

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 14th June, 2000

The House met at 2.30. p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### NOTICE OF MOTION

#### CONSTRUCTION OF TRUCK LOADING FACILITIES

**Mr. Ndicho:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, while appreciating the Government's effort to liberalise the oil sub-sector in this country, which has enabled many Africans to venture and invest in this industry; and in view of the fact that multinational oil companies in Kenya have refused to share their truck loading facilities with local oil companies in order to deny small African companies from making a foothold in this lucrative industry; however, the National Oil Corporation has planned to install such facilities at Embakasi in Nairobi which are stalled, this House urges the Government to urgently construct truck loading facilities accessible to oil companies in Nairobi and Mombasa.

### ORAL ANSWERS TO QUESTIONS

*Question No.274*

#### REHABILITATION OF JOGOO ROAD POLICE STAFF QUARTERS

**Mr. Katuku,** on behalf of **Mr. Ndilinge,** asked the Minister of State, Office of the President:-

- (a) when the rehabilitation of Jogoo Police Staff Quarters will commence; and,
- (b) what measures he has taken to have all police staff quarters country-wide repaired.

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

(a) The state of most of our police stations, especially the staff quarters is not good. Jogoo Road Police Staff Quarters which have been mentioned, are in a better shape than most of the police staff quarters in the country. However, we have put money in the Budget for the rehabilitation of Jogoo Road Police Staff Quarters alongside other engagements which we will be making with respect to the staff quarters of our policemen and women.

**Mr. Katuku:** Mr. Speaker, Sir, I am happy that the Government has set aside money for the rehabilitation of our police stations and police quarters not only in Jogoo Road but also throughout the country. How much money has the Government put in the Budget for this particular purpose?

**Mr. Samoei:** With respect to rehabilitation, we have put Kshs50 million in the Budget.

**Mr. Ndicho:** Mr. Speaker, Sir, the reason why policemen are so frustrated and end up doing very nasty things, is because of their poor living conditions. In Thika police lines, four police officers live in one room. When the wife of one of the police officers visits her husband, the other three must be given money by the officer whose wife has visited to go and get a lodging in Thika, so that he is left with his wife in the room. That is what is happening in virtually all the police stations in this country. What is the Government's policy with respect to rehabilitating all the police lines in this country, most of which were built before Independence?

**Mr. Samoei:** Mr. Speaker, Sir, to some extent, I agree with the hon. Member that the conditions under which our policemen and women live are not up to standard. However, they are not as desperate as hon. Ndicho is alleging. We are generally reviewing the terms of service of our police officers, which include their housing needs. Alongside the

rehabilitation exercise I have mentioned, we are considering a capital expenditure on building new structures and completing the ones that are yet to be completed to be able to house our police officers. We do have a comprehensive programme to do that.

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Assistant Minister assure this House that from 1st July this year, there will be adequate funds to provide accommodation to our police officers so that each one of them can stay in his own room; or if that is not possible, that there will be money for house allowance to be given to our police officers so that they can rent houses outside the stations, so that they can enjoy their wives and husbands and perform their duties well?

**Mr. Samoei:** Mr. Speaker, Sir, I would be willing to make that commitment because I know that police officers are human beings. However, I will not give that assurance because the money which we have requested from the Treasury is limited. But as I said earlier on, we have a comprehensive programme and we will keep working on it. During the coming financial year, we will work on the rehabilitation and in the next year, we will be able to make an up-to-date statement with respect to the housing of police officers.

**Mr. Katuku:** Mr. Speaker, Sir, Kshs50 million will not be enough to do what is required. Could the Assistant Minister, in view of the fact that he will not be able to provide enough housing for these officers, and considering that these are officers who are supposed to give this country a good service in terms of security, give them house allowance like other Government officers, so that they can feel motivated and perform better than they are doing?

**Mr. Samoei:** Mr. Speaker, Sir, unfortunately, our budget cannot allow us to give extra allowances to police officers for housing.

*Question No.267*

OUTCOME OF WORLD TRADE  
ORGANIZATION NEGOTIATIONS

**Mr. Keriri** asked the Minister for Tourism, Trade and Industry, in view of the likely conflict of interest between the terms of trade under the WTO and the proposed Lome IV Convention, between the ACP and EU countries:-

(a) whether he could inform the House the outcome of the WTO negotiations held in Seattle Washington, USA, and the follow-up UNCTAD Conference in Bangkok, Thailand, in February, 2000;

(b) whether he could explain the progress made in negotiations between ACP and EU regarding Lome IV Convention; and,

(c) what benefits Kenya expects to achieve from the outcome of these negotiations.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Speaker, Sir, I beg to reply.

(a) The Third Ministerial Conference of the WTO negotiations in Seattle, USA, ended in a stalemate due to lack of agreement on a common declaration and on a new round of negotiations. The key issues leading to the stalemate relate to:-

(i) Market access, whereby a number of developed countries, particularly members of the European Union and Japan, voted to maintain export subsidies on agricultural products.

(ii) The proposals by the developed countries to introduce new issues on labour standards, investments, competition policy and genetically modified organisms, all of which mitigate against market access for the developing countries, were not supported by developing countries.

(iii) On their part, the developing countries complained of failure by the developed countries to make meaningful contributions towards the implementation of the Uruguay Round of Agreements. Instead, they were interested in unfair trade practices, including the importation of tariff peaks and tariff escalation, which discriminate against agricultural products from developing countries.

(iv) Developing countries felt marginalised from the negotiations as these were being conducted behind the scenes in "Green Rooms" to which only developed countries and a select number of developing countries were invited. This demonstrated lack of transparency and inclusiveness in the WTO system. As a result, developing countries took a stand to withhold their approval of any proposed declaration since they were not party to its formation.

Unlike what transpired at the Seattle WTO conference, the 10th Session of the UNCTAD held in Bangkok, Thailand, embraced a development agenda. The conference adopted the Bangkok Declaration and the UNCTAD Plan of Action, which points to the asymmetries and imbalances faced by developing countries in the multilateral trading systems, and sets out proposals towards redressing these imbalances and assisting the developing countries to benefit from the system. It stressed mainly on the importance of the commodity sector for many developing countries, and

agriculture's role as a buffer against economic problems as in the current crises. The Plan of Action notes that commodity-based diversification offers a better opportunity for change in line with the existing comparative advantage. It recommends that a mechanism for helping to stabilize commodity export earnings should be improved to meet the real concerns of the developing country producers. It calls for measures to enhance the competitiveness of developing countries in international commodity markets, improvement of market transparency and capacities of the developing countries to access information.

(b) The negotiations on Lome IV Convention were concluded when it came into force in 1991. It has since expired on 29th February, 2000. However, in place of the Lome IV Convention, negotiations on the successor, the ACP-EU Partnership Agreement, started in September, 1998, in Dakar, Senegal, and were concluded on 3rd February, 2000 in Brussels. The ACP-EU Partnership Agreement provisionally came into force on 1st March, 2000 and will expire on 31st December, 2007. A waiver for agreement has been sought from the WTO.

(c) Under the ACP-EU Partnership Agreement, just as was the case in previous Lome Conventions, Kenya and other ACP countries will continue to enjoy normal non-reciprocal preferential market access into the EU market at reduced duties.

In addition, "commodity protocols" under which ACP countries are guaranteed quotas and prices for some of their commodities in the EU market will remain as an advantage. Kenya is negotiating to have her 5,000 metric tonnes sugar quota reinstated and possibly enhanced under the sugar protocol. ACP countries also get financial support from the EU for shortfalls in the export earnings if they fall below a certain threshold.

Stabex, a system of export stabilization and Sysmin cater for shortfalls in the export earnings and mining products, respectively. Kenya has benefitted from Stabex in respect of her export of coffee and tea.

Mr. Speaker, Sir, benefits accruing from membership of WTO include market access through trade liberalization. The World Trade Organization also provides a forum for continued trade negotiations, and, as a rules-based organization, it gives equal opportunity to member States. At the same time, it provides room for settlement of trade disputes among the members, the emphasis being rules-based trading agreements which protect smaller countries against major ones. Besides, the WTO offers technical assistance and waivers to regional trading blocks, and agreements which might otherwise be in contravention of WTO rules.

**Mr. Speaker:** Mr. Keriri, before you ask your supplementary question, you will agree that, I think, I must have been wrong to approve this Question in the form it is. It is very long! So, I will hold it to you to be very precise and short.

**Mr. Keriri:** Mr. Speaker, Sir, the length is in the reply, which I appreciate.

However, in his reply on the Bangkok Session of UNCTAD, the Minister said that the session called for measures to enhance competitiveness of developing countries. Could the Minister tell us what concrete measures were put in place, who was supposed to implement them and when?

**Mr. Biwott:** Mr. Speaker, Sir, the measures that I have just outlined are aimed primarily on creating market access for developing countries. The market access is governed by WTO, and WTO has introduced rules on which trading-in systems are based. The most important part of it is that these rules be understood by everybody.

The developing countries do not have the capacity to understand. Therefore, UNCTAD, WTO as well as other multi-national organizations, including the World Bank and IMF, are prepared to assist the developing countries to create the capacity through technical assistance. They also assist them to benefit from the protocol, which gives these people the access. They also assist in fighting against the tariff escalations, where, for example, if we are selling coffee and then we decide to improve the product by processing it further, say by decathilating it, the WTO and UNCTAD would make sure our market destination countries do not enhance tariffs for the new product which has now got a bigger value.

**Mr. Ndwiga:** Mr. Speaker, Sir, in his reply on benefits, the Minister said that part of what we have achieved through these negotiations is the Stabex. The issue of Stabex has arisen in this House several times. How much money has been sent to this country under Stabex, and what has happened to that money which was meant to improve coffee and tea?

**Mr. Biwott:** Mr. Speaker, Sir, I cannot give precise figures at the moment, but all I know is that this country continues to receive Stabex money by way of budgetary support. That is the shortfall from what farmers would have got if they were to sell coffee at the prices that would not fluctuate. I know we receive that money, and I could give the exact figure later. I would have thought that the hon. Member, being a faithful tea and coffee defender, should really know the details.

**Mr. Ndwiga:** On a point of order, Mr. Speaker, Sir. It is true, I should have known, and I know---

**Mr. Speaker:** Order! Do not misuse a point of order. You do not stand there to say, yes or no, if it is a point of order. You have lost the chance.

**Mr. Keriri:** Mr. Speaker, Sir, in his reply to the Lome IV Convention, the Minister said that Kenya has

applied for a waiver from this agreement with WTO. What chances have we got, and how long is it going to take before we get that waiver?

**Mr. Biwott:** Mr. Speaker, Sir, the waiver is in respect of all the ACP countries. All the ACP countries have asked for the continuation of the preferences they were getting under Lome IV Agreement, which expired in February, as a transit between the old system where they were given all these preferences, and the future system where they will have to compete. So, all the ACP countries have asked and negotiated with the European Union to have that waiver. The EU and the ACP countries have agreed that, that waiver be sought from the WTO, whose rules do not allow preferences. They have agreed that, that transition period should be seven to eight years. That agreement has been reached and they were going to sign it in Fiji, but then there was a problem and they did not. Our Minister, who has been negotiating the Lome Agreement, would have gone to sign. However, the WTO is aware of that waiver and America, Australia and Japan have agreed that we will get that waiver. There could be one or two developing countries who are not benefitting and might oppose, but we do not think that there will be that problem. Therefore, Kenya will continue to enjoy the preferences they have been getting under ACP for the next five years.

**Mr. Speaker:** Next Question!

*Question No.213*

PAYMENT OF RETIREMENT BENEFITS  
TO KPA RETIREES

Where is Mr. Maitha? I will come to that Question again.

*Question No.224*

ISSUANCE OF TITLE DEEDS  
TO AWASI RESIDENTS

**Mr. Otita** asked the Minister for Lands and Settlement:-

- (a) if he is aware that residents of Awasi have not been issued with title deeds for their land; and,
- (b) when the Government will issue the said deeds and ensure that residents are compensated for the land taken by the Government for Nyando District headquarters, now under construction.

**The Assistant Minister for Lands and Settlement** (Mr. Sudi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the residents of Wawidhi "B", Wang'aya I, and Kudho East have not received their title deeds. Residents of Wawidhi "A", East Agoro and Border should collect their title deeds as the sections have been registered.

(b) The Government will issue title deeds to the residents of Wawidhi "B", Wang'aya I and Kudho East once the adjudication work, which is at an advanced stage, is completed.

**Mr. Otita:** Mr. Speaker, Sir, Nyando District headquarters which is at Awasi is being built in an area covering Wawidhi, Wang'aya I and Kudho East. Now that the land adjudication work is not complete, we do not know whether we should stop the construction of the headquarters until this work is completed, or continue building the headquarters on land which has not been provided for by the people occupying the land. Could the Assistant Minister tell this House what he expects to be done in this case, and when the work, which stopped in 1998, will commence?

**Mr. Sudi:** Mr. Speaker, Sir, Awasi is a general name of the area where Nyando District headquarters is situated. Within Awasi, there are six adjudication sections, three of which have been completed and registered as follows: Section A, which is Wawidhi "A" was registered on 7th December 1998; East Agoro was registered on 22nd June, 1976, and Border was registered on 25th October, 1999. The residents of these sections should be advised to collect their titles at the land registry in Kisumu if they have not already done so.

Mr. Speaker, Sir, adjudication work is in progress in the following sections: In Section A, which includes Wawidhi "B", demarcation and survey work is in progress. We expect to complete this work within one year. In Wang'aya, the Director of Land Adjudication and Settlement is doing final checking so that the certificate of finality can be issued and the registers passed to the Chief Land Registrar to issue title deeds to the residents. We need six months to check the registers and issue the certificates. In Kudho East, the hearing of objection cases is in progress and may take six months to complete. The title deeds can be ready after one year.

The issue of compensation of land which was acquired for the building of Nyando District headquarters can be best addressed by the Office of the President.

**Mr. Otula:** Mr. Speaker, Sir, in most cases when land adjudication cases are raised, the Ministry normally

talks of lack of funds. Could the Assistant Minister confirm whether or not there are enough funds which they will be able to use within the six months he is talking about, so that those people can be able to get their certificates?

**Mr. Sudi:** Mr. Speaker, Sir, the issue of lack of funds will always arise as we shall never have enough funds. But we will do our best so that the title deeds are ready within the stipulated time of six months.

**Mr. Speaker:** Next Question!

*Question No.270*

EVICION OF MRS. IKEU

**Eng. Toro** asked the Minister for Lands and Settlement:-

(a) if he is aware that Mr. John Karanja Kagacha fraudulently obtained an identity card in the name of Mr. Karanja Ikeu and used it to obtain the land certificate of land parcel LR No.LOC5/Kaganduini/7923, after which he obtained a loan from Standard Bank and a charge was in effect registered against the said title deed on 23rd October, 1981;

(b) if he is further aware that the Magistrate's Court, Murang'a vide Criminal Case No.3172 of 1989, jailed Mr. Kagacha and further ordered that the title deed be returned to the owner, Mr. Ikeu; and,

(c) since the bank has refused to comply with the court order and even advertised for sale of the said land on 28th October, 1999, through Dolphin Auctioneers, what urgent action does he intend to take in order to save Mrs. Ikeu from eviction from her own land.

**The Assistant Minister for Lands and Settlement** (Mr. Oporo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that a Mr. Karanja Kagacha fraudulently obtained an identity card (ID) of Mr. Karanja Ikeu and used it to obtain the land certificate of LR. No.LOC5/Kaganduini/7923, with which he obtained a loan from Standard Chartered Bank and a charge was registered against the title on 23rd October, 1981.

(b) I am also not aware that the Magistrate's Court, Murang'a, vide Criminal Case No.3172 of 1989, jailed Mr. Kagacha and further ordered that the title deed be returned to the owner, Mr. Ikeu.

(c) The Ministry has no powers in law to stop the intended sale of the said land by Dolphine Auctioneers. The only way Mrs. Ikeu can save her land from being auctioned is by urgently obtaining vesting orders from the court and taking them to the District Land Registrar, Murang'a, to register them against the title LOC5/Kaganduini/7923.

**Eng. Toro:** Mr. Speaker, Sir, I am surprised by the way the Assistant Minister has answered parts "a" and "b" of the Question. I have a copy of a letter here which the complainant addressed to the Chief Land Registrar, listing nine points mitigating her case. The copy of this letter is dated 12th September, 1996. In the points she listed down, point six, if the Chair allows me---

**Mr. Speaker:** Eng. Toro, first of all, can you ask him whether he saw that letter, because if he has not, then he cannot answer the question you will put to him.

**Eng. Toro:** But, Mr. Speaker, Sir, this letter was addressed to his office and he was supposed to have seen it when he was investigating the case. I should be allowed to point out---

**Mr. Speaker:** Eng. Toro, I am just making your work easy. Mr. Assistant Minister, have you seen that letter?

**Mr. Oporo:** No, Mr. Speaker, Sir.

**Mr. Speaker:** Eng. Toro, can you table it first?

**Eng. Toro:** Mr. Speaker, Sir, I will table it, but I need to point out point number six for the Assistant Minister's information. It says:

"By the time the trial ended, the registered proprietor of the parcel, Mr. Kagacha Ikeu, had passed away. The trial Magistrate ordered that the land certificate be returned to the widow of the deceased proprietor. Copy of the judgement is enclosed for your perusal."

