

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd November, 2000

The House met at 9.00 a.m.

[The Temporary Deputy Speaker
(Mr. Poghiso) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.698

BREAKDOWN OF EXPENDITURE ON EL NINO PROJECTS IN NAIROBI

Mr. N. Nyagah asked the Minister of State, Office of the President:-

(a) whether he could give a breakdown of costs for each road constructed within Nairobi under the *El Nino* Emergency Project; and,

(b) whether he could further explain the circumstances leading to the cancellation of contract 8NB2 under which 2nd Avenue Eastleigh and General Waruinge Street were to be done.

The Minister of State, Office of the President (Mr. Nassir): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The following roads were reconstructed within Nairobi City Centre under the *El Nino* Emergency Project.

Name of Road Cost(Kshs)

Kirinyaga Road Kshs 93,906,876.53

Race Course Road Kshs 101,604,032.10

Uyoma Road Kshs 36,266,010.17

Ronald Ngala Road Kshs 71,288,223.93

Accra Road Kshs 35,588,922.60

Latema Road Kshs 30,249,588.60

Desai Road Kshs 109,073,144.60

The following roads were reconstructed in Industrial Area:-

Nanyuki Road Kshs 200,730,292.50

Lunga Lunga Road Kshs 310,482,856

Mogadishu Road Kshs 62,429,999.94

Kampala Road Kshs 47,700,000

(b) The tenders for Nairobi City Roads contracts were based on preliminary drawings prepared before the advent of the *El Nino* rains. At that time, the works envisaged were purely rehabilitation works.

After the *El Nino* rains, detailed investigations and designs were carried out. These investigations revealed that the Nairobi City roads required total reconstruction and not rehabilitation. These included extensive relocation of services such as Kenya Power and Lighting Company cables, Telkom Kenya cables and water pipes, all of which were not initially expected to be torn.

Due to the fact that revised estimates and tender sums were higher than what was contained in the budget, it was decided that some of these roads earlier earmarked for reconstruction under the contracts should be cancelled. This is what led to the cancellation of contract No.8NB2.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, that is a very unfortunate answer. When a delegation from Eastleigh visited the Minister, it was promised that this road was going to be done. Since then, I have found out

that this road is not going to be done. All the roads in Eastleigh from the First to the 12th Street are impassable. Eastleigh Second Avenue which houses the only bank in Eastleigh is in a deplorable state. Could the Minister tell us how much was used for the entire *El Nino* Emergency Project in Nairobi, what was spent and what is the remaining balance?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, I have given full details for all the roads. But if he wants a grand total for all the roads I have read out here, I will provide that information right now.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question was very specific. How much money was earmarked for *El Nino* projects in Nairobi, how much was spent, and what is the balance?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, he wanted to know the cost of every road and I have provided that information!

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, could the Minister tell us what happened to the money which was allocated for those roads if the projects were cancelled?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, the money is still in our custody. We will use it when the roads will be repaired.

Mr. Keriri: Mr. Temporary Deputy Speaker, Sir, since hon. N. Nyagah's question has not been answered, would it not be wise to defer this Question so that the Minister can come back to this House with the correct figures?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, I will bring that figure to the House, but we will still do the pending job.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, the reason why I am asking this Question is that we do not have figures pertaining to the amount that was earmarked for the entire project within Nairobi. Therefore, I need to know what the balance is and how much should be spent on the two roads in my constituency.

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, if the hon. Member wants to know the total figure, I will bring it next week. It is better late than never.

The Temporary Deputy Speaker (Mr. Poghismo): I do not know if the Minister can give us the balance. Mr. Nassir, was this all the amount earmarked for Nairobi?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, that is the amount of money earmarked for each road.

The Temporary Deputy Speaker (Mr. Poghismo): So, what has been spent is known. Could you give the balance? Basically, what you are being asked is to provide the balance of money.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, this is a matter of life and death for my constituency. The Minister is duty bound to tell us how much he got, so that we know what the balance is. I know how much should be spent on this road. But I would like to know whether the money has been stolen. When is he going to bring that figure to us? I do not want him to concoct figures here. Basically, I have asked only one supplementary question because I see no point in asking any further questions. Could we have the Question deferred?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, he asked for the figures of money spent on each and every road. But if he wants the figures earmarked for all the roads and the balance of the money, I will give it later. In fact, there is no constituency which has benefited from the *El Nino* funded projects like hon. Nyagah's Constituency.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Nassir, when can you bring that figure?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, I will bring the answer next Tuesday at 2.30 p.m.

The Temporary Deputy Speaker (Mr. Poghismo): Next Question!

