change for the good of this country.

Mr. Kikuyu: I am here!

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, even this one does not talk here. The bottom line of this Motion is compensation. Property has been looted; people have been killed and women raped. They must be compensated. While we have different laws in this country, there is no one single High Court in northern Kenya. What we have today are DOs and some other people with different occupations acting as magistrates. Those are the things that affect the people of northern Kenya. Even when the boundary was drawn for North Eastern Province, we were denied Tana River whereas it is the source of water. The rules of natural justice state that you cannot deny somebody water. We were told that our boundary starts three miles from the river. If we are going to be part and parcel of this Government and this country, Kenyans must accept that Somalis are here. People think that Somalis are shiftas or bandits. I want to state clearly here that people in northern Kenya are the most peaceful communities. One sub-location in Kiambu has high crime rate than the entire northern Kenya. Those are hard facts people must understand. The moment somebody sees you, he thinks you are different from the Kenyan community. We want to send signals to Kenyans that we are one and the same.

Mr. Temporary Deputy Speaker, Sir, compensation must not be on an individual basis only. We want to get the fruits of Independence. We have yet to see the tree of Independence. I say so because for northern Kenya to reach the same level or just near the level with the other parts of the country, there must be affirmative action. We want to get 20 per cent of the national cake so that we develop our province. It is a shame that from Garissa to Mandera, there is no single tarmac road. If this Government wants to compensate people of North Eastern Province, then they must provide the necessary infrastructure. We need water to be able to carry out irrigation

activities.

Mr. Temporary Deputy Speaker, Sir, during the shifta war, our people suffered a lot. They became so poor to an extent that parents could not afford school fees for their children. That poverty has been recycling in that region. As I speak here, we do not have a single market where to sell our livestock products. Coffee and tea farmers are lucky because they have factories for their products. They also have international markets for their produce. What about people in the northern Kenya? Are they not part of this Government or country? Why are we being denied those services?

Mr. Temporary Deputy Speaker, Sir, people talk about secession and African eliticism. Those things do not work. In an era of globalisation, Kenya, Uganda and Tanzania have formed the East African Community. African states have formed the African Union. However, their borders have not been opened. Nobody is interested in keeping himself in a small village because that will not help their communities.

Mr. Temporary Deputy Speaker, Sir, this Motion is about human rights. It is about ourselves. We must be honest to ourselves before we become honest to other Kenyans. We cannot be honest to ourselves unless and until we bring development to our people and address atrocities, crimes and outright loot and rape in northern Kenya.

Mr. Temporary Deputy Speaker, Sir, we must face history. In 1945 after the Second World War, people came together. There was the Marshal Plan and anti-semitics. Jews were persecuted because the Germans felt that those people had to be extinct. Are our people going to be persecuted or extinct like Jews? What we want is development. Development which is based on the fact that these people have lagged behind and must be helped to reach the level of other Kenyans. We cannot have two societies, where other people are dying because of obesity, while others are dying of hunger. We cannot have two societies of the affluent and of abject poverty in the northern Kenya. Today, North Eastern Province is the only place where life has lost meaning. You can imagine a situation where one is shot by an askari and he cannot take him to court. What will happen if we will not be compensated?

There is no single High Court in northern Kenya. A magistrate comes once in four months' time. This is a serious matter and it should urgently be addressed. Otherwise, it will be like a time bomb that will explode any time. Today, we know of Somalis and Samburus as people of rungus because they are employed to work as watchmen. We cannot have peace in this country if those people will continue to be armed and they have nothing to eat. They will invade miraa and potatoes farms in the Meru Districts and other districts. Therefore, we must be honest to ourselves because our people are only depending on Providence. We ask God to come to our aid because this is not what we deserve. Please, change and help us to bring more justice to our society.

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

Mrs. Sinyo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. If there is any province or any society in Kenya that needs the backing of this House, then it is North Eastern Province. But just to prove how poor we are socialised, and even to show how leaders of the country do not care for their own people, the Clerk at the Table can confirm to us the attendance of hon. Members in the House. This is because this matter does not affect their people. It is a matter of North Eastern Province. That is why they are away carrying on with their businesses as if the people of North Eastern Province are not people of this country. It is quite disheartening! Some hon. Members take this House for granted. To them, it is not a House of serious business. I wonder whether we deserve the title of being honourable Members when we are very prejudiced and we do not take the business of this House seriously.