I wish to table this letter.

*(Eng. Toro laid the document  
on the Table)*

Now, the Assistant Minister can tell this House whether his office is in possession of this letter and if not, where did it go?

**Mr. Oporo:** Mr. Speaker, Sir, I am not aware of that letter, but I would like to say that we can look at it. But even if we have it, if the court gave specific orders, it is only proper that they are registered with our land registry. It is only after this has been done that we will take action, because we shall know that the court has determined that the land

in question was fraudulently transferred to another person who was not the owner. Otherwise, it is not easy to determine fraudulence in our offices until it has been determined in court.

**Eng. Toro:** Mr. Speaker, Sir, it is not for the MPs to do the work of the Ministers. The case which was in court, before the proprietor died is one where the son fraudulently forged the ID and proceeded to get a loan from the Standard Chartered Bank. It has taken a long time for the Assistant Minister to even find out what the Ministry is doing. I would like to inform this House that the Land Registrar, Murang'a District, is aware of this case, and yet, the Assistant Minister has not even bothered to check with him and his Chief Land Registrar.

**Mr. Opore:** Mr. Speaker, Sir, it is up to the complainant to deposit the court order in our Land Registry for us to know that a court had determined that the land in dispute had been fraudulently transferred to another person.

**Mr. Ndwiga:** Thank you, Mr. Speaker, Sir. Before a title deed is transferred to a new owner, normally, it has to go through the District Lands Control Board. What is coming out here is that there are many fraudulent deals in the Ministry of Lands and Settlement. This specific case which has been brought here by Eng. Toro proves that many poor widows are losing their land at the hands of unscrupulous land registrars. Could the Assistant Minister tell this House the procedure that is followed to change the ownership of land? In this particular case, where he has evidence, what will he do to annul this?

**Mr. Speaker:** Order! Mr. Ndwiga, I do not know whether you followed the Question raised by Eng. Toro. It is not a Question of change of ownership. What happened is that somebody went and fraudulently obtained an ID in the name of the person who was supposed to own the land. So, the land was not changed, but it was given to the wrong person as a result of the fraud.

**Mr. Ndwiga:** Mr. Speaker, Sir, that is precisely what I am saying; that before that happens, it is the District Lands Control Board which identifies the rightful owner of any piece of land. That is what I am saying.

**Mr. Speaker:** I think you should have said "before it is charged".

**Mr. Opore:** Mr. Speaker, Sir, we all know the District Lands Boards. I am talking about the past and not the present because, we, at the Ministry, are trying to clean up messes like those ones. It is also possible that a District Lands Control Board can have before it somebody who appears with an ID bearing the name "Mr. Kagacha" when, in fact, the person is not Mr. Kagacha. So, that is what happened in this particular case and it is not something one can say is general. It was only done in this particular case.

**Mr. Mwiraria:** Mr. Speaker, Sir, is the Assistant Minister in order to give the House the impression that I can impersonate somebody in a District Land Control Board and get away with it, when he knows that the District Land Control Board comprises of elders from each of the sub-locations? In fact, before you go to the District Land Control Board, you need a recommendation from your assistant chief and the chief. Is he in order to give the impression that I can go and cheat my chief, his assistant and the elders until I get the District Lands Control Board's approval?

**Mr. Speaker:** Mr. Assistant Minister, you will respond to the hon. Members. The question of fraud on land and taking away of a title deed of a widow is, indeed, something worrying, and if I were you, having been given the number of a case where this fellow is alleged to have been jailed, I would investigate further and just do not let it go like that. What is your reaction?

**Mr. Opore:** Mr. Speaker, Sir, I quite agree with you, but I do request that the hon. Member does impress upon Mrs. Ikeu to deposit the same with the Lands Office in Murang'a before we can do anything.

**Mr. Speaker:** Mr. Assistant Minister, it is not my duty to tell hon. Members how to ask Questions, or Ministers how to answer them. But on equitable ground, and looking on the face of it, if you got this judgement, as an Assistant Minister of the Government, you probably would like to correct an injustice rather than just doing this as a formality. Would you like to correct this injustice?

**Mr. Opore:** Mr. Speaker, Sir, on behalf of the Ministry, we are ready to correct that, but at the same time, we need to have the document for us to pursue the issue. What has been tabled here is not a court order, but we promise to look into it along with the court order.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. In view of your very judicious advice to the Assistant Minister, would I be in order to request the Chair that this Question be deferred and the Assistant Minister undertakes to go and do what you advised him to do, so that he brings an appropriate and satisfactory answer?

**Mr. Speaker:** In the interest of the House, what is your reaction?

**Mr. Opore:** Mr. Speaker, Sir, I said we are prepared to tackle that. A letter has been tabled here. **Mr. Nguire:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! He is responding to a point of order.

**Mr. Opore:** So, we are prepared to do that.

**Mr. Speaker:** I will defer the Question for two weeks to enable you to do all the investigations. In the same way, I am asking Eng. Toro, in the interest of justice, to also liaise with the Assistant Minister so that all of you can

come to an agreement that is fair and just to everybody.

**Eng. Toro:** If you will allow me, I will also add the copy of the judgement.

**Mr. Speaker:** Eng. Toro, can I now order you to walk to him and discuss it?  
The Question is deferred.

(Question deferred)

Next Question!

*Question No.281*

PAYMENT TO HIGHWAY FURNITURE MART

**Mr. Wamae** asked the Attorney-General:-

(a) if he is aware that the Highway Furniture Mart Limited of Nyeri, in application No.NAI 253 of 1999 (NYR/9/99) won the appeal lodged for payment of Kshs48,774,267.40 which arose from the construction of Kirinyaga District Headquarters in 1986,

(b) if he is further aware that this amount is attracting interest at the rate of 14 per cent p.a.; and,

(c) when the contractor will be paid.

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Highway Furniture Mart Limited of Nyeri has a judgment in its favour for payment of Kshs48,774,267.40 which arose from the construction of Kirinyaga District Headquarters in 1986. This was *ex-parte* and an application to reinstate the application for extension of time is being lodged.

(b) I am aware that the amount in question is attracting interest at the rate of 14 per cent per annum.

(c) The contractor will be paid, if at all, as soon as the various applications and appeals have been determined, and the criminal investigations into the conspiracy to defraud the Government are finalised, and if necessary, prosecution has been determined.

**Mr. Wamae:** Mr. Speaker, Sir, the answer given is very disappointing. The Kirinyaga District Headquarters building exists and the contractor has never been paid. Is the Attorney-General aware that there has been a court order and a warrant of arrest for the Permanent Secretary in the Office of the President, which the Attorney-General has frustrated? It has been issued again, but this money has not been paid.

**Mr. Wako:** Mr. Speaker, Sir, I can only say that as far as the Government is concerned, there was a final account between the Government and the contractor and a final payment of Kshs1,960,985.95 was paid to the contractor, vide letter dated 23rd October, 1998.

Mr. Speaker, Sir, I am also aware that a warrant of arrest has been issued and that is why I have said that various applications are there in court. As soon as they have been determined, the matter will be dealt with.

**Mr. Muite:** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Attorney-General to mislead this House that there are applications to set aside the *ex-parte* judgement when he should be aware that his application to set aside the *ex-parte* judgement was dismissed in August 1999 - and the order dismissing it is there - and that he appealed to the Court of Appeal against that decision? He first appealed to a single judge of the Court of Appeal when his application for extension of time was dismissed, and then to three judges of the Court of Appeal who, in fact, in January this year, dismissed the application for extension of time, thereby, bringing the matter completely to an end. What further applications is the Attorney-General talking about? The orders are there.

**Mr. Wako:** Mr. Speaker, Sir, it is obvious that you have not been fully informed in the matter. The last application was not in January. The last application was in May and that was an *ex-parte* application, and we are lodging an appeal against that application.

**Mr. Ndwigwa:** Mr. Speaker, Sir, in the past, very many native Kenyan contractors have been run out of business by the Government. This is one example of what has been happening to local contractors. We have so many Asian contractors who are mushrooming as a result of this frustration of local contractors. Would the Attorney-General tell this House what, specifically, has delayed the payment of these contracts, bearing in mind that the construction was in 1986? We are now in the year 2000. How will these contractors survive?

**Mr. Wako:** Mr. Speaker, Sir, as I stated before, there was a dispute on the amount between the contractor and the Government through the Office of the President. A final account was made and the balance due was found to be Kshs1.9 million, which was paid as I stated.

**Mr. Wamae:** Mr. Speaker, Sir, we have laid down on the Table the judgement by the Court of Appeal

dismissing his appeal. Would he lay on the Table the further appeal he said he made in the month of May?

**Mr. Wako:** As I stated, the appeal is being lodged against the *ex-parte* order that was made on 17th May, 2000.

**Mr. Murungi:** On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to mislead this House that there can be a further application to any court after a bench of three judges of the Court of Appeal has finally determined a matter? Under what law could such an application be brought?

*(The document was laid on the Table)*

**Mr. Wako:** Mr. Speaker, Sir, the appeal came up for hearing on 17th May, 2000. It was *ex parte*, and we are applying to reinstate the application.

**Mr. Speaker:** Very well. Next Question.

*Question No.213*

PAYMENT OF RETIREMENT BENEFITS  
TO KPA RETIREES

Mr. Maitha's Question is deferred.

*(Question deferred)*

Let us move on to Questions by Private Notice

**QUESTIONS BY PRIVATE NOTICE**

ABDUCTION OF NTORONI RESIDENTS

**Mr. Mwenda:** Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that the following people, namely:- Ikuura Mukembu, Mark Kathare, Njeru Kamwara, Mrs. Jane Njeru and Modesto Njuki, disappearing on 9th January, 2000, after they were abducted by administration police officers from their farms in Ntoroni Location of Tharaka District?

(b) Could the Minister inform the House the whereabouts of the above named people?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I want to seek the indulgence of this House for the extension of time until tomorrow, due to the seriousness of the claim that has been made, and because it touches on the members of the Police Force, and due to the number of the people that have been mentioned in the claim. Therefore, I do want to request the indulgence of this House, so that I could have the correct information for this House.

**Mr. Speaker:** Mr. Samoei, you want the Question to be deferred until tomorrow?

**The Assistant Minister, Office of the President** (Mr. Samoei): Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Ask me to defer it until Tuesday afternoon because tomorrow is not possible.

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I will be ready with the answer tomorrow.

**Mr. Mwenda:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** I am already with you, Mr. Mwenda. It cannot happen tomorrow. What about Tuesday afternoon? Is it okay with you, Mr. Mwenda?

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

**Mr. Speaker:** Very well. I defer the Question to Tuesday afternoon. Next time, Mr. Samoei, you should know on Budget Day, we have no questions. All right?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I said the answer will be ready tomorrow.

**Mr. Speaker:** Very well. Next Question, Mr. Raila.

AMENDMENT OF TEA ELECTIONS REGULATIONS



**(Mr. Raila)** to ask the Minister for Agriculture the Following Question by Private Notice.

(a) Is the Minister aware that the criteria for eligibility for election to committees as set out in the Tea (Elections) Regulations, 2000, is discriminatory against small scale farmers and is causing fears, anxiety and tension ahead of the forthcoming elections scheduled for 19th June, 2000?

(b) If the answer to "a" above is in the affirmative, could he take urgent steps to amend Section 5(h) to allow any shareholders the right to vote and to be elected as committee members?

**Mr. Speaker:** Is Mr. Raila not here? The Question is dropped.

*(Question dropped)*

**Mr. Anyona:** Mr. Speaker, Sir, this is a very important Question. You will remember I came to you yesterday, and because this Question was going to appear on the Order Paper today, we hoped that solutions would be found. Now that the Question is dropped, as appears to be the case, I do not know how else we can ventilate this issue.

Maybe, in that case, you would allow me to seek a Ministerial Statement at the end of Question Time to be able to deal with this issue because it is very critical.

**Mr. Speaker:** Is the Question by Mr. Raila not somehow, distantly, related to Mr. Murungi's Question? What do you think, Mr. Murungi? Is it a distant cousin of your Question?

**Mr. Murungi:** Mr. Speaker, Sir, hon. Raila's concern is about the poor farmers being discriminated against. My Question is about discrimination against women.

*(Applause)*

**Mr. Obwocha:** On a point of order, Mr. Speaker, Sir. Mr. Raila's Question is extremely important and it is different from hon. Murungi's Question. This is because we have these elections. The rules are contentious and we really would like to hear from the Minister himself what he has to say. So, we would request the Chair kindly to allow this Question to be deferred because I have also filed almost a similar Question.

**Mr. Speaker:** Order! These Questions were approved by me yesterday. I made a point of ensuring they are on the Order Paper today because I know the elections are on Monday. There is no further time for Parliament to meet. I did ask the Clerk to personally talk to the Permanent Secretary, so that the answers are ready today. We have done our bit on this side. But if the owner is not there, and the rules are such that you cannot ask it, what do you want me to do?

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. In view of the fact that I came to you so that I could raise a Ministerial Statement---

**Mr. Speaker:** Very well. I dropped the Question and if somebody was somehow to seek my indulgence for any other way of ventilation, then I may be willing and ready to listen, but that is not a guarantee that I will allow you. Next Question, Mr. Murungi.

#### PARTICIPATION OF WOMEN TEA FARMERS IN TEA SECTOR ELECTIONS

**Mr. Murungi:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that the women tea farmers in Kenya cannot elect or be elected in the tea sector elections scheduled for June 19th June, 2000, because they are not registered tea growers?

(b) What urgent measures is the Minister taking to ensure that the women participate in those elections by electing and being elected members of Tea Collection Centre Committees, Leaf Base Committees, Factory Directors and Kenya Tea Development Agency Directors?

**The Minister for Agriculture (Mr. Obure):** Mr. Speaker, Sir, I beg to reply, and I go straight to part "b" of the Question. The forthcoming tea sector elections are, in fact, gender blind. They do not discriminate against women in voting or being voted for. All registered tea growers, men and women, will be eligible to participate in these elections.

**Mr. Murungi:** Mr. Speaker, Sir, as a matter of fact, I think it is the Minister himself who is gender blind. Section 82 of our Constitution is very clear. It says that there shall be no law which is discriminatory, either in itself or in its effects. The Tea Regulations are discriminatory in their effects in the sense that - and the Minister knows very well being a tea grower himself - almost all the registered tea growers in this country are men. In the 45 tea factories in this country, we do not have a single woman director because women cannot be elected because they are not registered

growers. Having given the Minister this bit of education, could he now tell this House what he is going to do, to make sure that these rules are not unconstitutional?

**Mr. Obure:** Mr. Speaker, Sir, that education has been good not just for the Minister for Agriculture, but I think for all hon. Members of this House. The Tea Amendment Act was debated here for a very long time; in fact, from May to December last year. This honourable House was the one debating and a number of amendments were carried out. In so doing, we were talking about tea growers. Tea growers can both be men and women. I think the issue hon. Murungi is raising is far greater than what I can handle, as the Minister for Agriculture.

Mr. Speaker, Sir, I think that this issue is an issue for the entire society to educate the public, so that we can change our land tenure and property ownership systems. In this case, we will then be allowing women to own property and to register as growers for purposes of elections of tea and other sectors.

**Mr. Munyasia:** Mr. Speaker, Sir, arising from what has been going on between Mr. Murungi and the Minister---

**Mr. Speaker:** Order! Mr. Munyasia, you are saying about something going between who and who?

**Mr. Munyasia:** Mr. Speaker, Sir, between hon. Murungi and the Minister. I want to find out from the Minister whether there is any particular section that bars women from growing tea and, therefore, participating in the elections.

**Mr. Obure:** Mr. Speaker, Sir, there is no provision, either in the Tea Act, Agriculture Act or the rules formulated under the three Acts by the Minister, which will bar any woman from participating in these elections or even from contesting the elections, provided she is the grower of the tea and is qualified under these rules.

**Mr. Muite:** Mr. Speaker, Sir, given that each of the companies in the tea-growing areas is a limited liability company with its own memorandum and articles of association governing it, and also under the Companies Act, could the Minister tell us where he gets the illegal power and authority to order elections of a company which is governed by its own memorandum and articles of association?

**Mr. Ndwiga:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to bring a matter which is clearly *sub judice*, because that issue is already in court?

**Mr. Speaker:** Are you aware?

**Mr. Muite:** Mr. Speaker, Sir, I am not aware. I am learning from hon. Ndwiga. But, in fact, if it is in court, I am happy because I was wondering where he gets that authority from. I hope the court is going to determine the issue. I withdraw the question.

**Mr. Speaker:** Very well. Mr. Obure, the question is withdrawn, so, you cannot answer.

**Mr. Obwocha:** Mr. Speaker, Sir, is the Minister aware that instead of the shareholders of the tea factories conducting their own elections to pick up directors, he has directed that these elections be done at the tea buying centres? In this case, it is not elections of directors for the tea factories, but elections of directors for the tea buying centres. Is he aware that the elections are supposed to be held by the shareholders of the tea factories?

**Mr. Obure:** Mr. Speaker, Sir, we were dealing with the Question by hon. Murungi which relates to the issue of women tea farmers, and now, we seem to be deviating and talking about venues of the elections. I do not know whether I will be in order to answer that question by hon. Obwocha because I think it is completely outside the scope of this particular Question asked by hon. Murungi.