Question No.699

EXCLUSION OF MERU REGION
FROM EL NINO PROGRAMMES

Capt. Ntwiga asked the Minister of State, Office of the President:-

(a) why districts in Meru region were excluded from the *El Nino* Emergency fund related programmes and yet the area was adversely affected by the rains; and,

(b) what immediate plans he has for repairing the destroyed bridges in Meru South District.

The Minister of State, Office of the President (Mr. Nassir): Mr. Temporary Deputy Speaker, Sir, we are working on a comprehensive reply, which I will give on Tuesday next week.

The Temporary Deputy Speaker (Mr. Poghismo): Capt. Ntwiga is that okay with you?

Capt. Ntwiga: Mr. Temporary Deputy Speaker, Sir, I cannot understand why he cannot give the answer today.

The Temporary Deputy Speaker (Mr. Poghisio): He is not satisfied with the answer he has and so he is going to look for a better answer.

Capt. Ntwiga: Mr. Temporary Deputy Speaker, Sir, that is okay.

(Question deferred)

Question No.676

STATUS OF IRESATENO LOCATION

Dr. Ali asked the Minister of State, Office of the President:-

(a) if he is aware that Iresateno Location of Mandera District is located 40 kilometres inside Gurar Sub-location of Wajir District; and,

(b) what is the status of the above location.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Iresateno Location is one of the locations of Dandu Division which is in Mandera District.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, that answer is theoretically correct. But the reason I am asking this Question, is because this was the cause of conflict in my constituency and which has continued for the last six months. This is as a result of the Provincial Administration not knowing where to place a location. What is the status of that location, since it is inside my constituency? Have you revoked that location or it still stands?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, we have not revoked the location.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Temporary Deputy Speaker, Sir, I do not understand how a location can be inside a sub-location. Could you clarify that?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, what really happened is that, during the 1992 General Elections, most of the people who were actually in Wajir District registered as voters in that location which is part of Mandera.

Mr. Shidiye: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister does not understand the gist of this Question. Either he is trying to evade it--

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, the Minister is misleading the House, because we are not talking about registration of voters. Anybody can vote in any polling station where he is registered. More than 300 people have died as a result of a location being created by the Provincial Administration. Could the Minister go back and come back with a proper answer?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Shidiye, I thought you stood on a point of order. That is not quite a point of order.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the district boundaries have not been changed at all.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, there is no place known as Iresateno in Mandera District. This is a fact and everybody knows it. So, could that location be renamed or cancelled? I know the facts on the ground, because that is in my constituency and it is a sub-location in another location.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I know there have been a lot of discussions over that particular area. If it is agreeable to the House, we will continue to discuss it further.

The Temporary Deputy Speaker (Mr. Poghisio): I think that is a matter that should be sorted out. Dr. Ali's question is very clear.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, I do not think the Minister understands the gist of this problem. Could I request through the Chair that both the Questioner and the Responder come with the map of the area so that we can compare, contrast, understand and maybe come up with an answer?

The Temporary Deputy Speaker (Mr. Poghisio): What is the Minister's position on that?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I know there is a problem there, and I think we cannot sort it out here. I think we can sort it out on the ground with the hon. Member.

Mr. Shidiye: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a matter of grave concern. More than 300 people have been buried six feet down as a result the creation of one location, and yet we are taking this matter very lightly. Right now, people are dying in Mandera and Wajir districts.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Shidiye! What is your point of order?

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, the Minister is misleading the House on this issue. Could he come back with an appropriate answer because people are dying and he is dilly - dallying and taking the matter lightly?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Shidiye, if you look at the Question, it sought to know

if the Minister is aware of a location being 40 kilometres inside a sub-location. It has nothing to do with 300 people dying. Why do you not bring out the question in a better way?

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, it has everything to do with this matter. If he had a solution, he would have come with an appropriate answer.

The Temporary Deputy Speaker (Mr. Poghiso): But if you put a further question to the Minister, he will be able to answer you. Dr. Ali, is that correct?

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, the situation might look very simple, but there are a lot of complexities about this Question. The reason why I asked this Question is because this matter has been going on for the last three years. As the Minister said, we were trying to resolve it among ourselves, but we have not resolved it. That is why I asked it in a simple way, so that I get a proper answer. Otherwise, I can put it in a complex way and we will talk about it the whole day. How does the Minister want this matter to be resolved, because going back to his office will not help us?

The Temporary Deputy Speaker (Mr. Poghiso): All I can say is that the essence of asking this question is for you to get the answer you want. Therefore, you should frame your Question in a way that will give you the proper answer. The way I see it, the dilemma of the Minister lies in the way this Question has been framed. He is being asked "if he is aware."

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, but his officers know about this matter.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request through the Chair that this matter be dealt with by the relevant Departmental Committee of this House? It should summon all the people concerned and analyse all relevant documents. This is because this matter cannot be resolved by way of a Question.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Sambu, if you want anything to be dealt with by a Departmental Committee, you frame it in a manner likely to bring out the answer you want.