Mr. Temporary Deputy Speaker, Sir, when we speak of atrocities of war, we forget that people in North Eastern have suffered for a long time. If any of us care to visit this province, we will see that there are people from other parts of the country staying in that province. They are working and doing business there. I was there and I saw there is "Kisumu Ndogo". I did not expect to find somebody speaking Dholuo language there. So, when we speak of compensation, could we also bear in our minds that there people from other provinces who equally suffer as the Somalis. But even if it were Somalis alone suffering, this House has powers to help people in North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, hon. Members have narrated the sufferings of the people of this province. Their concerns of women being raped and people killed has really touched me. It reminded me of two leaders, a PC and a DC who crashed in a plane. However, the people of Kenya were told that was the work of bandits. These are some of the atrocities that we should look into seriously. This Government must set up a commission to investigate why those planes crashed and who was responsible. This is because nobody has been brought to book. There is no report whatsoever of what actually happened to those leaders. Those leaders were not Somalis, but they crashed in a plane. Therefore, you can see that the Government of the day does not care at all about the leaders or people of North Eastern Province.

As far as the Provincial Administration is concerned, this Government has the habit of decentralising power. That is, if you come from North Eastern Province, you will not be a PC or DC there. You will either be taken to Nyanza or Central Province. That is why you find that the DCs of Garissa and Wajir, respectively, are not from those districts. When problems strike, you find all people living in that area suffer equally because they have their wives, daughters and sons there.

Mr. Temporary Deputy Speaker, Sir, when we speak of rape, it is not only the rape which the law is against. We should also think of the consequences of rape, like one being infected with HIV/AIDS. If you visit North Eastern Province, you will find that in every family of ten, there are three or four children or adults with disability because of the atrocities which were committed during the shifta war. It is sad that even land mines in North Eastern Province are still affecting the people of that province. There is abject poverty in North Eastern Province.

If this Government cares for people in North Eastern Province, then let us repeal Cap.44 of the Laws of Kenya. What is more saddening is the fact that people in that province are very poor. Those people who live with disability are considered as sub-human because already they have enough problems even to survive in that area. So, as we consider to repeal the Indemnity Act, we should consider the welfare of the citizens living in that area, particularly the women, people with disabilities and workers. People who hail from the North Eastern Province (NEP) are also citizens of this country; they also have some human rights. In fact, "human rights" is even a very mild term. I would just say that this Act is repugnant to justice and morality; it is inconsistent with this country's Constitution as well as with international law.

Actually, the principle of international law requires reciprocity. That is why we are saying that those who have been affected in one way or another by the Government's acts of commission and omission, be it on their physical bodies, property or wealth, resulting from the provisions of the Indemnity Act should be compensated. Let all these be taken account of, for the Government to compensate them. That compensation should be for loss incurred from 1963 to date, when we are debating the Indemnity Act because it is still operational.

Mr. Temporary Deputy Speaker, Sir, it is the wearer of the shoe who knows where it pinches. We are not going to take this Motion for granted. The House must treat it with the seriousness it deserves. So, we should join hands and pass this Motion. We are dealing with the lives of our people, who will produce this country's next President. The North Eastern Province has so many resources. Our leaders have amassed a lot of wealth in NEP, if we were to speak the truth; they have title deeds for many acres of land because of the oil that is there. But they are not ready to harvest that oil because they know that the indigenous people are going to demand their rights. The Government wants to keep everything in suspense. It is high time we faced the truth and called a spade, a spade. Let NEP get its share of the national cake. We are wrangling so much about who should be this country's next President yet we have a neutral land.

The Temporary Deputy Speaker (Mr. Imanyara): Do not be more than generous to them.

Mrs. Sinyo: Mr. Temporary Deputy Speaker, Sir, generosity calls for selflessness. Since they have not had any share of the fruits of Independence, we must have an entry point for them. We have to begin from the top of the system we know of and how we have socialised. Everything starts from the top and ends at the bottom. So, let us compensate them with leadership, resources and everything else with a big and warm heart.

With those remarks, I beg to support the Motion.

(Applause)

An hon. Member: Probably, you will benefit!

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I would like to thank Mrs. Sinyo for re-affirming our ability to lead this country. I think we can make a very big Presidency.