**Mr. Speaker:** Order! Can we do this?

**Mr. Muiruri:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Mr. Minister, do this: Although you are quite right in saying that it is outside the scope of the Question asked, if you have the answer, because these elections are anxiously waited in Kenya, and if in your view you think that it can help, why do you not offer the answer and be gratuitous? If you want to be gratuitous, fine! If you do want to be gratuitous, fine!

(Laughter)

**Mr. Obure:** Mr. Speaker, Sir, I would oblige and do that. Hon. Obwocha raised the question of whether the Minister for Agriculture has the powers to direct that elections be held away from the registered office of the respective tea factory companies, and I want to say that these powers are given to the Minister for Agriculture under sections 2, 3, 4 and 25 of the Tea Act. Hon. Muite might wish to know that.

For the purpose of giving information to hon. Obwocha, I would like to say that we have held a lot of consultations with Members of this House, and the last of such consultations with Members from the tea-growing areas was held this morning in the Parliament buildings. Now, we have also held consultations with the stakeholders, informally and formally, at Kericho and Nyeri where leaders---

**Mr. Muiruri:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Now, I do not know what makes Members impatient. By the way, Mr. Obure is just being gratuitous, and this is at the request of the Chair, because that is a matter that a lot of Kenyans are interested in, and apparently, Mr. Muiruri, you are not interested. I do not know whether you grow coffee or tea.

**Mr. Muiruri:** Mr. Speaker, Sir, I grow both.

**Mr. Speaker:** Very well. Now sit down and listen.

*(Applause)*

Mr. Minister has the powers! Proceed, Mr. Minister.

**Mr. Obure:** Thank you, Mr. Speaker, Sir. After very extensive consultations with stakeholders, including hon. Members of this House, a consensus was reached, and it is upon that consensus that we formulated this regulation. We are aware that the Companies Act, for example, stipulate where elections should be held; that they should be held at the registered headquarters of those companies. But in this case, in order to accommodate the views of the farmers, we asked each of these 45 factory companies to amend their regulations in order to allow for the creation of electoral zones within the catchment area of each of these factory companies. Therefore, what we have done is strictly in agreement and in harmony with the requirements of each of those factories' articles of associations.

Hon. Obwocha wants the elections, for example, to be held at the individual factory headquarters, but we have different situations in different areas. For example, we have a factory in Nandi called Chebut, with a catchment area which extends all the way from Kitale through Keiyo-Marakwet and to Mt. Elgon, a distance in excess of 100 miles. I think it will be unreasonable to ask individual farmers to travel distances extending beyond 100 miles in order to come and participate in elections held at Chebut. That is the reason why the farmers decided to create the electoral zones because they want the farmers to participate in the elections, and to decide who should lead these elections.

The stakeholders wished that we have a uniform system which is applied throughout the country, and that is why we are doing that. Hon. Obwocha will understand, for example, that hon. Angwenyi comes from Kitutu Chache and has farmers delivering tea in Tombe in East Kitutu who cannot be able to walk through the Manga Ridge which is prohibiting them to come and vote in Tombe. Therefore, a zone has been created for them below the hill in Manga at Marani so that they can be able to vote, and similar situations prevail everywhere in the country. That is why we have done that.

*(Applause)*

**Mr. Speaker:** Very well. That ends it.

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

**Mr. Speaker:** I am sorry.

**Mr. Murungi:** Mr. Speaker, Sir--- (inaudible).

**Mr. Speaker:** Order, Mr. Murungi! Be generous to others. I have given that Question 10 minutes. However, Mr. Murungi, could you raise your point of order very quickly?

**Mr. Murungi:** Mr. Speaker, Sir, actually, I was asked to ask this Question by one lady who wants to stand as a director in one of our companies, and she has agreed with her husband that---

*(Laughter)*

The husband has agreed that she can use his registered number so that she can be a candidate for the elections as a director, and she is called Ms Celina Kiruki, and Mr. Kiruki has no objections. He has even been to my office with this lady. Now, given this unique situation, could the Minister authorise this lady to stand for the elections as a director on the basis that her husband has agreed that she can use his number?

*(Laughter)*

**Mr. Obure:** Mr. Speaker, Sir, I hope that, that was voluntary consent, but nevertheless, we know that those cases exist and we appreciate that all over the country, it is actually the women who tender and pick tea, but unfortunately, the parcel of land and the ownership of the tea is registered in the husband's name. So, that presents problems for the women, and I think that is something that ought to be addressed. Unfortunately for the time being, both the Tea Act and the rules which have been formulated under that Act are very restrictive. We are saying that only the

registered tea growers in the area, and this is according to rule 417, will attend any meeting held, and will be present in person, and only then can they be entitled to vote. So, unfortunately, proxies will not be allowed, and in fact, we have advised women to tell their husbands and others to come in person and participate in those elections on that particular day because we said that if we allowed that to happen, then, we would have to extend it to the children so that they can vote on behalf of their parents. We would even allow the workers to attend and vote on behalf of their employers, and we would end up in an untenable situation. So unfortunately, it will have to be only the registered growers themselves, who will only participate in the elections.

*(A number of hon. Members  
stood in their places)*

**Mr. Speaker:** No more! Tosha hiyo!  
Next Question, Mr. Obwocha!

MEASURES TO RESCUE  
KENYA FARMERS ASSOCIATION

**Mr. Obwocha:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Why did the Kenya Farmers Association (KFA) Limited find it necessary to send thousands of its employees on compulsory unpaid leave from 1st March, 2000?

(b) When will they be paid their salaries which have remained unpaid for the last 24 months as of May, 2000?

(c) What measures is the Government taking to rescue KFA from total collapse?

**The Minister for Agriculture** (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Board of Directors of KFA decided on 13th January, 2000, to send 458 of its employees on compulsory leave. KFA found it necessary to send the members of staff on compulsory leave because it had liquidity problems arising from two years' mismanagement coupled with stiff competition in the farm inputs distribution business. The organisation has closed down half of its trading stores and it is only running 28 stores at the moment. This calls for a reduction in staff strength.

(b) KFA owes the members of staff on compulsory leave a total of Kshs53 million. To date, it has managed to pay Kshs15 million, leaving a balance of Kshs38 million. The Association is making monthly repayments averaging Kshs3 million to the members of the staff. Owing to the financial ills facing the Association, I am not quite certain, and I cannot, therefore, state exactly when the organisation will clear the outstanding balance. However, I appreciate that every effort is being made to settle this outstanding debt owed to the members of staff.

(c) The Government has facilitated meetings between the creditors, including the members of staff, and the Association to decide the best mode of clearing the agreed debt. The Ministry has organised to carry out an inquiry into the financial conditions and workings of KFA. The exercise will start at the beginning of July, 2000. After the inquiry, and when the report of that inquiry will be submitted to me, we intend to call the organisation's shareholders to inform them on the outcome of this inquiry, so that the members themselves can decide the fate and the future of this organisation, as well as the way forward.

**Mr. Obwocha:** Mr. Speaker, Sir, I have a letter from the Acting General Manager, Ms. S.K. Cherongony, reference No.72/H and dated 25th February, 2000, that sent these people away on leave. In fact, it is a very unkind letter because it states:

"Meanwhile, you are advised to keep off from the branch's premises".

These people are not criminals. Now, if indeed, as the Minister has said, they are clearing these salary arrears at Kshs3 million per month and yet, there is Kshs38 million remaining, by the time they will finish clearing Kshs38 million, if you divide Kshs38 million by Kshs3 million, that will be another 13 months. There will be another 12 month whose salary amounts will have accumulated because the employees will not have been getting their regular salaries.

Since KFA sold its house in Milimani, Nakuru, could the Minister tell the House how much it obtained from the sale of these houses? Why can they not use the proceeds to clear the salary arrears?

**Mr. Obure:** Mr. Speaker, Sir, I must apologise. I do not have the details of the various revenues raised from the sale of the houses. But I would like to say that KFA as an institution is indebted in far greater amounts to various other organisations apart from the members of staff themselves. So, I am aware that it has been under a lot of pressure from some of its creditors to settle their accounts. Some of this money, I believe, has been used to clear some of the outstanding debts owed to banks and other people.

**Mr. Michuki:** Mr. Speaker, Sir, bearing in mind that there is need for institutional arrangements to facilitate

the fighting of poverty, and also in order to meet the objectives of the Motion raised here yesterday by hon. Dr. Omamo, is the Minister prepared to revive KFA which played such a vital role, as an institution through which resources trickled to those who take part in actual development? As he said yesterday, he will revive the Agricultural Finance Corporation (AFC); is he prepared to revive KFA, which is a very vital factor in agricultural development?

**Mr. Obure:** Mr. Speaker, Sir, the sentiments expressed by hon. Michuki are very valid. I am aware that it is very difficult to re-organise and to increase agricultural production if we do not have strong and effective organisations which serve farmers. KFA was one such organisation, but unfortunately, it has not been performing to the expectation. As a result of recent re-organisation, it still has a number of outlets which are serving farmers not as well as they should. At the moment, there is an indication that these outlets could improve on what they are doing. I hope that they will, but it is our intention that after this inquiry has been carried out, to talk to the shareholders of KFA and see if they can find ways of strengthening this particular organisation. I believe it has served farmers well and it could still serve them in the future.

**Mr. Obwocha:** Mr. Speaker, Sir, finally, now that the Minister has accepted the gravity of this matter, could he tell this House how much KFA owes its creditors? This will enable us to know whether it is solvent or not.

**Mr. Obure:** Mr. Speaker, Sir, the magnitude of KFA's indebtedness is as follows:- The National Bank of Kenya - Kshs283 million, Barclays Bank of Kenya - Kshs160 million, other trade creditors - Kshs110.2 million and staff retirement benefits and salary arrears - Kshs158 million. I would like to add here that with regard to the question of whether KFA is solvent or not, I believe that KFA had built a long chain of assets in various places in this country. It is in respect of those assets, and taking into account the various items of indebtedness and other liabilities that we would like the shareholders to come together to decide what assets they should dispose off. We are recommending that they should consider, for example, disposing of non-chore assets so that they can meet some of their obligations and liabilities. I still believe that given the number and the quality of the various assets owned by KFA, given a chance, it could still be a viable organisation.

#### REVIEW OF WATER APPORTIONMENT LICENCES

**Mr. Kaindi:** Mr. Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

In view of the current drought, could the Minister consider reviewing the water apportionment licences given to Waridi, Stony Athi, Sunrose and Harvest Flower Farms in Athi River in order to enable people living along the river, especially at Kinanie to have access to the scarce water resource for their domestic use.

**The Minister for Water Development** (Mr. arap Ngeny): Mr. Speaker, Sir, I beg to reply.

(a) The flower companies of Waridi, Stony Athi, Sunrose and Harvest Flower Farms are licensed to get water as follows:-

(i) Waridi and Stony Athi companies get their domestic water from Nol Turesh Water pipeline supplemented by ground water via their licensed boreholes. For, irrigation purposes, Waridi is licensed to abstract water for general irrigation from flood flow from Athi River.

(ii) Stony Athi is also licensed to abstract ground water for general irrigation.

(iii) Sunrose and Harvest Flower Farms Limited companies are licensed to abstract water for both domestic and general irrigation from Athi River and from ground water.

Mr. Speaker, Sir, I would like to further state that under the Water Act, Cap. 372, water permits, especially for irrigation are issued on condition that the users construct a 90-day storage facility to harvest flood flows to be used during dry periods, for example, during this period. The four companies listed above are, therefore, out even under their permit to abstract this flow of water for irrigation purposes during the dry period as it is now. I have therefore issued this instruction to all Provincial and District Water Officers to enforce the Water Act and make sure that these conditions are adhered to. Even water intakes designed for both domestic and irrigation purposes should have controlling devices such that during the low flows as now, they can only abstract the amount allocated for domestic purposes and if they are not for irrigation, they must only abstract what they have harvested for flood flow and store for use during the dry season.

Any use of water for irrigation outside the above stated conditions is illegal and liable for prosecution and my field officers have been instructed to that effect.

**Mr. Kaindi:** Mr. Speaker, Sir, we are talking about the lives of human beings and livestock vis-a-vis that of flowers. We are talking about a very serious situation where about 50 kilometres downstream, the people from that area and their domestic animals are denied the use of water by those four flower farms. I have just come from Athi River ten minutes ago and that is why I was late. I have just confirmed that Stony Athi Flower Farm continues to abstract base flow water using huge generators to the detriment of the users downstream. In view of this instruction that the Minister

says that he has issued, what action is he going to take now that, that abstraction is still going on and the people in Kinanie and downstream all the way to Kangundo area are not having domestic water?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I thank the hon. Member for bringing that information to me. This is because as I have said, the rules are there and it is a question of their implementation. I would like to request everyone of us in this House, that is hon. Members, to assist the Ministry through ourselves, the administration, chiefs and assistant chiefs so that if anybody breaks those rules, we should be immediately informed so that we can enforce those rules.

**Mr. Katuku:** Mr. Speaker, Sir, the situation is very serious and this issue of growing the flowers at Athi River Farm has affected not only the people around Athi River Town, but also those in Machakos Town. For example, there is no water at the Machakos District Hospital because the same farms are taking the Kilimanjaro water and using it for irrigating flowers yet patients cannot get water. The Minister has been told clearly what is being done. What is the Government doing? We have informed the District Development Committee (DDC) and the District Commissioner (DC) and everybody and nothing is being done and here is the Minister who seems to be helpless. What will you do to arrest the situation?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, as I have said before, we shall take really stern measures. This is not a question of if or when. If we discover that somebody is misusing the licence issued by the Ministry, we shall surely take action.

**Mr. Kaindi:** Mr. Speaker, Sir, I think the Minister was probably given the wrong information. This is because he said Waridi and particularly Stony Athi Farms are using the Nol Turesh Water Pipeline for their domestic use to supplement ground water via their boreholes.

Mr. Speaker, Sir, however, I am putting it to the Minister that most of the water being used by Stony Athi which is one of the biggest flower farms in Athi River - we have no quarrel with the flower farms - comes from the river and they are denying Mavuko Municipal Council the use of that water. However, much more so, they are denying the people downstream water. Can the Minister make an inspection tour or order his officers to do the same and confirm this as a matter of urgency and take appropriate action?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, in fact, yesterday, I issued a Ministerial Statement on the same issue because of the situation. I appealed to all stakeholders and in particular the leaders including the hon. Members of this House, that this issue is a very serious one. I am urging hon. Members to assist the Ministry by giving us as much information as possible like the one hon. Kaindi has given. We are surely going to take action and you may see my people there tomorrow if possible.

## COMMUNICATION FROM THE CHAIR

### WORKSHOP AT KCCT - MBAGATHI

**Mr. Speaker:** Question Time is up! In fact, it was up 30 minutes ago. Order! May I bring to the attention of the House a few facts. First of all, Question Time will be limited to one hour running from 2.30 p.m. to 3.30 p.m. So, all concerned, that is those questioning and those answering questions, must re-arrange their way of questioning and answering to accommodate the one hour.

Secondly, Members dissatisfied with answers to questions given are advised to follow the procedure laid down in the House. This means that you may proceed under Standing Order No.18 and not otherwise. So, can we get that absolutely right.

Just before I recognise a few Members, who had asked me very briefly because we have already taken a half hour of our time, I wish to bring the following information to the attention of the House. Hon. Members, you will recall that during the HIV/AIDS Symposium we held in Mombasa in November, 1999, we made certain resolutions on the way forward in combating the HIV/AIDS scourge in this country. In an effort to push this agenda forward, hon. Members were further advised to be instrumental in the formation of Constituency AIDS Control Committees (CACCs) to reach out to the people at the grassroot level. On behalf of the Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare, I am pleased to invite all hon. Members to attend a one day workshop on the financing and operations of this Committee on Friday, June 16th, 2000 at KCCT, Mbagathi.

The workshop is being sponsored by the National Aids Control Council. The programme for the workshop will be distributed to all hon. Members before the rise of the House today. You are all welcome. Thank you very much.

## MINISTERIAL STATEMENT

INVASION OF NORTH IMENTI  
BY ISIOLO HERDSMEN

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I rise to make a Ministerial Statement as requested by hon. Mwiraria on 7th of June, this year, regarding the invasion of North Imenti by herdsmen from Isiolo District.

Mr. Speaker, Sir, it is true that, as a result of acute drought affecting Isiolo District, some herdsmen from Isiolo, with about 400 camels and 300 head of cattle, moved to Nkando Sub-Location and Rwarera Location, during the end of the month of May, 2000. The herdsmen did not enter Ntirimiti Location as alleged. On receiving the information of the invasion by herdsmen from Isiolo District, the DC for Meru Central ordered the herdsmen to vacate the area immediately. The herdsmen have now moved back to Isiolo and normalcy has returned to North Imenti.

**Mr. Mwiraria:** Mr. Speaker, Sir, I would like to seek clarification as to when the herdsmen moved back to Isiolo. Secondly, I would like to tell the Assistant Minister that we do understand the difficult conditions that we all live in. But we do not understand why some people are allowed to graze their animals in other people's shambas, particularly when the said people have struggled to bring in water, and grown one or two acres of horticulture and a little maize. I would like to ask whether the Government will take care of those people, who are nearly starving, and we are sure that they will starve.