Mr. Deputy Speaker, Sir, I am going to contribute to this debate with a lot of emotions. As Mrs. Sinyo said, it is the wearer of the shoe who knows where it pinches. Despite the fact that the Indemnity Act is inconsistent with the Constitution, it has, for a very long time, remained in our statute books. Sometimes people refer to parts of Eastern Province and the North Eastern Province (NEP) as "nothing except problems" areas. To the contrary, that area is some kind heaven on earth. It is an area which can be transformed to become this country's granary. It is an area which can be used to address the population explosion problem in the country.

However, the Indemnity Act has been used to deny investors a chance to invest in that region. It has been used to scare away would-be investors from that area. To date, people say that the North Eastern Province and parts of Eastern Province are not secure. The end result of this misconception is increase in poverty. What can you say of a situation where a District Commissioner (DC) becomes the prosecutor and the judge? How can one be the

prosecutor and the judge simultaneously? That has only been seen in the North Eastern Province. Where have you seen girls of 18 years of age being raped without any recourse to the law? You rape them because the law allows you to do so; and, you rape them with impunity! You rape the resources of that area because the law allows you to do so.

Mr. Temporary Deputy Speaker, Sir, we are talking about human rights and justice. It is high time this country addressed the mistakes of the past. Let us heal the wounds by accepting that mistakes were done in the past. Let us accept that the North Eastern Province and parts of Eastern Province, which have been marginalised over the years, are part and parcel of this country. I was surprised the other day to learn that an hon. Member did not know where Wajir is found in Kenya. He thought that it is found between Meru and Isiolo. It is a shame to claim to be leader when you do not even know the geography of this country.

Some people here do not know where Mandera, Isiolo and Marsabit are found in Kenya. They think that a Mohamed is a Mohamed irrespective of whether he comes from Isiolo, Moyale, Wajir or was born in Meru or western Kenya. People from that region are held with a lot of prejudice, and that is very unfair. So, as Members of Parliament, we should appreciate the need to repeal this Act. Some of us were traumatised by the excesses of the Provincial Administration in applying the provisions of this Act.

Mr. Temporary Deputy Speaker, Sir, I still remember very well what happened in 1980. My own parents happened to be among the people who were rounded up in Garissa and taken to a concentration camp in an attempt by the Government to apprehend a criminal by the name of Abdi Madhowe. In that year, the entire Government of Kenya was looking for that criminal. The security forces rounded up the entire population of Garissa District, killing women, children and elderly people in the process. Ironically, some of the people who sanctioned those killings are still in this country; we still give them titles. I learned just the other day that among the persons who were behind that operation were the then North Eastern Provincial Commissioner, Mr. Benson Kaaria, and the then Minister of State, Office of the President, Mr. G.G. Kariuki.

An hon. Member: They are all in KANU!

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): What is KANU? These people applied the Indemnity Act!

Mr. Temporary Deputy Speaker, Sir, even the Leader of the Official Opposition, Mr. Kibaki, was at that time a very powerful Cabinet Minister. I am sure that during that time, all the hon. Members sitting on the Opposition Front Bench were ambassadors, District Commissioners and District Officers.

An hon. Member: Where were you then?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): I was a student. You are very lucky that I was still in school. Otherwise, you would have found it very difficult to deal with us.

Mr. Temporary Deputy Speaker, Sir, I am appealing to hon. Members not to politicise this matter. Let us not try to put the blame on KANU or any other party. We have to change our attitudes towards people in other parts of the country. The entire leadership of this country should develop a positive attitude. We should see the need to appreciate each other as Kenyans. Let the healing process begin.

We are now going through a very important process of constitutional reform. We are being told that non-governmental organisations (NGOs) based in Nairobi and Mombasa are going to provide civic education to the people of North Eastern Province. What do these NGOs know about the effects of the Indemnity Act? Do they know that women in that province were raped without any recourse to the law? What aspects of the Constitution are they going to tell the people need to be changed? That is why we are saying that civic education in North Eastern Province should, exclusively, be provided by the local political leadership. We are the ones who should tell the Commission what happened in the past and suggest ways of addressing those misdeeds, so that we can have a new Kenya, where everybody will be happy, confident, comfortable and protected.

Therefore, to address mistakes of history, we need, first of all, to appreciate the problem. I can see the concern of hon. Members in this House on this issue. I want to thank them so much because I can see from their own faces that this is a problem they know and which requires a solution. Because I know that my colleagues also want to contribute, I thank you so much.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion before the House. It is very important that we act with fairness and justice to all people in this country and ensure that there is national unity in action by repealing all discriminative laws that bring about friction and a feeling of uneasiness among our people. We want national unity, and the Indemnity Act which is one of those Acts which have been used previously to deny people in North Eastern Province and the four districts in Eastern Province an opportunity to be treated equally and to feel that they are Kenyans like many of us.