The second point is that, there is a particular plant we use for growing hedges, which appears to be a favourite of the camels. Could the Government encourage the people in Northern Kenya to grow that plant? It is a latex plant whose biological name I do not know. But I know the Kimeru name. It is called "*Muthuuri*." It would certainly help because it grows in very dry areas. I am sure it would help to keep the people in their habitat.

**An hon. Member:** Away from Meru!

**Mr. Speaker:** Let the Assistant Minister respond! Do you know the plant?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I am not conversant with the plant. However, I do take the sentiments expressed by the hon. Member on board, as we will be making our recommendations. I hope the hon. Members from North-Eastern Province seated in this House have heard what hon. Mwiraria has said.

However, I would like to set the record straight. The Government has not allowed anybody to graze on anybody else's farm in the past. I did make that very clear when I said that, as soon as it was reported to the Government, the DC forced out the invaders from Isiolo. By the 10th of this month, that exercise was completed.

**Mr. Mwiraria:** On a point of order, Mr. Speaker, Sir. I personally went to Rwarera and Nkando Locations on Monday. I saw the camels and the other animals there. I found some of them in people's shambas. I asked the Assistant Minister to tell us when the animals were moved out but he has refused to answer that question. I also stated that, while I was there, I found herdsmen with AK-47 rifles on their shoulders. They may not have been allowed to graze on people's *shambas*, but you get scared when somebody walks into your *shamba* with an AK-47 and you have nothing! Could the Assistant Minister tell the House when he will approve the establishment of a police reserve within those parts of North Imenti bordering Isiolo and Samburu Districts?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I said that the initial invasion was dealt with by the 10th of this month. But, as and when the invaders invade those farms, the Government will take action. As for the request for the provision of homeguards, it will be considered as and when the local people apply to the relevant police station.

**Mr. Speaker:** Very well! Mr. Anyona's point of order will be the last today. I promised the House that he will seek a Ministerial Statement from hon. Obure on the tea elections. That will be the very last.

**POINT OF ORDER**

INTERFERENCE BY KTDA DIRECTORS  
IN FACTORY ELECTIONS

**Mr. Anyona:** Thank you very much, Mr. Speaker, Sir. If I may treat the remarks made by the Minister as some sort of statement, then what I would like to do is to seek clarification to make things move faster. In that case, I would like the Minister to explain:-

(a) whether he is aware---

**Mr. Speaker:** This is not Question Time, hon. Anyona! Do you want a Statement from him on a specific issue? What is it that you want?

**Mr. Anyona:** Mr. Speaker, Sir, what I said was that since he had made some comments, I would like to raise some issues to save time. This would be some kind of a clarification, rather than asking him to bring a Ministerial Statement, which I will react to. I thought that would be faster.

But nevertheless, could the Minister bring a Ministerial Statement to explain the fact that, there is gross interference and manipulation of the election process by the Kenya Tea Development Authority (KTDA) and the current incumbent directors? It is known that large sums of money have been made available to the current directors by the KTDA, to enable them to win elections, so that they can, in turn, appoint them as agents of the factories.

Secondly, could the Minister explain Regulation No.5(h)? When we were at Kericho, we said that in Western Kenya, and particularly in Gusiiland, we do not have parcels of land which can produce 2,000 kilograms of green leaf. Therefore, we agreed that in those areas, we should apply a different rule. At the moment, that rule is shutting out all the farmers from participating in the process. Since in the laws, the Minister has authority to waive it, could he exercise that waiver?

Thirdly, under Rule 16(c), there is a mistake. You have Rule 16(c) twice. I believe this should be Rule 16(d). That allows the Company to create electoral zones. But for purposes of elections, if you link that with the Companies Act, it stipulates clearly that there is one meeting. You cannot perceive that to mean that, elections will take place in all those zones. Could the Minister waive those zones because they will create problems?

**The Minister for Agriculture** (Mr. Obure): Mr. Speaker, Sir, hon. Anyona has raised several questions. The first question that I would like to deal with is with regard to zoning, which I think was exhausted in the last Question. Therefore, I will go to the question of interference by staff of the KTDA and sitting directors.

Mr. Speaker, Sir, again this was the question addressed by various stakeholders. Immediately the elections were announced, the KTDA was instructed to issue circulars to all their staff, warning them against interfering, in any manner or showing any interest whatsoever, in what is going on in the campaigns in the build-up to the elections. I am satisfied with various measures which have been taken in this regard. The KTDA staff know that, if they were found to have been involved in any way, they could stand to be disciplined.

Mr. Speaker, Sir, the question of Directors using the KTDA facilities to carry out personal campaigns has been dealt with. As a matter of fact, we have asked that they do not even hold meetings or come to the factories until the elections are over. After the elections are over, of course, they will have no role in KTDA, if they have lost. Therefore, I believe this is something that has been catered for already. It is catered for and it is very difficult to police things because we are talking about human beings. All we can do is to minimize the misuse of office and facilities belonging to the KTDA and so on. But we have done our best in this respect.

The third question which hon. Anyona has raised, relates to the minimum production figures. This again was a recommendation and a consensus reached by all the stakeholders. The concern was that, even the minimum quantities which we have stipulated do not, in anyway, stop anybody from voting. Any tea grower will vote. But there was this concern about people being given responsibilities to steer the industry and the tea growers everywhere were saying that: "Look, if we are going to entrust somebody with this kind of huge turnover", the investment which they have placed in this industries, "then it has got to be somebody who has an interest himself and who has something to lose if something went wrong." For instance, they were giving examples like, if you have a herd of cattle and you are going to entrust your cattle with anybody who does not know anything about cattle, the safety of the animals is not guaranteed. But they said, if the man guarding the cattle has his own cattle in the herd, then he is likely to be a better herdsman than anybody else. So, this is why they were stipulating these minimum quantities. So, they said that a person will not be allowed to contest elections for directorship, if he produces less than 2,000 kilograms of tea per month.

Mr. Speaker, Sir, a lot of representations have been made in this respect. I am sure hon. Anyona is talking on behalf of quite a substantial constituency whose constituents feel that these figures were high. But there is provision for flexibility.

**An hon. Member:** That means that, it is the preserve for those people with high turnovers only!

**The Minister for Agriculture** (Mr. Obure): Mr. Speaker, Sir, there is a large number of stakeholders who felt that the 2,000 kilograms per month for the contender was too small. There were people who felt that it should go even up to 10,000 kilograms, if we were going to be serious in this activity of tea growing. But we reached this compromise to ensure that, as many people as possible who want to contest, are allowed to contest. Therefore, I know the area which hon. Anyona is taking about, but I will be very reluctant to make any exceptions to this rule at the moment, unfortunately.

*(Applause)*

**Mr. Speaker:** Very well! Next Order!



**MOTION**ADOPTION OF REPORT ON FACT-FINDING  
MISSION TO SIERRA LEONE

**Mr. Musila:** Mr. Speaker, Sir, in my capacity as the Chairman of the Departmental Committee on Defence and Foreign Relations, I beg to move the following Motion:-

THAT, this House adopts the report of the Departmental Committee on Defence and Foreign Relations, on a fact-finding Mission to Sierra Leone laid on the Table of the House on Tuesday, 13th June, 2000.

Mr. Speaker, Sir, this House will recall that, on the 4th of May, 2000, there were Press reports to the effect that, a number of our soldiers serving with the United Nations Peace-Keeping Mission in Sierra Leone had been killed, while others had been taken hostage by the Revolutionary United Front (RUF) of Sierra Leone.

On the following day, the Departmental Committee on Defence and Foreign Relations, which I am privileged to chair, held a crisis meeting with the hon. Julius Sunkuli, the Minister of State, Office of the President, in-charge of the Defence.

On the same day, the Committee also met the Commander-in-Chief of the Armed Forces, His Excellency the President, who briefed us fully on the prevailing situation in Sierra Leone. During the meeting with both the Minister and the Commander-in-Chief of the Armed Forces, it was very clear that there was scarcity of information and that, we could not get all the answers we required.

Considering the seriousness of the matter and after consultations with the Commander-in-Chief of the Armed Forces, it was decided that the best course of action would have been to send a fact-finding mission to Sierra Leone. Although the trip was to be undertaken immediately, the security situation in Sierra Leone could not permit, as the situation continued to deteriorate.

In the meantime, the Minister of State, Office of the President in-charge of defence continued to brief the Committee and kept us fully informed, until such time that the security situation in Sierra Leone improved. Some Committee Members were able to depart for Sierra Leone on 18th May, 2000, and the following Committee Members took part in this Mission:

The Hon. Paul Kihara, MP.

The Hon. Odeny Ngure, MP.

The Hon. Samuel Poghishio, MP.

Dr. The Hon. Mukhisa Kituyi, MP

The Hon. David Musila, MP.

The hon. Julius Sunkuli led the delegation, which included some senior military officers and members of the Press.

The purpose of the Committee was to find out the conditions and the environment under which Kenyan soldiers serving with UNAMSIL in Sierra Leone were operating and also to establish the circumstances under which a large contingent of the Kenyan forces came to be engaged in combat with RUF rebels. We were also to assess any possible support necessary to free the Kenya officers and men who had been taken hostage.

The mission of the Committee also included meeting with regional leaders who were key players in Sierra Leone matters in line with the peace accord signed in Lome and also under UN Counsel Resolution of 1270.

Finally, the Committee was to carry out further investigations with a few to strengthening the Committee's recommendations to Parliament on the future of Kenya's Peace-Keeping Forces in Sierra Leone.

Mr. Speaker, Sir, at this juncture, I would like to thank His Excellency the President, who is also the Commander-In-Chief of the Armed Forces, for finding time to meet the Committee at that time of the crisis. I also wish to thank him for availing a Kenya Air Force aircraft for use by the Committee during that mission.

Mr. Speaker, Sir, I am also grateful to the hon. Sunkuli for keeping the Committee fully briefed and for very ably leading the delegation to Sierra Leone. I also wish to take this opportunity to thank Members of the Committee, who undertook this mission for their dedication to duty. For information of the House, this mission meant Members waking up very early in the morning and working throughout the night. Sometimes, Members had to travel through hostile territories in the war zones of Sierra Leone. I have nothing but admiration for the spirit of co-operation that was displayed by all the Members of the delegation. Needless to add, members of the Press who accompanied that delegation deserve special praise for keeping Kenyans informed of the situation in Sierra Leone and also the activities of this Committee.

Mr. Speaker, Sir, for a long time, our Armed Forces have distinguished themselves in peace keeping missions in many parts of the world, including countries such as Zimbabwe, Chad, Iran, Iraq, Kuwait, Bosnia and Kosovo.

Currently, our men and women are engaged in peace keeping missions in East Timore and Sierra Leone. As far as Sierra Leone is concerned, our Forces were sent there late last year at the request of the United Nations (UN) to keep peace under the terms of the Lome Peace Agreement which was signed between the Government of Sierra Leone and other groups that were party to the conflict, including the Revolutionary United Front (RUF). Specifically, the peace keeping mission was to supervise disarmament, demobilisation and re-integration of the former combatants to the civil society.

From the study of this mission, however, many incidents of violation of the peace accord, mainly by the RUF rebels were recorded. Some of those incidents are very well recorded in our report and I would not like to tire the House in repeating them. The most serious of the violations occurred on 1st and 2nd May, 2000, when the RUF rebels attacked our men at a place called Makeni and another place called Magrburaka where they demanded that our men surrender their weapons. The RUF rebels continued surrounding the Kenyans in those two camps and exposed them to a lot of stress. That encirclement lasted several days until it became clear to the commanders of the Kenyan battalion that a "break out" from the encirclement by the RUF forces in those two areas was inevitable. A break out is a terminology used by the military to come out of the situation.

On 9th May, Mr. Speaker, Sir, the Kenyan battalion broke out of the encirclements in Makeni and Magrburaka. Those forces who were stationed at Makeni headed north to an area called Kabala, while those at Magrburaka headed south, to an area called Maili 91. In the process of breaking out of Makeni, our Forces found hostile combats. They had to go through very hostile territories and they had to fight it out with the rebels in order to get into what would have been considered to be safe areas. As of now, our men suffered casualties as follows: Four men are as of today listed as missing in action. In the process, also 21 officers and men were wounded; 12 of the wounded were flown to the Armed Forces Memorial Hospital, Nairobi. I have since been informed that six of the twelve have been discharged and that the hospital is still retaining six casualties. Also, nine were hospitalised in Sierra Leone.

As the House would recall, the Committee took advantage to meet those members of the Armed Forces who were brought from Sierra Leone wounded and visited them at the Armed Forces Memorial Hospital prior to their departure to Sierra Leone. Those very brave men did give us account of what they went through during that siege. We also visited the nine hospitalised men at a hospital in Free Town in Sierra Leone. Two of the nine were very seriously wounded and arrangements were being made by the hospital authorities in Free Town to have them flown to Europe for specialised treatment. In addition to the four missing men, those wounded, 26 officers and men had been taken hostage by the RUF forces.

I am pleased to inform this House that the Committee was able during the visit to West Africa, to participate in the negotiation of the release of those men. We did start by meeting the President of Liberia, His Excellency, President Taylor, who did undertake to do whatever he could to make sure that all Kenyan men held by rebels were released. We did also appeal to him on behalf of others, like the Zambians, who were also held and he did everything possible, and as Members are aware, prior to our departure, all our men except two had been released. We also had the advantage of receiving all the soldiers who were being released. We met, talked and consoled them. I am glad to say that they have taken this matter very well because of their morale.

In our report, Mr. Speaker, Sir, we have highlighted some areas which the Committee considered were shortcomings on the part of the UN Force command. I would like to mention three. First, according to the UN Force Commander, who we had the pleasure of meeting and interviewing, the deployment of Ken Bat 5; that is, the Kenyan battalion, was hurried up when ECOMOG forces withdrew from Sierra Leone hurriedly. This meant that the Kenyan battalion was to be deployed in those areas in order to protect the UN unarmed observers who were already in the field.

As a result, and because there were not many forces on the ground, and because other countries who were to contribute forces had not yet contributed; Kenyans were made to go to that area which had not even been served by any other forces, including ECOMOG, or even Government forces. This is the area in the north which we have identified as Makeni. Those men were deployed in a very unpleasant manner. A few were put in some areas and they were extremely scattered. Therefore, we found that, that particular action of deploying our men in unpleasant manner in hostile territory, encouraged the rebels to try to disarm them when, in fact, those men had gone there to receive arms from the rebels.

Secondly, it was made very clear to us that the UN Peace-Keeping Force Commander had, on 9th May, 2000, issued instructions that units of the Kenyan Battalion (Kenbat), which had been encircled at both Makeni and Magrburaka, were to break out at a certain agreed time. The Indian Quick Reaction Force (RQF) was sent to that area earlier in order to combine forces with Kenbat, to break out from Kakeni to Mile 91. We were unable to know why the UN force Commander decided to issue other orders to the Indian RQF to move out of Margbaruga earlier than had been arranged. For these reasons, our men at Makeni were left helpless without back up from the RQF since the later had leave earlier than the time agreed upon. Also, it was unfortunate because, on the same day, the UN Commander sent the

Zambian Battalion (Zambat) to assist the Kenyans who had been encircled. Zambat was being commanded by our own Brigadier Mulinge. Unfortunately, Zambat was taken hostage before it could reach the encircled Kenyans. It was only through the quick imagination and professionalism of Kenbat Commander that not too many casualties were occasioned during the breakout.

Mr. Speaker, Sir, the third area in which we found the UN Command was wanting was that of equipment. The UN Command in Sera Leon appeared not to have been properly equipped. In the process of our interviewing the UN Force Commander, he admitted that he lacked enough equipment to enable him communicate with the forces on the ground. We wondered how someone would be sitting in Freer Town with forces in the field and command them without proper and adequate communication equipment. We also learnt that most of the peace-keeping battalions that arrived in Sierra Leon did so without adequate equipment and that, as a result, the whole mission was not properly carried out right from the start.

All the same, it was also clear to us that the Revolutionary United Front (RUF) was not sincere in keeping to the terms of the peace accord that was signed in Lome, in August, 1999. We established that, whereas 20,000 firearms had been surrendered to the UN by combatants in the southern part of Sera Leon, only a few firearms had been surrendered to Kenbat in the RUF-controlled northern part of that country.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, we feel that the Kenyan soldiers serving in the UN Peace-keeping Mission are doing a good job, and that they should continue serving there as long as the environment in that country is conducive to peace-keeping. I would like to take this opportunity to, very warmly, commend members of Kenbat for the professionalism they displayed, particularly, when they were breaking out of encirclement. Those men and women went through hostile territories, where they found very many road blocks. They were fought by the RUF forces, but they surprisingly, managed to end up with lower casualties than would have been expected in the circumstances. It is important to note that Kenbat lost a lot of equipment in that operation among which were vehicles, communication equipment and personal belongings. Most of the lost equipment will have to be replaced using public funds.

At this juncture, I would like to explain to the House that forces proceeding for UN missions carry all the required equipment with them to their operation stations. In the case of our forces, who went to serve in Sierra Leone, they carried with them some of their vehicles and all other necessary equipment from Kenya. Therefore, the equipment that was lost in the operation will, definitely, be a loss to taxpayers. Despite all the setbacks that I have mentioned, we managed to visit our military men and women at Lungi Airport, and at Kabala, where they had escaped to after breaking out of the encirclement. I am glad to report to the House that we found the morale of the officers, men and women of Kenbat in Sierra Leone to have been very high. I have no doubt that the visit of this Committee, on behalf of this House, enhanced the morale of those men and women. I would, therefore, like to ask this House that we continue to uphold this morale by speaking in one voice in support of, in support of our armed forces who are serving in Sera Leon.

Mr. Deputy Speaker, Sir, this Committee got involved in affairs of Sera Leon because of the hostage crisis. It is, therefore, this Committee's view that, in the future, any Kenyan troops that may be required to serve in foreign countries should be sourced only after adequate consultations have been done with the relevant Committees of this House. Earlier on, I mentioned that the Members of this Committee managed to meet many dignitaries while in Sera Leon. Part of our mandate was to go and help in the negotiation for the release of our men and women who had been held hostage by the RUF rebels. I would like to take this opportunity to also commend the Liberian President for the role he played in the negotiations that secured the release of our military personnel.

While in Liberia, we also had the opportunity of meeting the RUF rebel leader, Mr. Sankoh. I would like to make it clear, at this juncture, that we did not visit Mr. Sankoh in his cell in Freer Town to ask him to release our soldiers. By the time we visited him, all our soldiers had already been released by the rebels. He, in fact, did not have any idea that our soldiers had been released. For the record of this House, I would like to state that we visited Mr. Sankoh after we had met the President of Sierra Leone, His Excellency, Mr. Kabah, all other players of the conflict and the Minister for Foreign Affairs; they all gave us their point of view regarding the peace accord that had been signed by all the parties that were involved in the conflict, among which was Mr. Sankoh's RUF. The Members of this Committee were anxious to know the views of Mr. Sankoh, as a rebel leader. That was why we requested for a meeting to be arranged, so that we could meet him. We met him solely to seek his views on the peace process. According to the information that we gathered from him, he was for peace. Indeed, when we looked him right in the face and demanded to know why his men had abducted our soldiers, he had nothing to say but "sorry". He asked us, as Committee, to say that he was sorry to Kenyans for the incident. All the same, we had the opportunity of meeting many other players. We

met the Minister for Foreign Affairs from Nigeria, who gave us very useful hints on what the ECOMOG or the ECOWAS intended to do for Sierra Leone; we did meet the Minister for Defence from Ghana. I would like to say that both countries are very interested in Sierra Leone. The current position of our force is that all the men who had broken out to the area called "Kabala" after the encirclement have since been airlifted by the United Nations (UN) to safer areas in Lungi. So, I am pleased to report to the House that as I am speaking here now, our men and women who are serving in Sierra Leone are not in danger because they have been airlifted from the war areas to an area where we can consider that they are safe and they are doing their peace keeping mission.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to commend one officer from the Armed Forces who played a major role in ensuring that our mission was a success. I know that it is not usual for military personnel to be commended publicly, but I have the permission of my Committee to mention the name of Lt. Gen. Opande, who is the Vice-Chief of General Staff of our Armed Forces who played a major role in assisting the Committee in making the necessary contact, particularly with the President of Liberia.

*(Applause)*

As the House would recall, Lt. Gen. Opande, has served this country in peace keeping missions in the UN, particularly in West Africa and we found his experience, conduct and knowledge of the personalities involved to be of immense value. I do hope that Kenyans can be grateful to such a man.

Having said that, I have something which is not very pleasant to say about the performance of our Ministry of Foreign Affairs and International Co-operation. The ambassador of Kenya to Nigeria is accredited to Liberia and Sierra Leone. I would like to inform this House that this Committee did not receive any co-operation from the Ministry of Foreign Affairs and International Co-operation, and particularly the Kenya Embassy in Lagos. In fact, we had to make our own appointments without their co-operation even in Abuja although we have a representative in Nigeria, who is based at Lagos. We felt that as representatives of this House, such an attitude was uncalled for.

We went to Sierra Leone, where our men had been taken hostage, gone missing and wounded. We wanted to know what the Kenyan Embassy in Nigeria had done and we did not get any information whatsoever. We became the ambassadors in that area in the absence of our own ambassador and we do hope that this will not be repeated and that we must all be regarded as serving one people. We left this country because our own men were in trouble. We left this country with the blessing of the Commander [Mr. Musila] in-Chief of our Armed Forces, whom we are very grateful for and we could not understand why one arm of the Government did not wish to co-operate with us. I do hope that the Minister will take a note of that and ensure that in the future, hon. Members of this House, or Kenyans who travel to areas where Kenya is represented are accorded the necessary assistance as required.

Mr. Deputy Speaker, Sir, it is not my intention to continue further because I would like to avail the opportunity to hon. Members of this House to debate this Report.

With those remarks, I beg to move and request that my friend and colleague, hon. Dr. Kituyi seconds the Motion.

Thank you, Mr. Deputy Speaker, Sir.

*(Applause)*

**Dr. Kituyi:** Thank you, Mr. Deputy Speaker, Sir. First, may I appreciate the very competent and able way in which my Chairman has moved this important Motion. I am not going to repeat details that have already been presented. I just want to make two global statements.

Many people in this country were very cynical at the start of our mission to Sierra Leone, asking what hon. Members of Parliament were going to do in that country. They were asking whether we were going on holiday, or like I was caricatured in one cartoon strip whether we were going to buy West African attire. I think there is a fundamental thing that has happened. For a long time, the affairs of the Department of Defence (DOD) has been locked out of Parliamentary search lights. An opportunity emerging where a Committee of this House seeks empirical evidence about goings on in part of the operations of the DOD and report back to this House about what is going on there is an important albeit small step in bringing the affairs of the DOD under the search light of Parliament. In the long term, that is the most important contribution of the mission to Sierra Leone. That as we vote taxpayers' money to be used in the DOD, we should increasingly start humanising it and ask it the questions that we have been asking other departments and Ministries of the Government.

Secondly, I hope that, that is the start of a journey in a direction where for the future missions, the Government of Kenya will seek concurrence from Parliament before mobilising Kenyan officers and men on any international

assignment.

Mr. Deputy Speaker, you see the risks of military adventure in our neighbourhoods, where Heads of States take soldiers to countries to fight meaningless wars and sometimes even very personal wars. The tragedy of Kisangani, not only tearing apart that beautiful small city of Bagwana, but also shattering the peace and friendship between the people of Rwanda and Uganda, and further postponing the possibilities of Rwanda joining the East African Community. I am glad that this country has not tottered in that direction, but it is useful that we enhance the capacity of Parliament to represent the voice of the people on matters of defence as a safeguard against any such adventure by hotheads at any one time in this future.

Talking of Kisangani and personal interests brings one into an interesting dimension about Sierra Leone. The international involvement in attempts to end war in Sierra Leone starts with soldiers of Nigeria - the nucleus of what became the ECOMOG Forces, but this country did not send soldiers to this country because it wanted peace in its neighbourhood. It sent its soldiers to Sierra Leone because the late dictator Sani Abacha owned a personal refinery in Free Town and feared that the RUF were going to take it over. He committed Government resources and personnel to try to protect his refinery in Free Town. I think there is more heroism in a more objective and socially committed intervention like has been done by forces, including ours who are not protecting the personal interest of any individuals on the ground.

Mr. Deputy Speaker, the second thing that I would like to say of a general nature is a matter of Kenya national interest and foreign participation. For a long time, this country has behaved in a very insular way. Most of the time, we have been very inward looking. When crisis have emerged even in our neighbourhood, our capacity to show human empathy and solidarity with our immediate neighbours with whom we have social and cultural bonds has been wanting. History will not judge this country very fairly on our crimes of omission as our neighbours and brothers in Uganda suffered under the hand of the dictator, Idi Amin. Involvement and interest in international affairs being clear and objectively well-sighted, acting on the international scene is a critical component of strengthening international interests. I think our forces which have been participating in the United Nations Peace Keeping and Peace Enforcement Missions are the most significant and positive role that can be identified in Kenya's relations with other countries and international causes to date.

I now wish to come to the matters of Sierra Leone. There are a number of fundamental problems. The biggest question which some colleagues here, including hon. Sungu were asking before we went to Sierra Leone were: What are our people doing there and why should they not come home? The flaws in the UN Mission to Sierra Leone pre-date the decision by Kenya to send soldiers to Sierra Leone. In July 1999, the Lome Accord was signed by a tired and weakened Tije Nkaba, a remorseful Colonel Johnny Paul Koroma, the head of the Armed Forces Revolutionary Council (FRC) of Sierra Leone and other smaller defence forces like the Komojong and other tribal militia. The main perpetrators of heinous crimes against humanity, the Revolutionary United Front, were always reluctant. Had it not been for the costly military defeat, their main forces were suffering at the hands of ECOMOG forces, they were not interested in signing for peace.

**The Assistant Minister for Environment and Natural Resources (Mr. Kimkung):** On a point of order, Mr. Deputy Speaker, Sir. I saw in the newspapers that Members of the Committee actually posed for pictures with Sankoh. Considering that Sankoh was the one responsible for the suffering of our soldiers and the people of Sierra Leone, was it not a diplomatic error to have posed for a photograph with such a man? We also know that Sankoh was not even responsible for the release of our soldiers. Was it in order for these Members of the Committee to pose for pictures with Sankoh?

**Mr. Deputy Speaker:** Order! As you should know when you stand on a point of order, under that Standing Order, you are addressing the question to the Speaker. Mr. Speaker was not in Sierra Leone to know whether Sankoh was taking photographs with Members of our Committee or not. Hon. Kimkung, you are the one who is out of order.

Proceed.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I will come back to that, but that is not a matter of a point of order. At the personal level with the benefit of hindsight, I am man enough to confess that I am the one who asked to be taken a picture with Sankoh and if I had a similar situation today I would not have done that. I think it was wrong. I will just set a personal record correct that with the benefit of hindsight it may not have been a prudent thing to do, but that is not the main issue I was dealing with.

I was saying that the leader of the Revolutionary United Front, Foday Sankoh was virtually arrested and forced to go to the capital to be made a vice-president because he feared that once he left the stronghold that was controlled by RUF he would be vulnerable, weaker and unable to control anything. From the outset there was no clarity that there was a peace to keep. Secondly, in the absence of a clear peace to keep, I am not sure that the UN Resolution 1279 which led the creation of the UN Mission to Sierra Leone (UNAMSIL) was a correct resolution. The tenuous peace that existed between July and December 1999, was partly underwritten by the continued process of ECOMOG soldiers who were

not peacekeeping. They found RUF rebels moving with guns, took away the guns and beat them up. There was no clear definition about the relationship between the ECOMOG forces and the UN forces arriving on the ground which was eventually to cause a problem for Kenyan soldiers.

The sad thing is that before Kenyan soldiers went into Sierra Leone, RUF had already shown that they were not honourable. They took advantage of the weaknesses, perhaps of other persons, but long before the arrival of Kenyans, Guinea Conakry sent a battalion of 550 soldiers in the trucks with their equipments, set up a reception camp and then entrapped these people telling them: "You are welcome. We are to take your details. You will put your weapons here. You will all be re-mobilised and deployed to where you are to serve." That small team of RUF men disarmed the entire Guinean battalion and took off with their guns. This happened before the Kenyans arrived in the country. There was substantial evidence that this was going to be a hostile environment.

Mr. Deputy Speaker, Sir, my Committee Chairman has mentioned two things about the relationship between our forces deployment and the force commander. There were two fundamental problems here which I just want to revisit on a slightly different perspective. When the Kenyans were being mobilised to Makubiraka and Makeni there had never been any soldier since the start of the civil strife in Sierra Leone from anywhere other than the RUF. The Kenyan battalion commander said: "In such an area, when you are uncertain we need concentration of numbers.

Mr. Deputy Speaker, Sir, in case the people we are supposed to receive arms from become hostile, we will be able to defend ourselves at the very least." This was not done. The force commander accepted that logic and concentrated on the Indian soldiers deployed to the East, but the Kenyans soldiers deployed to the North were split in small companies. A company comprises of two platoons with 84 soldiers.

Four companies spread out from the battalion headquarters and went to the centre where they were supposed to receive weapons. They were already spread out when trouble started at the beginning of May. In fact, the first incident which involved our two gunner units and Lance Corporal Wanyama - the first Kenyan casualties - occurred when RUF invaded and started shooting at a demobilisation centre with very few military personnel of Kenya present even for their own defence. This was the concern they had already raised.

Mr. Deputy Speaker, Sir, regarding the matter of the contradiction in giving out orders, you agree that you will give the 868 Kenyan forces enough time to break out of Makeni so that all of them are in one place, in Makubiraka before breaking out at 4.00 o'clock in the morning to go to the south with the assistance of the quick reaction force from India. It was such a clear and obvious sin. There cannot be any justification that while the Kenyans were waiting for breaking out that night to go to be together, late in the afternoon the Indian Commander ordered his soldiers to break out alone which was very unfortunate. The single event that led to a substantial loss of materials for Kenyans was contradiction in the orders from Maj. General Jackley, the fourth commander of the UN forces in Free Town, which is very difficult to understand.

We have talked about the good deeds of his Excellency President Charles Taylor. Indeed, all the negotiations for the freedom of Kenyan soldiers and the other UN soldiers who had been held was done by President Taylor. He is very good. He gave us his promise and kept his word. The flip side of that is that President Taylor, notwithstanding the good things he has been doing, is the main man behind RUF. I say this advisedly because he has been our friend by freeing our people. If you look at the statistics of diamond exports from Sierra Leone, Liberia has diamond mines. Its aesthetic capacity is a maximum 150,000 carats of diamond per year. Today Liberia exports to Belgium 6 million carats of diamond per year.

Mr. Deputy Speaker, Sir, in a country where there has been a collapse of law and order, rebels in the swampy interior of a country capture UN hostages. A president in a neighbouring country tells you that tomorrow, he would be able to get out 57 hostages captured by rebels. He actually did so by sending in a helicopter to pick them. The capacity to have the logistical control and access, particularly in the neighbourhood of the main diamonds mines, cannot be accidental. Indeed, the nominal President of Sierra Leone, Alhaji Tejjan Kabbah is nothing more than the mayor of Freetown. He cannot go outside the capital city. But here is a President of a neighbouring country who knows where your hostages are being held and he is even ready to send a helicopter to bring them. In our discussions with different players from Nigeria, Ghana, Sierra Leone and Liberia, it was very clear that apart from RUF, the only person who is talking about negotiating the solutions and extending the current impasse is just Kenya. All the others are saying: These persons are not to be trusted because they cannot deliver peace and there has to be peace enforcement. President Kabbah is the only one who is saying that ECOMOG and UN should not have more robot interventions in Sierra Leone. Why? He is a principle beneficiary of the status quo. The continued turmoil in that country is God-sent for those who are extracting the mineral wealth of that poor stretch of land.

Mr. Deputy Speaker, Sir, we should separate our appreciation of a contribution a head of state makes to us, from our objective capacity to see the best person may be partly to blame for the continued suffering of the citizens of a neighbouring country.

Mr. Deputy Speaker, Sir, like my Chairman, I do not want to appropriate most of the situation here, but now I want to come to the more difficult question. We were asked whether Kenyan soldiers should remain in Sierra Leone or not. If you talk to Kenyan soldiers, it is very clear that every one of them wants to remain in Sierra Leone. In fact, in spite of the very brutal experience that 328 of our men had, fighting through nine road blocks overnight and feeding on mangoes and bananas because they had to break out of Makeni, the day before the arrival of their food ration for the next one week, they did not have any food. They were living on mangoes. But every one of them, even as they were still in exile in Kabala before they could be brought back to Lungi International Airport, they told us: "We want to request you when you go back home to tell who can listen that we want to be given the mandate to fight properly. We do not just want to be sitting here like lame-ducks and people come and demand guns from us. We want to be able to enforce the peace. But we want also a promise that if any of us is injured and taken back home, let him be treated and be brought back here to continue fighting."

Mr. Deputy Speaker, Sir, there is a group of persons who have not been appreciated. There is a group of Kenyan women soldiers who were party to the group that fought overnight to go to Kabala. When the UN personnel first arrived to bring food to this new place where they had conquered and secured themselves, they offered to fly them out to the relative freedom of Lungi and every one of them to the last woman, insisted that they were soldiers, they were not injured, they would stand and defend the honour of Kenya as long as it took.

*(Applause)*

Mr. Deputy Speaker, Sir, apart from the morale and the drive of soldiers, you have more complicated questions. Kenyan soldiers right now have all been concentrated. They are in one place outside, all placed outside Lungi International Airport. What are they doing there? Nothing! They are not serving any UN peace keeping function right now. This is because the international airport at Lungi is right now being guarded by a combination of Sierra Leone army and the remnants of the British force and some of the Guinean soldiers from the UN Mission. The Kenyan soldiers are operating between the hotel of the Nigerians and the tent of the British.

Mr. Deputy Speaker, Sir, the question of what happened to the Kenyan soldiers should be related to what should be the mission of the UN soldiers in Sierra Leone. The peace has collapsed. But there is no peace being kept. But there is no serious active war involving UN forces, the closest you come to that is what has just has been happening with the Indian forces now. As the Sierra Leone army captures new towns, UN soldiers are escorting convoys of commercial and other civilian travellers to protect them from possible marauding attacks by the rebels in the countryside. But you see, Kenyan forces cannot just be a broad as an escort army through rebel territory.