During the period in question, we had the Government acting very unfairly because President Kenyatta, on 12th December, 1964, issued an amnesty to all Mau Mau warlords to come out, but they refused to come out and demanded land and employment in the Civil Service. Instead of complying, the Government sent the Kenya Army to Mount Kenya on 28th January, 1965, and killed Field Marshal Munge, Gen. Kiugu, Gen. Chui and scores of Mau Mau freedom fighters. During the same period, the little dirty war was going on in North Eastern Province. It is important that we do not only compensate the people who were treated unjustly in North Eastern Province plus the four districts in Eastern Province, but also people of Mount Kenya region, and especially the Mau Mau freedom fighters, who were treated by President Kenyatta as if they were criminals.

Mr. Temporary Deputy Speaker, Sir, the *Daily Nation* of January, 1965, quoted a former Minister for Defence, Dr. Njoroge Mungai, making a very important statement. He was talking about people in North Eastern and the Mau Mau freedom fighters. The *Daily Nation* of 14th January, 1965, stated as follows:

"They are now outlaws who will be pursued and brought to punishment. They must be outlawed as well in the minds of all the people of Kenya."

Freedom fighters had become outlaws in Kenya. That is why the same behaviour has brought unfairness and injustice to our people in North Eastern Province plus the four districts in Eastern Province, and also the Mau Mau freedom fighters.

I must also disagree with what happened in 1965. There was no election in North Eastern Province in 1963 because it was not possible to conduct free and fair elections. Some of the people, who could be in this House, agreed to be nominated as chiefs or to join the KANU Government in attacking their own people. That happened in 1964 and 1965. So, when the common men, who were called "little persons" the other day here by one of the Ministers, were suffering or being oppressed and killed, some of their brothers agreed to become collaborators. We have 13 Members of Parliament from North Eastern Province and 11 of them are today in KANU. It is important that they push the Government because they have got the numbers. When they go to the KANU Parliamentary Group meeting, they should push the Government to agree that this law is unfair to their people.

It is not fair for KANU Members of Parliament when crossing the Muslim and Christian line dividing North Eastern Province into South and Kenya North, to stop having their responsibility for people. The KANU Government should be told to amend the law; that, people need to be compensated. Some were killed and injured, and some today live with their disabilities which they suffered, as Mrs. Sinyo spoke about.

I also brought a similar Motion last year and it was for compensation for people detained, who were maimed, killed and murdered. I have a copy of the HANSARD on that Motion which was debated on 12th July, 2000. I did cover the same period. The substance of my argument even then, was that unfairness and acts of criminality have been committed by the KANU Government. They have been committed in North Eastern Province and against our people, and our people have been told that they wanted to secede to go to Somalia, and that has been denied throughout, consistently for 38 years. That was not the case. The case of fairness, justice and equal treatment by the Government in this country without exploiting geography and remoteness from the centre has a way of perpetrating injustice on patriotic people.

We have had Service Commanders in this country--- Even the former Commander of the Kenya Army, General Abdullahi Adan and the Chief of General Staff, General Mohammad Mohammed come from northern Kenya. They have served as loyal servants of this country and there was no question of dissent or unfair application of the law, either civil or military, during their period of service. It is, therefore, acknowledged that the law must be applied equally. The two Generals were given an opportunity to serve this country, and they served with distinction. We should not deny the "little men," a phrase which was used by one member of the Front Bench last week, and which I do not agree exists, that opportunity of being compensated. Let the Government pick the pieces where they fell, and continue with life.

It is, therefore, necessary to amend this law and deal with people in North Eastern Province. This Government can be able to marshal the money and give them honour. If this Government could be able to produce a "List of Shame," they can also be able to produce a "List of Honour" for some of these people who have served with distinction. These are the people who have suffered and they have strained for 35 years and injuries were inflicted on them. They dealt with the Government that has failed to acknowledge the way it conducted the little dirty war between 1964 and 1967, and that was unfair; that is, until the Arusha Agreement in 1967. From then on, the Government did agree that it will compensate them. Maybe, some of them have been compensated; maybe, those who were well-connected. That was since 1963, after the Arusha Agreement. But before that time, those who have suffered or have been raped and lost out are those who deserve the compensation that should go to them. I know from the KANU side, there will be no objection to those people who fought for Independence of this country, served selflessly their country and paid the maximum price to enable Mr. Kamotho sit in this House,

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kihoro! You will utilise your remaining three minutes next week.