What I think is about evolving two scenarios. One, ECOMOG is ready to fight, but it does not have money of its own to fight. Nigeria spent US\$9 million and lost 500 soldiers in its ECOMOG front. Now, it is under UN financing to do the fighting. I support the position that if ECOMOG is ready to fight, let them fight and then UN forces, including Kenyan forces, keep peace in the conquered territories which is free from the rebel direct combat. That way, our honour is maintained and we do not take unnecessary reckless risk, but we still contribute in a meaningful way, to an international duty. Peace enforcement as such is not any phenomenon; these have been sent for peace keeping. But Kenyan soldiers in East Timor today, much more distant from home than Sierra Leone, are actually under a mandate of peace enforcement. Our soldiers in East Timor have a mandate that they can kill people who are threatening the peace. But that mandate has not been given to our soldiers in Sierra Leone. I do not think I am grieving that mandate be given to them. But since West Africans are ready to do the fighting, let us find a role in between keeping peace, but also being concentrated in a capacity to defend them sufficiently and reinforcing those who are ready to unilaterally deal with the menace caused earlier.

With those very many remarks, Mr. Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

**Mr. Kihara:** Mr. Deputy Speaker, Sir, I was in the team that went to Sierra Leone and I would like to congratulate the Chairman of my Committee for the very able manner in which he has presented our report. Also, I would like to thank the seconder of the Motion for the very able manner in which he has analysed the situation. I do not intend to go into the report itself because I think justice has been done to it. I only want to confine myself to a few lessons I personally learnt and which I would like to share with this House. Before I do that, let me say that in our report, we are calling for one decision: Whether our troops should be involved in peace enforcement. This is the decision we are asking for. From what we saw and discussed with our own troops, we are very sure that they will be quite happy to participate in peace enforcement rather than peace-keeping which is not there any more. They are keen to serve, they have very high morale and I am sure they will be very disappointed if they were told they will not participate

in peace enforcement. What they want as hon. Dr. Kituyi has said, is for them to enforce peace in territories which have been conquered either by the newly integrated Sierra Leone army and ECOMOG, so that they enforce peace.

Mr. Deputy Speaker, Sir, I would like also to agree with what the two previous speakers have said about the involvement of the neighbouring President. Dr. Kituyi has mentioned one of those neighbouring presidents, but I also heard of another who is not helping the situation. I do not want to mention them because they are friendly presidents to our country, but they are not helping the situation in Sierra Leone at all. Nigeria is one of them as she has interests in Sierra Leone. We were told that Nigeria had mercenaries there who were protecting the interests of the dictator and former President Sani Abacha who owned a refinery in Freetown.

Mr. Deputy Speaker, Sir, while we there, we tried to establish the cause of the fighting - what were the Sierra Leoneans fighting for? We were not able to establish whether there is really an ideological or a political cause that the Sierra Leoneans are fighting for. We find out that they were fighting for power and wealth. Mr. Foday Sankoh who has caused so much suffering to the people of Sierra Leone is really interested in ascending to power in order to control the diamond fields of Sierra Leone. It is said that a man like that is enjoying some support of some neighbouring countries to cause so much suffering in that country. I think peace is a very important thing, especially for those of us who saw what war can do to a country. We saw Liberia, because we commuted between Liberia and Sierra Leone, and we saw what was happening. We could see the scars of war in Monrovia, Liberia. In Freetown, we flew over its territory, and we could feel that war is a terrible thing. When some of our leaders here talk about bloodshed; that if some people visit a certain place, they would see blood, I think they do not know what they are talking about. Those are the people who should be taken to places like Sierra Leone in order to see what war can do to a country. While we were out there, that was the time the war between Ethiopia and Eritrea escalated. We could view a lot of channels on the television out there, like the Ethiopian tanks moving into Eritrea, and the fighting over desolate useless territory. Side by side with these pictures, we could see children of Ethiopia with flies all over their faces, which were going to their mouths and eyes. Yet here were two countries which were fighting each other, wasting a lot of resources like those which were being wasted at the Lungi Airport - the UN helicopters, tanks, *et cetera*; resources being wasted on poor countries like ours. Nothing positive was coming out on television from Zimbabwe to Congo during our stay there, and we were wondering: Is Africa a cursed continent? Why is it that nothing positive comes from Africa except fights and children with flies on their faces?

Wars in countries like Somalia, Angola, Sudan, Congo, Rwanda and Burundi have now been pushed to the background, not because they do not exist, but because it has become like normal for Africans to fight and kill each other. I fear that the time is coming when the rest of the world will get fed up with us and they will say: "Kill each other! Rape each other! Cut each other's hands! It is up to you!" This is because the world has been trying to do everything to assist this continent, but we are fighting all the time, as if we can do nothing else except to fight. When we watch the CNN, we would hear about the markets in Europe, how many shares were sold and what market activities are like, but the only thing that comes from Africa is war; killings and amputations of limbs, and you feel sorry for this continent. It is really very sad, and you feel ashamed to be an African. I know that, that has not been said here, but all over, you will find people who will tell you that they were better off during the colonial days because at least they knew peace. It is sad to say that, because we fought for Independence, and we want to be independent, but what has Independence brought to Africa except suffering from the North to the South; from the East to the West? It is just suffering and wars, and most of these wars can be avoided. We are wasting so much resources on wars because we do not want dialogue; we do not want to sit down, talk and agree on how to run our affairs.

Mr. Deputy Speaker, Sir, as Kenyans, I think all I can do after that experience, is to appeal that we must avoid to be the Sierra Leoneans and the Somalis of this world by making sure that we safeguard our freedom and Independence, and we run our affairs by dialogue, consultations and agree on how we want our country to be managed. We cannot afford these wars, and I think they have done a lot of damage to Africa. It is very sad.

Having said that, I would like to say that during that trip, despite the wars, I found the Monrovia City, the Freetown City and the Accra City to be very clean. While in Accra, Ghana, I thought I was in Europe, because it is a beautiful city. I think our city beats all those cities by its bad roads and the huge heaps of garbage it has because I did not see them in any of those cities that we visited.

Mr. Deputy Speaker, Sir, I think I have said enough because I do not want to repeat what has been said very ably by our Chairman, hon. Musila, except again, to emphasize that I support the view that our troops who are in Sierra Leone should be left there to enforce peace.

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

**Mr. Muite:** Mr. Deputy Speaker, Sir, what appears to be coming out is that we, as a House, are being asked to make a decision on whether it is the view of this House that our soldiers, men and women, should continue staying in Sierra Leone. But it would appear, especially from the comments that were made by hon. Dr. Kituyi, that before a sensible decision can be made on that issue, there is need for the UN itself to clarify its mandate in Sierra Leone. I think



the decision that we can make depends on the decision of the UN for the simple reason that, as hon. Dr. Kituyi said, it is no longer the question of peace-keeping in Sierra Leone. There is no peace to be kept there; it is a war zone. Clearly, the mandate of enforcing peace and bringing law and order is entirely different from the mandate of peace-keeping.

So, clearly, the UN needs now to re-evaluate the position in Sierra Leone and come up with a decision, like that it is no longer peace-keeping but we need to deploy our men and women to go and enforce peace, law and order so that our own soldiers can obviously go there either in terms of keeping peace in territories that have already been secured, or if it is deemed necessary, give the mandate to participate in securing that law, order and peace. My recommendation is that there is need for the Office of the President, Department of Defence, to liaise with the Ministry of Foreign Affairs and International Co-operation and make a representation to the UN so that the UN can make a decision after re-evaluating its mission to Sierra Leone.

Coupled with that and again based on the views that were expressed by hon. Kituyi, for example, the contradiction in the orders that were given by the UN Commander. He ordered the Indian forces to start moving before the Kenyan soldiers were ready. In the process, our soldiers lost equipment and men. Clearly, that responsibility should rest with somebody. If what hon. Kituyi has said is, in fact, the position, this Committee on Defence and Foreign Relations, when it will be making representations to the UN, should again crystallise that issue, so that the responsibility and liability for the replacement of our equipment, will actually be placed on the UN rather than on the Kenyan taxpayers.

Mr. Deputy Speaker, Sir, you will remember that the Chairman of this Committee said that, we as the taxpayers, have to bear the loss of equipment which our soldiers took from Kenya to go for the peace-keeping mission. If indeed, it was not their fault, but was the fault of the Commander, should that position not be articulated with the UN, so that instead of asking the Kenyan taxpayer to pay money for the replacement of these equipment, then the UN is asked really to reimburse Kenya in terms of the cost of that equipment!

I commend the initiative of the Committee because it is a very good initiative for the Committee of this House to take interest in what is happening in the Armed Forces. I would suggest that time, perhaps, has come for the Committee to extend that mandate in terms of taking interest in everything else that is happening within our Armed Forces. For example, one of the issues that has been causing a lot of disquiet in the Armed Forces is the criteria used in selecting soldiers to go on these UN missions. How are they selected? Are they selected purely on merit? Is there favouritism? It is true that there is disquiet and allegations of favouritism and all sorts of things? The criteria are not transparent. Members of certain ethnic communities are not selected to go on these UN missions. Given the salary levels in our Armed Forces, to be paid US\$1,000 is, of course, quite attractive.

I am appealing to this Departmental Committee on Defence and Foreign Relations to take interest on such issues because these are the issues that breed discontent within the Armed Forces. The Committee should actually ask to know the criteria that are used by the Armed Forces in the selection of these soldiers, with a view to securing that selection will be purely on merit and nothing else. If selection is done purely on merit, then that issue of frustrations, disquiet and discontent on the mode of selection, will disappear. That will be a service to this country. We want our Armed Forces to be contented.

Therefore, this Committee should look into such issues and also into issues relating to the terms and conditions that our soldiers serve under. The Committee should look after their welfare. Are they happy? When you hear any issue that there is disquiet within the Armed Forces, as a Committee of this House, do not allow anybody to sweep it under the carpet. You should go and investigate and ensure that our Armed Forces are actually happy. This should include, when, for example, information comes out of soldiers who have truly been kept in *communicado* for over six months in Gilgil and allegations of torture.

Our soldiers are Kenyans and they are entitled to human rights. It is the function that I recommend to this Departmental Committee on Defence and Foreign Relations to investigate whether there is any truth. You should go there, visit them and demand to see these people. You should have access to areas which even lawyers have been denied access to. You as a Committee of this House, has got the mandate to do it.

Finally, I would like to echo the position articulated by the hon. Member for Naivasha, hon. Kihara here, that all of us Kenyans should do everything that we can to ensure that this country does not ever become like Sierra Leone or Liberia. We do not have to travel through the road that practically every other African country has travelled through of armed conflicts, before we can begin to appreciate peace. We would like to learn from the example of others although, of course, history shows that human beings appear to be incapable of learning from the example of others. But I would like to say that the only way in which we have got that chance is for us to have dialogue. It is a great shame that we have allowed the consensus that we had built at Safari Park Hotel to stall. If we cannot have a new constitutional and political settlement which enjoys the consensus and the support of an overwhelming majority of the Kenyan people, as the only road towards even economic development and as the only way, in fact, of addressing issues of poverty--- If we will continue having the showdowns that we are having and if we cannot agree on a new constitutional and political

settlement, then we can go on wishing that we avoid confrontations and struggle in this country. We shall be day-dreaming because it is coming and it will come unless this Government is ready for that. When I talk about the Government, I am not talking about everybody. There are many reasonable hon. Members on that side of the House, including the Cabinet itself. It is only a small clique whom you can count on your finger tips, that has been calling all the shots and that really is responsible for the mess in which we are today. This clique will also be responsible for dragging this country into war. I am asking that we should combine forces, both from that side and from this side of this House, to give direction and snatch the control of this country from that clique. We should agree on a new constitutional and political settlement so as to avoid that war situation. If we do not do it that way, at the moment we are moving towards that direction in which the other African countries have moved.

With those remarks, I beg to support.

**Mr. Kajembe:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion. Now we can see how useful these Departmental Committees are in the House. I commend a job well done by the Departmental Committee on Defence and Foreign Relations. It has done a good job. Also, I take this opportunity to commend a job well done by our forces in Sierra Leone. I would say that this Report by the Committee is very comprehensive.

Mr. Deputy Speaker, Sir, we have noted the attitude of our Embassy in Sierra Leone. There was no co-operation at all from the Embassy. What would have happened if there was need of evacuation of our citizens from Sierra Leone if this was the attitude of the Embassy? I would suggest that the Government should recall whoever is in charge of the Kenyan Embassy in Lagos. There is need too, for the Ministry of Foreign Affairs and International Co-operation to give a Ministerial Statement as far as this issue is concerned. Our peace-keeping soldiers, in every place that they went, their performance was very good. From what we have noted from this Report, the UN Commanders misbehaved by removing the Indian Battalion. That was one way of making the Kenyan soldiers to appear as if they were not doing a good job.

The UN commanders, not only in Sierra Leone but in any country, must be very sincere. They must adhere to the UN Charter. It has been recommended and it is the wish of our soldiers in Sierra Leone that they should remain there for peace-keeping purposes. Even those who were injured want to go back there after getting treatment here. We should ask ourselves: "Why do they want to go back there?" They want to go back there because of the following reasons: They want to become more competent; do their job; become more loyal to this nation; and lastly, because they are very kind to humanity. In order to make our soldiers competent, there is need to carry out a rotation of them whenever they are called upon to go to such missions. In that way, we are going to have a very strong army in this country.

Mr. Deputy Speaker, Sir, I also praise the Minister in charge of Defence on how the whole issue was handled by facilitating transportation and taking pressmen to Sierra Leone and above all, providing all the facilities. Today, Kenyans are aware of what is happening there. What is happening in Sierra Leone today is because some leaders want to take over power of that country. They are power hungry. It is because of people fighting for power that this has happened. It is better to acquire power through the laid down procedures and democratic processes rather than using force and talking too much when you are not popular. This applies to any country and even Kenya.

Mr. Deputy Speaker, Sir, Sierra Leone should be an example to this country. Today, we are talking of Constitution making. So many groups in this country today which I refer to as pressure groups, are coming up with very funny procedures on how to carry out Constitution making. However, there is no way you can run away from Parliament as far as this process is concerned. Everything that concerns Constitution making must be initiated from Parliament. I think all of us being law makers should support whatever is enacted as law by this House. We are legislators and we are here to respect the procedures of this House.

Mr. Deputy Speaker, Sir, if tribalism which is already there in this country will grow, then I can see a similar scenario taking place akin to that of Sierra Leone, unless Kenyans get united. It is true that a human being may nurse an ambition to become a leader. However, he or she should not become a leader by force. You do not become a leader by imposing yourself on people. You become a leader when you are popular, people want you and they then decide to make you a leader.

Mr. Deputy Speaker, Sir, I am against those leaders in this country who say: "If this does not happen or if this is not done, there will be bloodshed". Why should one talk of bloodshed? Why should we talk of bloodshed. Who is ready to see blood being shed?

**Hon. Members:** The hon. Shariff Nassir!

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, we want unity even if we have problems in this country. I do support hon. Muite when he said that in some of these appointments, there is a lot of discrimination. One area where discrimination is rife which I know of is in the admission of students to the faculty of medicine in the university. You will witness that some other tribes in this country have been discriminated against in that they are denied admission to pursue this course. The Coast Province has suffered a lot as far as admissions to this faculty are concerned. We are not

even considered for admission in other courses in the universities. It is not because the coastal people are not learned. We are learned and our children are learned. They should be given equal opportunities like any other Kenyan in this country.

Mr. Deputy Speaker, Sir, let us move together. We know from history that some people who have a power hangover say: "Mtu wa Pwani anangojea maembe yaanguke". We do not wait for the mangoes to fall since we climb mango trees. We are very competitive like any other Kenyans in this country. So, for us to prosper and make this country grow from strength to strength, respect is needed. We must grow together. We do not want one province to think they are superior than other provinces in this country. No!

Mr. Deputy Speaker, Sir, with these few remarks, I beg to support the Motion.

**Mr. Kathangu:** Bw. Naibu Spika, nakushukuru kwa kuniona. Jana asubuhi tarehe 13 mwezi huu, shirika la utangazaji la BBC lilitaja mambo mengi sana kuhusu askari wa Kenya walio Sierra Leone. Walisema kwamba askari wa Kenya wametorokea mahotelini na manyumba ya vinywaji wakitafuta akina mama - kwamba wamekuwa watu wa wanawake. Shirika la utangazaji la BBC lilianza kwa hayo matamshi na hiyo ni kusema kwamba wale ambao wako hapa na wanazungumza kwa lugha kubwa kubwa kuhusu kazi ambayo askari wetu wanafanya Sierra Leone, huenda ikawa labda hawakujigundulia kabisa ni kitu gani kilukuwa kinaendelea. Sisemi kwamba Kamati haikufanya kazi muhimu. Ilifanya kazi muhimu kujihusisha kwa mambo ya kijeshi na kuenda kuona ni nini kinatendeka katika uwanja wa vita nchini Sierra Leone.

Bw. Naibu Spika, lakini kutokana na hayo, ninakumbuka pia wakati watu walipokuwa wanazungumza kabla ya Kamati kuenda Sierra Leone, Wabunge wengine walikuwa wamesema: "Foday Sankoh ni kichaa; He is a mad man". Foday Sankoh ameitwa "mad man" sababu gani? Kwa sababu anapigana nchini ambapo kuna watu fulani ambao wanafaidika na wangetaka vita.

Bw. Naibu Spika, swali ambalo najiuliza mimi, na sijasikia Mwanakamati yeyote akijiuliza ni: "Je, Foday Sankoh, na wale ambao wanapigana nchini Sierra Leone, wanapigania nini?" Mhe. Kajembe amejaribu kujibu swali hilo kwa kusema kwamba, wanatafuta mamlaka ya siasa. Katika nchi hii, waliopigania Uhuru waliitwa "vichaa" kabla ya kupata Uhuru. Walikuwa wenda-wazimu.

Nakumbuka kwamba katika nchi ya Uganda, wote waliopigana kuwe na mapinduzi au mageuzi Serikalini waliitwa vichaa. Katika Cuba---

**The Minister of State, Office of the President** (Mr. Sunkuli): Jambo la nidhamu, Bw. Naibu Spika. Nimesimama kwa jambo la nidhamu kwa sababu mhe. Kathangu amefananisha wapiganiaji Uhuru wa Kenya na Foday Sankoh. Ni haki kufananisha mtu ambaye anakatakata miguu na mikono ya watu na wapiganiaji Uhuru wetu? Tunasema kwamba Foday Sankoh ana kichaa kwa sababu ya namna anavyowatesa watu wake mwenyewe.

**Mr. Kathangu:** Bw. Naibu Spika, neno ninalolisema ni hili: Hata Fidel Castro, miaka ya 58, 59 na 60, alikuwa anaitwa "kichaa" na Marekani na watu wengi. Ni lazima tuulize swali hili kwa sababu nchi hii, kama inaweza kutumbukia taabani---

**Mr. Deputy Speaker:** Hapana! Kulingana na jambo la nidhamu la mhe. Sunkuli, si vizuri kulinganisha wapiganiaji Uhuru wa Kenya na Foday Sankoh anayepigana huko Sierra Leone.

**Mr. Kathangu:** Bw. Naibu Spika, hata Mwenyekiti ni mmoja wa wale waliokwenda Sierra Leone. Wamesema kwamba walipoenda kwa Foday Sankoh, hakujua ni nini kilichokuwa kinatendeka!

**Mr. Deputy Speaker:** Kwa sababu alikuwa korokoroni! Walikwenda kumuona korokoroni! Hata wewe ukiwa korokoroni, huwezi kujua kinachotendeka nje!

**Mr. Kathangu:** Bw. Naibu Spika, walituaambia pia kwamba Bw. Foday Sankoh alijifanya kushikwa ndio aende akawe Makamu wa Rais. Hii ni kuonyesha---

**Mr. Kihara:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Kathangu has said that none of us has talked about the cause of the fighting in Sierra Leone. In my remarks, I said that we could not establish a cause at all, other than for power and wealth. There is no political ideology that they are fighting for. So, Sankoh is fighting to assume power.

**Mr. Kathangu:** Ahsante sana. Mambo ya fedha na mambo ya kijeshi yako hapa. Tangu Mwaka wa 1979, nchi hii imechukua vijana wengi kutumika katika jeshi letu.

**Mr. Deputy Speaker:** Sema tena!

**Mr. Kathangu:** Bw. Naibu Spika, tangu mwaka wa 1979 mpaka leo, vijana wengi wameajiriwa kazi katika jeshi letu. Mimi najua vijana wengi ambao wamechukuliwa tangu mwaka wa 1979. Walikuwa wanaitishwa kati ya Kshs4,000 hadi Kshs10,000.

**Mr. Wamae:** Jambo la nidhamu, Bw. Naibu Spika. Nidhamu yangu inahusu jambo la nidhamu lililoulizwa na mhe. Sunkuli. Lazima mhe. Kathangu aondoe matamshi yake na aombe msamaha kwa kuwalinganisha wapiganiaji Uhuru wa Kenya na Foday Sankoh. Lazima afanye hivyo kwanza, halafu tuendelee!

**Mr. Kathangu:** Bw. Naibu Spika, mimi nimetoa mifano mbali mbali ya watu ambao waliitwa vichaa, na hata Serikali yetu ikafanya kazi nao. Kuna wakati Rais Museveni wa Uganda aliitwa kichaa katika nchi hii. Siku hizi, anafanya kazi na---

**Mr. Deputy Speaker:** Ngoja, mhe. Kathangu! Unacheza densi tu lakini hutaki kujibu swali! Huwezi kulinganisha waliopigania Uhuru wa nchi hii, na wale ambao wanakata watu miguu na mikono huko Sierra Leone! Hata ukijaribu njia gani, haiwezekani! Kwa hivyo, kwa vile ulitamka maneno hayo, na mimi nikayasikia vizuri kwa masikio yangu, tafadhali yaondoe ili tuendelee na Hoja hii.

**Mr. Kathangu:** Bw. Naibu Spika, mimi nimefanya kazi katika jeshi letu! Ningetaka kusema jambo moja. Kuna mambo ambayo hayawezi kuondolewa. Ningependa kueleza sababu moja ili hawa wasikie. Kwanza, katika vita, unajaribu ni

[**Mr. Kathangu**]

kwa jinsi gani unavyoweza kushinda mara moja. Hata kama ni mguu au kichwa, utakata!

**The Minister of State, Office of the President (Mr. Sunkuli):** Bw. Naibu Spika, hatuzungumzi mambo ya vita kwa sababu mhe. Kathangu hakumwona mtoto mdogo wa miezi sita, ambaye tulimshika kwa mikono yetu, na ambaye hakuhusika na vita, akiwa amekatwa mkono! Watu katika Sierra Leone hukatakatwa usiku bila vita. Nafikiri kwamba mhe. Kathangu anawajua wapiganaji Uhuru wa Kenya. Walikuwa akina Kenyatta, Tom Mboya na wengine. Ni yupi ambaye anataka kufananisha na Foday Sankoh? Hakuna mtu aliyekatakata Wakenya wenzake miguu na mikono. Ni vizuri aondoe matamshi hayo!

**Mr. Kathangu:** Bw. Naibu Spika, huenda nitaondoa. Lakini wakati wa vita vya shifta hapa Kenya, Major Tumbo - Mungu aiweke roho yake pahali pema peponi - na watu wa Mkoa wa Kaskazini Mashariki walilalamika sana - alipokuwa anawatafuta mashifta, kitu cha kwanza alichokifanya sehemu ya Wajir, ni kuua watoto wachanga!

**Mr. Deputy Speaker:** Nidhamu, Bw. Kathangu! Sasa hatutajadiliana jambo hilo tena! Utaondoa matamshi hayo au la?

**Mr. Kathangu:** Bw. Naibu Spika, Foday Sankoh si Mau Mau!

**Mr. Deputy Speaker:** Nidhamu! Jibu hilo swali!

**Mr. Kathangu:** Bw. Naibu Spika, Bw. Foday Sankoh si Mau Mau. Kwa hivyo, hawezi kulinganishwa na Mau Mau.

**Mr. Deputy Speaker:** Tafadhali, kama huwezi kuondoa matamshi hayo, mimi nina jambo moja tu nitakalolitenda. Nitakuuliza sasa uondoke kutoka katika Bunge hili mara moja!

**Mr. Kathangu:** Umesema nitoke, Bw. Naibu Spika? Kwa sababu Foday Sankoh ni Mau Mau?

**Mr. Deputy Speaker:** Ndio! Sasa wewe ni "mgeni" katika Bunge hili!

**Mr. Kathangu:** Lakini haitabadilisha mambo hayo, Bw. Naibu Spika!

*(Mr. Kathangu withdrew from the Chamber)*

**Mr. Sungu:** Mr. Deputy Speaker, Sir, may I thank you very much, for giving me this opportunity, to talk on this issue which is very important to me. I have been very vocal on this issue. I am on record as having called for the Kenya troops to return to Kenya for very good reasons.

But, first of all, may I congratulate the Committee on Defense and Foreign Affairs, and the Minister for Defense, for doing a good job by visiting our troops in Sierra Leone. They went to find out what was going on, see for themselves and report back to us. They produced a very good report.

May I also, take this opportunity to associate myself with some of the sentiments expressed by some of our colleagues. First and foremost, any country in this world, fights for its own rights. Every country has an interest to defend. Kenya too, has an interest to defend. In sending our troops to Sierra Leone, we must clearly define what interest they will serve. I agree with the sentiments of other speakers that, Kenya is part and parcel of the international community. That, we truly owe a duty to the United Nations (UN) and to the members of the international community, to operate in peace-keeping operations in the world. But the question here is that the situation in Sierra Leone is not a peace-keeping operation. We are talking of a peace-enforcement operation, which is not what originally took us there. So, we must question the UN mandate which allowed Kenyan troops to be taken to Sierra Leone. Under what circumstances did they do it? What intelligence did they have? Did they look at the country as it is, to find out whether it was ripe for peace or not? Many people have questioned why there is fighting in Sierra Leone. It is fairly obvious to me. I am a student of international politics and military strategies all over the world. I know for certain that, the real issue in Sierra Leone is diamonds. The diamonds are mined by the rebels and sold in exchange for arms. The diamonds are sold to Western countries like the United States of America (USA), United Kingdom (UK) and other

countries in Europe. The diamonds are not helping our people, despite the fact that, they are the wealth of this continent.

Mr. Deputy Speaker, Sir, why is it that African countries that can ill-afford to fight outside their own borders to even afford the equipment necessary to suppress a rebellion, have been asked to shoulder the sole responsibility of keeping peace in Sierra Leone, when countries like the United States of America, the United Kingdom and other European countries, the super powers, are not doing anything about it, yet when it comes to Bosnia, Kosovo and anywhere else where people are involved, they are more than keen to get there? Those are some of the questions we must ask as Members of this House.

Mr. Deputy Speaker, Sir, we have seen that it is necessary and, indeed, it must be a principle in this House, that before Kenyan troops are committed elsewhere outside this country, Parliament must be consulted. This is a major principle of Parliamentary democracy the world over. We cannot allow a situation where a clique of people, whether they are our leaders or not, to send our soldiers elsewhere without consulting the leaders or the people who have been elected by the people. This is because there are cases where we can also give ideas, when we know the areas where we should not be sending our troops.

For example, if we were asked about sending our soldiers to Sierra Leone, in time, we would have, perhaps, given ideas about the conditions in Sierra Leone. The conditions in Sierra Leone are not ripe for peace. General Jetley himself, the Commander of the UN Peace-Keeping Force in Sierra Leone, has stated - and it is in this report - that, the RUF are not ready for peace! They are not ready for peace! In a situation where you have a guerrilla force, embedded in the bush ready and dug-in and willing to fight and die for their country, you cannot go and convince them. All you need is a situation where you can change their minds. So, the UN ought to have done its work properly to make sure that they knew what was in Sierra Leone and to make sure that they knew whether the RUF and other forces were ready for peace. This is because these people are not, certainly, ready for peace from what they have done to well-trained soldiers; people who committed themselves and who sacrificed their time and even countries who sacrificed their time and equipment to take soldiers there. You have seen the disrespect they have shown - ill-trained drugged young boys trying to ashame our well-disciplined brave soldiers; people we should be proud to support.

Mr. Deputy Speaker, Sir, on that point, I must take issue with the Minister of State, Office of the President in-charge of Defence who is here. Our forces went to Sierra Leone, and whether we like it or not, whether there were failures in UN, we have a duty to protect our troops. The Kenyan forces should have sent advance party to check the terrain there. We should have had our own intelligence information, on the situation in Sierra Leone before we take our soldiers there. There is no point taking our soldiers with G3 riffles to fight people with machine guns. Our forces must admit that they were too lightly armed to fight the rebels. I know that, if they were given adequate equipment, they would have even gone beyond and up to the border of Guinea with the boys who were there.

**The Minister of State, Office of the President** (Mr. Sunkuli): On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hon. Sungu, do want that point of information?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I will accept it because hon. Sunkuli is my friend.

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, whereas I know that I have time to respond to hon. Member, but I just want to inform him that, when our forces first went to Sierra Leone, their mandate was not to fight the rebels; their mandate, in fact, was peace-keeping; to talk to them well so that they could bring the guns to the hands of our forces. But, if we go to peace-enforcement, then we will equip them properly.

**Mr. Sungu:** Thank you for the information. But the point I was raising, and which the Minister has missed, is that we should have had some intelligence so that we could know for sure what was happening there. Even in politics, when you are going to your constituency, and you are going to have a rally, you already have your men on the ground and they will tell you what is going on there before you go there. If there is going to be a fracas, you know how to prepare for it. Armies must be prepared and our soldiers should have been prepared.

Mr. Deputy Speaker, Sir, let us now look at the losses that we have incurred. We have incurred losses in human life, which is sacrosanct, particularly, life of the Kenyan soldiers. I would not mind a Kenyan soldier sacrificing his life in defending the borders of this country; whether they were taken to Moyale where the Ethiopian soldiers were taking our cattle the other day, or Tot, Isiolo or to Kakuma where SPLA soldiers killed some people, That is their job and that is what we have employed them for! But if they were to be taken elsewhere, we would take issue with that because, for one, there are countries in this world who have been able to send peace-keeping forces elsewhere and they always make sure that they look after their own. A body bag going back to America from the so-called peace operation in Kosovo, would have raised hue and cry in America. There would have been demonstrations and the public opinion would be against it. The Government in America is very keen on that and this Government should also be keen on that kind of thing. This is because we must also know that these people are our people! This is our Kenya and we want a Kenya where the Government listens to the people and where the Government is interested in protecting the lives of its

citizens!

Mr. Deputy Speaker, Sir, when looking at the losses, I must also look at the question of the equipment that has been lost in this exercise. I am told that this equipment belongs to the Kenyan Armed Forces and that, this equipment is used there on lease. But I am also told that, the United Nations (UN) will never pay for it. This information is in the Report. Who is going to shoulder this loss? Is it the Kenyan taxpayer who is already burdened with famine in this country and who does not have power in this house, nor water flowing in his tap? We know that the military equipment is expensive. We must now ask the Minister and the relevant department to make sure that because these blunders were committed by the UN, then the UN should be asked to pay for this equipment.

Mr. Deputy Speaker, Sir, when it comes to the actual operation in Sierra Leone, I am really perturbed. Although I am not a military man, it is fairly obvious to the common eye that, armies fight in force. The Kenyan forces were dispersed in various areas where they could not re-group and help themselves. Other forces belonging to other countries, particularly to the country of the Chief of the UN forces in the area, General Kumar--- He put his forces in one area so that they could be able to defend themselves. But the Kenyan soldiers were dispersed. This was pure and simple discrimination! This raises questions about the UN command structure, which we must tackle because when a commander shows some sort of discrimination, then he is not capable and competent to man that operation because he cannot get the respect and leadership that he deserves from his people. Therefore, I must request that, the Ministry concerned demand that, General Jetley be removed from this operation because he has proved to be incompetent. He deserted the Kenyan forces when they most needed help from their colleagues. This is a point I would like the Minister to respond to.

Mr. Deputy Speaker, Sir, the question of the selection of our forces is of utmost importance. I for one know, and saw a number of soldiers coming here looking for their Members of Parliament in this House, so that they could get some influence so that they could be taken abroad for this operation because there is a lot of money in this kind of thing for the soldiers. This kind of thing must be changed completely. We must take soldiers abroad on the basis of competence and qualification.

**The Minister of State, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. That is the basis on which soldiers are taken abroad!

Is it in order for the hon. Member to allege that there is political interference in selecting soldiers who are sent abroad, when he has told us in this House and on television that, his own brother was among those soldiers who went abroad? Could he, perhaps, elucidate whether his brother approached him to approach anybody in the Armed Forces to influence his being selected to go abroad? I know that his brother was sent to Sierra Leone on merit.

**Mr. Deputy Speaker:** Quite frankly, once Kenyans have joined the Armed Forces, they have joined those forces on the basis of competence. If there was going to be any bias, it would be at the point of joining and not when they have joined.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, that brings me to the next point that I wanted to raise; that, since we are talking about the Armed Forces now, there is obvious discrimination in the recruitment of the Armed Forces. For example, when recruitment is done in this country, it is unfairly done. Kisumu only produces two men when we have over 100 from other areas---

**Mr. Deputy Speaker:** Order! Order! Hon. Sungu, we are discussing the report from our own Committee and their visit to Sierra Leone. We are not discussing recruitment of the Armed Forces.

**The Assistant Minister, Office of the Vice-President, Ministry of Home Affairs, Heritage and Sports** (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor has made a very serious allegation; that, he saw members of the Armed Forces coming to this House to seek assistance from hon. Members, so that they can be allowed to go to Sierra Leone or the other places. Can he withdraw?

**Mr. Deputy Speaker:** We have already dealt with it. Proceed.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, because this matter has become very sensitive, let me now go to the issue of Sierra Leone. I am of the honest opinion and that this matter is very close to my heart; that, Sierra Leone is not ready for peace. This is also in this report. Peace enforcement means war. I am of the opinion that we should not commit Kenyan troops to go and fight in a foreign country where our interests are not being served. Questions have been raised about the role of ECOMOG and reading between the lines, I have noticed that there have been some sort of frictions between ECOMOG and the UN forces in Sierra Leone.