Hon. Members, you are aware, from the Order Paper, that we are interrupting the business of the House to enable Mr. Munyao raise the issue of unsatisfactory reply given to a Question. It is now time for the Minister to move the Motion.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.18

ISSUANCE OF IDENTITY CARDS

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, in accordance with Standing Order No.18, I do move that the House do adjourn. **Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing time for the debate on the Motion for Adjournment.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Munyao, I will allow five minutes for each hon. Member.

Mr. Munyao: I am doing this in accordance with Standing Order No.18 which applies when a Question is asked here and the answer is totally unsatisfactory. Let me remind the Members of Parliament what this Question required because it is in the interest of this House and that of people who are denied ID cards. The Question was:

"(a) How will the Minister ensure that all Kenyans without national identity cards are issued with them?

(b) Could the Minister inform the House the amount payable for issuance of national identity cards for the following cases: New registration, replacement of IDs and married women changing their maiden name to the husband's name."

Mr. Temporary Deputy Speaker, Sir, lack of ID cards is of concern to this country. The population of Kenya is now over 30 million and it is shocking that about five million Kenyans, particularly, the youth, have got no ID cards. While I appreciate the statement made last time by the Assistant Minister when he said that they would provide mobile vehicles to issue the ID cards, I do not know why this has not been done. There are so many young people who do not have ID cards. The ID cards are used to identify Kenyans. You only qualify to get a voter's card when you get an ID card. This issue requires no emphasis. The Office of the President should prioritise the issuance of ID cards. There are Kenyans all over the country who cannot identify themselves.

The issuance of the cards is not balanced because people are supposed to have them at a certain age, and yet they are not available. What will the Minister do about this? We need him to be pragmatic and practical. He should put politics aside and put whatever he is saying into action. The other day this Ministry was allocated funds, so he should not excuse himself by saying that he is waiting for funds. He should tell us what he will do and he should be aware that Kenyans and the rest of the world want to hear what he will do about this matter.

It has become almost impossible to get a photograph for the ID card. We want to see the Minister enforcing his promises. After the Motion of Adjournment, we still have another stage to go. If the Minister does not want to be recalled back to this House to tell us what he is doing about the issuance of ID cards, he should be precise. We want to see him put into action whatever he says today because there are so many Kenyans who would like to get ID cards. I support this idea of mobile issuance of ID cards because it is costly to travel to the district headquarters. You will find that some ID cards have already been issued, but they are still lying at the DC's office. They should be sent through the DOs, chiefs and assistant chiefs to facilitate their issuance. At the moment, there are so many ID cards piling all over the DC's office, which were issued some time back. This situation is causing a problem. I need not emphasise on this issue.

With those remarks, I beg to move.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. It is true that a number of Kenyans who qualify to exercise their democratic right of voting are actually not able to do so because of lack of identity cards. It is also true, as the Mover has said, that this exercise is partially being conducted. We are saying this because, where it is perceived to be an Opposition area, you rarely find that even the chiefs are co-operating. What the people in authority forget is the fact that even those they are denying identity cards so that they get voters' cards, could, at the end of the day, vote for the KANU Government. So, we are saying that it is important that the Government realises the urgency of this matter and gives Kenyans their right to vote and even get employment opportunities.

Mr. Temporary Deputy Speaker, Sir, another point I would like to raise in relation to this matter is about corruption. The officials issuing identity cards are actually corrupt. They prescribe the amounts of money supposed to be paid on issuance of a new or lost identity card. However, what is happening is that the chiefs and clerks that are issuing identity cards are demanding bribes from the prospective applicants, and this is really hampering the exercise. We are saying that you may be visualising this item to mean votes, but you are denying Kenyans who are supposed to exercise other rights like employment. Again, I believe it is our Government that has got a responsibility of incorporating young leaders in this exercise.

For instance, if you take the example of the younger Ministers in the system, they are delivering fairly well and they are kind of cutting off the people who are supposed to come into leadership because they believe in the traditional way of doing things. They are telling us to be the leaders of tomorrow but, unfortunately, they want to bar the young people who are supposed to move into leadership position in terms of showing the Kenyans a new direction. We are saying, we do not really care who is going to do what. However, I think, for fairness sake, let our people receive the identity cards fairly.