In fact, the other day, it came up in the papers that they were taking issue with the British and nearly fought them because of their role there. Why do we not let ECOMOG do their work there which is near them? If this problem was in Somali, or Uganda, or even in our neighbouring states like Ethiopia and Tanzania, where we could even reinforce our Forces when necessary to support them, I would really support that. But Sierra Leone is too far for us to maintain a force there which we cannot reinforce and when they are surrounded, we can only sit here wringing our fingers like old men, helpless. Even our forces here who are capable to help their own, are not able to go there. We do

not even have enough communication between that place and us directly; we have to do it through the UN. The other day, it was extremely embarrassing when the Armed Forces personnel took days at the airport waiting for the UN to bring our wounded soldiers back. There was no communication between Kenya and UN. This is a country too far. May I say one thing here: During the World War II, General Morton took a bridge too far and his men eventually got surrounded in Anahen(?) and were routed because they had gone too far. Sierra Leone is too far for us.

Mr. Deputy Speaker, Sir, talking about the UN mandate and this is directed to the Ministry of Foreign Affairs and International Co-operation, it must take into consideration the facts and figures on the ground. If we are going to send our soldiers, we must come here knowing we are sending our soldiers for either peace keeping or peace enforcement. May I request that the UN mandate be looked at again so that we can see for once and be sure what we are doing .

I want to finish by saying that let us bring our boys home. It is necessary and right. That is my position.

Thank you.

**The Minister for Foreign Affairs and International Co-operation** (Dr. Godana): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the Floor to make my modest contribution to the debate before the House.

At the outset, I want to say that the Committee on Defence and International Affairs deserves our congratulations, firstly, for finding the wherewithal to develop its interest in a matter of national concern and for, indeed, moving out with the Government's own Minister in charge of defence to visit Sierra Leone to find out first hand, what actually happened. I think the report before the House is a testimony to this House itself taking more and more responsibilities in scrutinising the conduct of governmental policy, including the realm of foreign affairs and external relations, which under our Constitution is the prerogative of the chief executive. That shows how much as a democracy we are opening up every field to the supervision of the people's elected representatives.

Mr. Deputy Speaker, Sir, we are a part of the international system or the community of nations and in an ever increasingly interdependent world, we cannot withdraw ourselves to be unconcerned about happenings in other parts of the world, and especially happenings in our continent of Africa. This morning, Madam Sadako Ogata, calling on His Excellency the President on the refugee situation in this continent, referred to Kenya and Tanzania as two countries which have not produced refugees in recent times or since Independence. She said that it is a sad thing that everywhere in this continent, conflict is becoming the order of the day. At every moment when the UN is negotiating and is about to make a break through for the return of thousands of refugees from Sudan into Eritrea for ordinary repatriation, four days later, you get a breakout of war and you are swamped with new arrivals of refugees. We cannot be a self-respecting nation if we are not concerned about what is happening in other countries. This is why much as we have to raise the question as to what is our interest, what are the risks we are running when we send our troops from the east coast of Africa to the west coast of Africa, naturally, it is right that we ask those questions. But we must also be aware that in a sense, the destiny or fate of Sierra Leonians, fellow brothers and sisters, is tied up very much with our own destiny. It is in that spirit that this country has always been ready to contribute to the maintenance of international peace and security everywhere, through participation in peace-keeping operations.

It is not correct that we have been eager to rush to all scenes of conflict to contribute troops without carrying out appropriate intelligence. Indeed, I think this country's security organs have been very good at analyzing conditions in theatres of war, to decide whether to contribute troops or not. The best example of this is the decision made by this country not to contribute troops to Somalia, notwithstanding the fact that it is a neighbouring country in which conflict had consumed its sons and daughters and from which conflict, thousands of refugees had flown across our borders with all the negative consequences that we continue to bear. But our people understood that time was not ripe for Somalia to be brought to peace by the use of military intervention in the manner in which it was conducted. Indeed, Kenya not only politely turned down the request to contribute troops, but even advised those who were doing so, that it was a dangerous exercise they were undertaking. However, we were ready and we still continue to be the launching pad for the massive humanitarian operations which took place then and which is still continuing.

In other words, we are still committed to the goal of ensuring just and lasting peace to the people of Somalia. Likewise, in the case of Sierra Leone, questions were raised without doubt, properly analysed, and an appropriate decision arrived at. In a sense, Sierra Leone is a textbook example of ideal conditions of peace-keeping operations. Why? Because all the warring sides, without exception, came to the conference table and signed an accord in which they committed themselves to laying down arms in an orderly manner under the supervision of international peace keepers. That was the understanding under which our troops were contributed to that operation.

Mr. Deputy Speaker, Sir, however, all peace-keeping operations, like all military operations, have their risks. The risks are always there. Some of those risks sometimes remain potential and sometimes turn actual. That is why forces which are sent into theatres of war for peace-keeping are always armed to some extent. The international community does not send out troops on peace-keeping missions with batons; it sends out peace-keeping troops with weapons, albeit, very light weapons, which can be used effectively whenever the forces come under attack. This is

because, it is understood that even peace-keepers have a right to self defence. That was the understanding under which our men, like the men from other contingents, went to Sierra Leone very lightly armed.

It is unfortunate that the leading player on the Revolutionary United Front (RUF) side, Mr. Foday Sankoh, happens to be a mad man. I think this has been confirmed by what has happened. I hope that hon. Sungu is not criticising us for not having analysed Mr. Sankoh's brain well enough. If we failed in doing so, then the entire international community failed. If you sign international accords, it is a primary understanding that you are dealing with somebody who has, at least, the honesty to stay committed to that accord. I would, therefore, like to appeal that we do not, at this point in time, go so cheap as to call for the recall of our forces from that mission because some of those risks have been actualised.

Mr. Deputy Speaker, Sir, I would like to say, again, that our men, indeed, even after their arrival on the ground, analysed the situation and filed a report with the overall commander of UN peace-keeping force, that, in particular, around Makeni, conditions were such that they felt that they were not conducive to disarmament by the use of military force; they recommended that diplomacy should take the first line. Unfortunately, as hon. Sungu has said, in military operations, hierarchical command structure is very much respected. The overall commander overruled the findings and recommendations of our men. This is a point we have since raised with the Secretary-General of the United Nations himself. Other countries whose forces also came under such attack, such as Zambia, have also joined us after we did this, to raise the same.

We hope that all the participating countries in the UN peace-keeping mission in Sierra Leone are the wiser as regards the future. However, I do not think that this is the time for a country to say: "We are not party to the peace-keeping mission in Sierra Leone any more". If the mandate of the UN mission there has to be changed from peace-keeping to some form of peace enforcement, obviously, we will review our position. Obviously, we will review our position from that of being actually present on the ground, and not from the point of view of a country which has not already committed its troops.

Mr. Deputy Speaker, Sir, after all, what happened in Sierra Leone in terms of the image with which participating countries come out and in terms of the image with which the UN comes out, can be of major significance for the future of peace-keeping in a continent which is being riddled by conflicts from East to West and from North to South. These are some of the factors we have to take into account when arriving at a decision as to whether we should go ahead with our commitments or not. For now, the Government remains totally committed to co-operating with other contingents within the framework of the appropriate UN Security Council Resolution to ensure that peace, finally, returns to Sierra Leone.

I regret that the Members of the Committee, as I understand from quite a number of contributions to this Motion, were not quite satisfied with the support they received from our own mission in Nigeria, which is the only diplomatic mission in that part of the world. I want to say that I reserve my right to come back with a detailed statement as to what went and why it went wrong. I would like to promise this House that I will come back with that statement. The preliminary understanding - and I say that it is only preliminary - is the fact that the Committee had changed its day of travel; this seems to have set in the confusion. Initially, the mission in Nigeria managed to secure an appointment with President Obasanjo, but once that was changed, I think some breakdown in communication set in. Obviously, you would not expect a Head of State to be told: "The Committee is coming today", when the first appointment with him had been cancelled, and then he would be ready waiting for you again without being committed to other engagements.

However, as I said, these are only the preliminary indications that I have. I would like to assure this House that I intend to come back with a full statement as to what happened, and that there will be no protection, cover or defence. The missions abroad are there to serve the interests of this country, to serve Kenyans wherever they are and, above all, to represent the Government. There is no way a Parliamentary Committee can fail to get requisite assistance.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. I do not want to interrupt the Minister since we have been together in the Committee, me being a Member of this Committee. However, is he not satisfied that the President of Nigeria, deliberately, avoided meeting this Committee, having known precisely what had been happening before, and given his country's interests in Sierra Leone?

**The Minister for Foreign Affairs and International Co-operation:** (Dr. Godana): No, no, no! I think it is unfair, Mr. Deputy Speaker, Sir, for hon. Mwenje to make that kind of aspersion against the Head of State of a friendly country. It is against the Standing Orders of this House. We have no reason to believe that, that was the intention. If anything, I think we have to be apologetic for having failed to meet Nigeria's Head of State during the first appointment we had secured with him. We failed to meet him because this Committee changed its date of arrival in that country.

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

**Mr. Wamae:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important debate. First, I would like to congratulate the Committee on Defence and Foreign Relations for the job it has done. I think it is a breakthrough for Parliament, that we are now supervising the functions of the departments of



Government. I hope that other Committees of this House will do the same. I would also like to thank the Minister of State, Office of the President, in charge of defence for co-operating with that Committee and for making its mission to Sierra Leone a success.

Mr. Deputy Speaker, Sir, the issue of Sierra Leone is very complex. I agree with those hon. Members who have said that, may be, our intelligence was not right; we did not understand the mind of Mr. Foday Sankoh, that he was not interested in peace. Consequently, we accepted to send our soldiers for peace-keeping when the people of Sierra Leone were not ready for peace. We know of other peace missions which failed, and which were withdrawn. We had the case of Somalia; when the American soldiers tried to keep peace in vain, and when American soldiers were killed, that mission was withdrawn and cancelled. We had the same case in Angola; when the peace-keeping mission failed, there was to be peace enforcement. The mandate of the UN mission there had to be changed. Consequently, that mission was also withdrawn.

My view is this: We sent our soldiers to Sierra Leone for peace-keeping. If it emerges that there is no peace to keep there, and that the mandate of the UN mission there has to change to that of peace enforcement, our soldiers should come back home. I do not think we needed to send our soldiers there on the pretext that they were going for peace-keeping only to have their mandate changed to that of peace enforcement. There is nothing disgraceful in recalling our soldiers, if the mandate of the UN peace-keeping mission in Sierra Leone changes to that of peace enforcement. If the mandate of the mission changes, we have the right to say that we are not going to be party to peace enforcement, because that was not the reason for which we sent our soldiers there.

Mr. Deputy Speaker, Sir, the question of Sierra Leone is very complex. We have already been told in this Committee's Report that the conflict there is about power for Mr. Foday Sankoh and other groups, and the desire for diamonds. The beneficiaries of the diamonds are many; they include President Taylor of Liberia, the Americans, the Britons, the Belgians and others from the Western World. They are the buyers of the diamonds from Sierra Leone. If the Western World does not buy those diamonds, there will not be much conflict in Sierra Leone. If the UN Security Council wants to stop the internal conflict in Sierra Leone, it should ensure that no member country of the UN buys diamonds from Sierra Leone, through Liberia. That is the way to stop the war in Sierra Leone.

I would like to inform this House that the conflict in Angola is as a result of this reason. Mr. Savimbi survived because of diamonds. Whenever you have wealth in Africa, you have conflict and trouble, and because of the interest of the Western World, they finance factions to fight among themselves. So, my view, and I still want to follow it is that if a mandate has to be changed from peace-keeping to force reinforcement, our soldiers should come back home because we have enough work for them to do here.

Mr. Deputy Speaker, Sir, we know that one of the most important things in any nation is peace. That is why, we, in Kenya should be proud that, so far, we have maintained some form of peace in this nation. We have had times when we had conflicts like the tribal clashes which occurred in 1991 and 1992, and the Likoni clashes. These are very unfortunate happenings and we hope that they will not happen again, but at the same time, we do not want to hear about people coming from Ethiopia and attacking our people in North-Eastern Province. If we need to get jobs for our soldiers, let them go to the border between Kenya and Ethiopia. The Oromo Liberation Forces are attacking our people from Ethiopia, and we have been told this many times. Why do we not have our soldiers defending our borders in that area? They will be doing a better job as hon. Sungu said instead of being in Sierra Leone, keeping peace which is not there.

The other issue I would like to point out here is that we are proud of our Armed Forces because they are doing a good job. Let us ensure that when it comes to recruitment and all other aspects, we recruit soldiers in proportion to the population of Kenya. Why am I saying this? We had a census in 1999 and we know our population. Let our Armed Forces be a reflection of the Kenyan communities.

*(Applause)*

Let us have those proportions in the Armed Forces and nobody will say that there is unfairness in recruitment. That is the only just way of recruitment; proportionate to the population of this country based on the official census of this country. All these conflicts in many countries in Africa are because of tribalism. I would like to say that tribalism breeds where there is favouritism. Once you bring favouritism, you bring conflicts, particularly when you have tribal influences. I would like to say that Kenya has not reached an age where there are no tribal feelings. In everything we do, let us do it on merit and proportion to the population. If you take the two aspects into account, we will be a peaceful country and we will remain so.

**The Minister of State, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Just on a lighter note because the hon. Member is my friend, he says that in everything we do, we must take into account

tribal representation. I hope that includes constitutional making.

*(Applause)*

**Mr. Wamae:** Mr. Deputy Speaker, really, that is not a point of order, but I had said merit and proportion to population, and that is in accordance with the Constitution. Let us have this in mind even in the Constitution making. We are now in the process of reviewing our Constitution, because we want to make a Constitution which is acceptable to all Kenyans so that we can remain in peace and know the way we will be ruled in this country. Let us do it by knowing that it is the peoples' will which must prevail. Let the Constitution review be people-driven.

*(Applause)*

If we want peace to prevail in this country now and in future, we want both the Ufungamano group and the Select Committee of this House to get together and bring Kenyans together in order to have one Constitution. If we have two Constitutions in this country, we will have conflicts.

**Mr. Poghiso:** On a point of order, Mr. Deputy Speaker, Sir. I think I have to bring in the question of relevancy in matters pertaining to the report. Is the hon. Member really relevant? Is he be in order to bring irrelevancies to this particular report?

**Mr. Wamae:** Mr. Deputy Speaker, Sir, this is really relevant. We know there is conflict in Sierra Leone because there is fighting among the Sierra Leonians. Why are they fighting? That is what we want to avoid in this country. We are learning a lesson from Sierra Leone. We want to use it to make sure that Kenya will not be like Sierra Leone, Somalia and Angola. Therefore, it is very relevant. If we will not learn a lesson from Sierra Leone, we must be careful about how we sit down together and agree. We must have dialogue as Kenyans. In everything we do, let us sit down and talk. Let us not use force or numbers. Let us reason with each other and we will never have a situation similar to the one in Sierra Leone in this country.

We know that our soldiers have excelled in many places. They are now in East Timor. They did a very good job in Namibia and Bosnia. We will not run away from doing duty for the international community. We are part of the world and, therefore, when the call comes for us to do our duty, we should do it and not run away from our responsibility. When mandate changes we have a right also as Kenya to change our view and say that our soldiers should not continue serving on peace enforcement in Sierra Leone.

With those few words, I support the Motion.

**Mr. Poghiso:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute. I was one of the Members of the Committee that went to Sierra Leone on a fact finding mission. I would like from the onset to appreciate all those that made it possible for us to go there, especially the Government and this House. This Committee that I am privileged to serve on has been able to have a lot of input on the report just as they did on the East African Community one. If we are enhanced we have a Committee that would be doing serious work for this House. I do appreciate the other Members of the Committee.

I do not want to take too long, but I will mention a few things that came along the way. We have already mentioned that we had problems in Nigeria and we put that blame squarely on Ministry of Foreign Affairs. When we did that it was the kind of arrangement that should have been very smooth for us, transitting from the airport at Abuja to downtown Abuja. You cannot believe it, but the Committee had to take a *matatu* to go there and we have members of our foreign office in that country. Having said all that, I am sure that the Minister in charge has taken note of that.

I would also like to wonder if our foreign offices are well funded and well connected to handle matters and delegations that come in their way. I kept wondering if the person in charge there had even enough money to bring a car along or to arrange for our transportation. I think that is where we need to beef up the facilities to some of these embassies and I have not heard from the Minister yet. Otherwise, given the situation, the men there flopped. They failed to organise for us, to make arrangements for us, and to receive us as was befitting our coming to Nigeria. The same thing would be said about Committees in this House. Having experienced that kind of trip, I believe that this House needs to enhance the various Committees to be hands-on and to have the funds necessary so that if a need arises like that one, they can move without limitations of funds as has been experienced at times. I think this country would support something that has to do with committees of this House doing their work and doing a better job like this Committee did. When it

comes to funding Committees, I believe this House will vote to fund them at a higher level. I would like to return to the man called Foday Sankoh.

**ADJOURNMENT**

**Mr. Deputy Speaker:** Order! Hon. Members, it is now time for us to interrupt our business. The House now stands adjourned until tomorrow, Thursday, 15th of June, at 2.30 p.m.

The House rose at 6.30 p.m.