Mr. Temporary Deputy Speaker, Sir, the issue of the Minister indicating that he is going to set up mobile issuance centres is unfortunate. For example, in Kisii, you hardly find a passable road. I am wondering what kind of vehicles they are going to use to reach those remote market centres when the roads are impassable. Even then, I am not too sure whether they will be able to run the vehicles they are talking about. Today, in Gucha District, for instance, we have a Land-Rover attached to the District Registrar of Persons but when you ask his staff to move to a particular centre, you have to facilitate them. They say, at one point, that they have got no fuel, and every other time, the Ministry is asking for money to be voted for that particular exercise. I think it is only fair that as the custodians of these monies, and for the purpose of people who appointed us--- Unfortunately, the money is not spent the way it is supposed to be.

Mr. Temporary Deputy Speaker, Sir, we are saying, and we will continue saying, that even rocks will have ears at one time; and even the lightest of the taps, at one time the part you are tapping will turn sour. We are telling the Government and the Minister in charge that we need identity cards. This is because street boys are going to turn against this Minister at the end of the time, if they cannot apply for jobs because they have no identity cards, and because they have been cut off from the system in deciding who they want to lead them. It is going to be very painful on them upon retirement because we need to have a collective responsibility. Besides parties and political ideologies, when we are talking about national issues, let us stand up to be counted. I think it is now the right time that we stop thinking about who is where, and what he stands for, but so long as each one of us has got a responsibility of getting focused and addressing issues regardless of the parties, I believe Kenya should really be able to move ahead.

Mr. Temporary Deputy Speaker, Sir, the other thing that I wants to talk about is the issuance of identity cards. When a person wants to register for an identity card, he is asked for the death certificate of his great grandfather. A while ago, we were told about somebody who was asked to produce a title deed to prove that he lives in Kenya. It is not everybody who owns a title deed and we know this for a fact. We need to reduce the basic requirements for the issuance of identity cards. If possible, we need to issue identity cards free of charge. Why should we charge a fee? Some people cannot even afford to buy salt; so, why should you charge them Kshs50 for identity cards? We can do much more than charge people Kshs50 for identity cards.

With those few remarks, I beg to support.

Mr. Nderitu: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to talk about the issuance of identity cards in this country.

It is provided in the Constitution of this land that every Kenyan citizen who has attained the age of 18 years - I understand now some people are getting them at the age of 17 years - should have at least some identification card. The identification card is the one which paves way for a person to acquire a plot and even marry, although in some traditions, we understand that some people get married when they are very young. It is very important that the Minister sits down with his officials and decides how we will have our Kenyan young generation registered without a problem.

First, we appreciate that the Government has a problem here, but let us not hide behind that fact. We know it will be very difficult for the Government to have a camera operating in some places because there is no electricity. The Government has not moved in even to instal solar energy into these areas because it does not identify its priorities right. But the fact is that the officers who are out there on the ground are all very corrupt. For example, in my constituency, we have schools where there is electricity and we have young people who have attained the age of 18 years. If a mobile unit was taken to a school at least for one or two weeks, it would assist to issue identity cards to so many people in the surrounding area. The District Officer's office practises corruption through sub-chiefs who monitor the registration. For what do we need sub-chiefs? Do we have to go with the

DOs and sub-chiefs everywhere, even to the toilet? No! I believe that the officers in the Ministry should work hand-in-hand with the Electoral Commission of Kenya unit in a constituency or division. This way, it would be easy for everybody who wants to be issued with an identity card to receive one.

When you ask a woman to show you her marriage certificate, she will shy away. Some marriages are unofficial and some people would not like to be known that they are married to so-and-so, just in case other things crop up. So, why can you not ask this lady to just bring her birth certificate? You should stop asking identity-cards applicants to bring their grandfathers' or grandmothers' identity cards, or to get a note from the assistant chief. Corruption takes place because the applicant will not get time to talk to the assistant chief during the day. He will meet the assistant chief in the evening and he will be asked to buy a kilogramme of meat. Why allow all this? You should just ask the applicants to bring their birth certificates and not their mothers' or fathers' identity cards.

I know there is not enough time for this Motion, but I want to ask the Minister to understand that we are aggrieved. If you go to Taita-Taveta District or the North Eastern Province, you will find that very few people have identity cards. This is something that needs to be addressed. We should stop dealing with the offices of the administration. We have so many communities which do not even want to go and see the chief, because chiefs have problems with these communities. The moment a chief demands to be given a hen in order for you to use his office, the question you should ask yourself is: how many people can produce these hens? Open up; let us consider schools and nursery schools because people will go there. A school with about 300,000 children shows that the parents and brothers live nearby.

An hon. Member: That is a large number!

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, if we have 30 pupils in a class and we have got eight classes, we will have a total of 240 pupils. So, if you find a school with 240 children, then you should know that the parents live nearby. If the parents live nearby, that is the easiest place for them to go. Why can we not open an avenue there? When you install a solar system in that school, you will improve it.

Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to support the Motion.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate Mr. Muniyo for bringing before this House this very important Motion. About 3 million Kenyans who are eligible for the national identity cards do not have them today. The majority of them are the youth, who seem to be *Mageuzi* members. These are people who believe in change. For this reason, they have to be disfranchised so that they cannot vote out this Government. I would like to appeal to this Government to allow every Kenyan who is eligible for a national identity card to have one.

I also want to take this opportunity to appeal to Kenyans to apply for the national identity cards next month so that, come election time early next year, they will be armed with identity cards so that we can kick out this corrupt Government and elect the Government they want. So, I would like to make a passionate appeal to Kenyans that the only weapon we have today to get rid of this Government is the ballot. I appreciate the fact that they cannot get the ballot without a national identity card. So, Kenyans should register for national identity cards.

Being a computer expert, I would also like to take issue with the Government on why it cannot consider using national identity cards as voters' cards because they are computerised. We could easily have whatever information we put in the elector's card in the national identity card so that one does not require another document to vote. I would like to challenge the Government to consider allowing national identity cards to be used for voting purposes.

I understand that the reason for not allowing us to use the national identity cards during the elections is that they want a filtering mechanism. First, they want to bar those who do not have national identity cards, but even those who have these documents but do not have voters' cards are disadvantaged even more. This is done so that these people do not participate in elections and, hence, elect a Government that they want. So, I would like to call upon the Government to consider allowing the use of national identity cards and other similar documents for voting purposes, so that we can do away with the expenses that we incur with regard to producing voters' cards.

Mr. Temporary Deputy Speaker, Sir, I also remember, when answering this Question, the Minister talked about computerisation. About three years ago, this House approved more than Kshs200 million for computerisation and some obsolete equipment was bought. The reason why we are not seeing identity cards rolling out fast is because of the obsolete equipment that was bought. This case is similar to that of the helicopters, whereby second-hand helicopters were bought. The same thing seems to have happened with the computerisation exercise of the National Registration Bureau, where Kshs200 million was pumped in but there is little to show as a result of that expenditure.

If the Minister is serious in his proposal that mobile registration units will go round districts, constituencies, locations or sub-locations, then that is something that should be lauded. I would like to urge the

Government to consider doing this during market days, when there are many people. To expect somebody to pay Kshs100 as fare to go and get a national identity card, when voting does not mean much to Kenyans--- This is because they vote people to this House, but what do they get in return? Poverty is still rampant as it has always been because of corruption and looting.

In the same vein, I would like to appeal to the Government that even the identity cards which lie in DOs' and DCs' offices should also be taken to the locations and sub-locations so that the owners can take them. This is because these people are too poor to spare Kshs100, in some cases, to board buses or matatus, so that they can go and collect their identity cards.

Mr. Temporary Deputy Speaker, Sir, I also want to call upon the Government to consider presumptive issuance of identity cards. In other countries, when people reach 16 to 17 years, because an election is expected, they are issued with identity cards. I think this presumptive issuance should also be applied in this country. For example, people who are 17 years old should be allowed to have identity cards. If they are not allowed, come election time next year, they will be already 18 years. They will be adults but they will not participate in the voting because they did not have their identity cards in advance. So, I want to call upon the Government to consider giving people identity cards one or two years before they reach the legitimate age.

Finally, Mr. Temporary Deputy Speaker, Sir, I must take issue with the Government with regard to discrimination against young married women. They insist that they have to go back to their original homes to get identity cards of their fathers and mothers. It is very unfair. How more can we be biased against the women? Why do we not ask also the young men to go and get identity cards of their fathers-in-law and mothers-in-law? I think it will be logical if a young married woman needs an identity card, to bring the identity card of the husband. That should be enough security, if at all she needs to have reason.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this particular Motion. The issuance of national identity cards is a matter of concern in North Eastern Province. I just want to appeal to the Minister to consider certain aspects to make it easy for the people of Kenya and, in particular, for the people of North Eastern Province to acquire identity cards.

Mr. Temporary Deputy Speaker, Sir, a few years ago, we used to walk into the registration offices in North Eastern Province and in Wajir, in particular, and get the identity cards on the spot. A problem has cropped up now because of the centralisation of the issuance of identity cards. They have to be issued in Nairobi. You apply for an identity card in Wajir and it is issued in Nairobi. I just want to request the Minister to consider establishing registration centres in the districts where young people can walk into the offices, apply and get their identity cards on the spot. The moment we move it to Nairobi, it takes a lot more time for it to come back to the constituency. I am speaking from experience in the constituency. If it is decentralised to the districts, I am sure it can be easy and a lot of the problems that we are going through will not be there.

Secondly, Mr. Temporary Deputy Speaker, Sir, I want to comment on the issue of screening cards. A few years ago, we had a screening exercise in North Eastern Province which was for a purpose. The Minister decided that it is no longer an important document. If it were a continuous process of screening, there would have been no problem. But they screened one generation and since then, there are two other generations which have come into existence and they have not been screened. I think the Minister needs to reconsider the aspect of using the screening cards. In North Eastern Province, people can be given identity cards after verification by the several committees that the Government has established. If a committee can verify the fact that so-and-so is a Kenyan, I do not think we need a screening card to prove otherwise.

For the pastoral communities in North Eastern Province, and I hope that the Minister is listening, you cannot find a photocopier machine in a remote area. When the officers are registering people, they ask for a photocopy of the birth certificate. In most cases, pastoralists do not even have birth certificates. Even if the parents have got identity cards, they do not have photocopier machines to make a copy which will be attached to the application form. I just want to emphasise that the Minister should use the elders and the committees that have been established in the various registration centres to verify whether those applications are authentic or not.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): It is now time for the Minister to respond.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I rise to respond on behalf of the Government. Having answered this Question very satisfactorily, I was surprised that it was again brought through the back door to the Floor of this House.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I withdraw that remark "back door". It was introduced to the Floor of this House in another way.

Mr. Temporary Deputy Speaker, Sir, I wish to repeat that the Government's commitment, as far [**The Assistant Minister, Office of the President**]

as registration of persons and issuance of national identity cards are concerned, is as firm as ever. We have done all in our power to make sure that Kenyans have national identity cards because it is their legal right. The Registration of Persons Act Cap.107 of the Laws of Kenya, requires that all citizens above the age of 18 should have identification cards. We are not doing Kenyans any favour by registering and issuing them with national identity cards. It is their right. Therefore, we are required by law to issue every Kenyan with a national identity card. We have done what it takes to make sure that most Kenyans are registered.

As the hon. Member said, we have committed funds in the last three years to computerise that exercise. It is easier now for Kenyans to access this service and be issued with national identity cards. We have committed over Kshs250 million for that exercise. As I speak, this exercise has been made more efficient than it was in the last 10 years.

Mr. Temporary Deputy Speaker, Sir, I undertook to commit funds this financial year for this exercise, and I did so. I want to congratulate this House for approving those funds to enable me carry out the exercise. So far, I have done two things; I have enhanced the exercise that takes place in registration centres countrywide. As one hon. Member said, this is an exercise where there were not enough funds to purchase fuel and other items. This will not happen again because I have provided enough funds, and this House has approved the same towards this exercise.

Mr. Mboko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that all registration centres in the country are operational while in Mtito Andei Division, there is no single registration centre?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, in addition to those registration centres, I have also provided mobile registration service in areas which are far away from these registration centres. That, in itself, will net a majority of genuine cases which are far away from the registration centres. The Government realises that it is necessary for Kenyans to be registered because without national identity cards they cannot access voters' cards.

Mr. Temporary Deputy Speaker, Sir, it is a democratic right for Kenyans to express their opinions through voting as opposed to what one hon. Member said, that our Government is being scared of young people. I think it is on record that KANU is the only party where young people have a future. All Opposition parties have old guards who are not willing to leave. As I speak today, in the Press, His Excellency the President has promised that he will hand over the leadership of this country to a young person.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, 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 1.00 p.m.