Dr. Ali: But people are dying!

The Temporary Deputy Speaker (Mr. Poghiso): Order, Dr. Ali. Your Question simply asked the Minister if he is aware. What if he says he is not aware?

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, in his reply, he said he is not aware. However, in his answer to part "b" of the Question, he said Iresateno is a division in Mandera District. If he is not aware of Iresateno Location, how is he aware that it is in Mandera District?

The Temporary Deputy Speaker (Mr. Poghiso): Order! I would advise that, from here, the Minister and Dr. Ali meet to resolve that matter.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is my understanding that once this matter comes here, it becomes the property of the House. We are all interested in seeing that justice is done and that a national crisis is evaded. You cannot "privatise" a matter that belongs to the whole House. They might get somewhere and since hon. Maj. Madoka is in a party that receive bribes and taxes, he might be silenced. We want a solution which will be availed to all of us to scrutinise and not a private concern.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Dr. Kituyi, I will not take that very kindly. I think that is not very good parliamentary language. You are actually personalising it. Why are you personalising it?

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I just said do not make this a private matter. We want a resolution of the whole House on this matter.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I know this is a very complex issue as the hon. Member has said. It mainly touches on the Ajuran and the Garreh clans. So, really I would rather we go back, sit down and discuss it because I know it is very complex and we will not be able to sort it out here.

The Temporary Deputy Speaker (Mr. Poghiso): I understand the gravity of the situation. The reason why I am saying that they should sort it out is because, the way both the Question and the answer have been framed brings out more controversy. This is because, on the one hand, the hon. Questioner says Iresateno Location is in his constituency, while on the other hand, the Minister says it is one of the divisions in Mandera District. That is where the controversy is. You can see where we have the problem. I think both the Question and the answer should be sorted out by the hon. Member and the Minister. Should the hon. Questioner decide to reframe it or to recommend that I refer it to the Departmental Committee, I have no problem with that. But I would like to hear from Dr. Ali.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I will reframe my Question.

The Temporary Deputy Speaker (Mr. Poghiso): Very well. Next Question, Mr. Musila.

TO MR. NDASYA'S FAMILY

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

- (a) if he is aware that Mr. Erastus Gideon Ndasya was killed by a crocodile at Kiambere on 2nd April, 1996;
- (b) why it has taken so long to pay compensation to the family of the deceased; and,
- (c) if he could state when the compensation claim would be paid.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The delay has been occasioned by, among other things, the changes in various Ministries where the department of KWS, now a body corporate, belongs.

(c) Mr. Ndasya's name is in the list of those to be compensated in the pending bills. Once the KWS gets this money from the Treasury, we will be able to pay. KWS has requisitioned Kshs16 million to be able to pay up all the outstanding cases of compensation.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for his reply. However, this particular person died in April 1996. I asked a similar Question on 19th December, 1998. On that day, the late hon. Lotodo who was the Minister for Natural Resources said:-

"I confirm that the family of the deceased will receive a flat rate of Kshs30,000 payable to all other similar cases through the DC."

It is exactly two years since this answer was given and the Minister says the name of the deceased is in the list of those to be compensated. Could the Minister be specific and tell this House when the family of the deceased will receive the peanuts of Kshs30,000?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I will not be able to give a definite date. All I can say is that we have requisitioned Kshs16 million from the Treasury. Once we receive it, we will be able to pay all these outstanding compensation cases.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, this House passed a Motion that compensation be raised by 1000 per cent. I would like know whether the Minister will be able to pay the family of the deceased with the new rates. Last year, I had a similar Question here and the fellow has not also been paid. Could the Minister also tell us what the problem is?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the problem is the same. On the question of raising compensation rates, the legislation is still in the process. So, we will not be paying Kshs1 million. We will still pay the Kshs30,000 until the legislation is in place for the Kshs1 million.

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, this question of compensation by KWS is a nationwide issue. I think it is important that the Minister confirms to us that this amount will be paid within this financial year. I am saying this because of the case raised by the hon. Questioner. The Minister says the deceased's name is on the list of those persons who will be compensated. Will there be no problem of paying his family because he is now deceased? We want to be told in which financial year, this amount will be paid. This is because many people will die before they receive the compensation. Let us be specific and know when it will be paid.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I can assure this House that those payments will be made within this financial year, as soon as we get the money. I am sure we will get it by January.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, the issue of the KWS failing to compensate people who are killed by animals is so rampant. We have thousands of Kenyans whose loved ones have died as a result of wildlife. I am not satisfied by the answer given by the Minister because two years ago, I was assured that the family of the deceased were to be paid. The Minister says the name of the deceased is on the list. Could he be specific and tell us the family of Mr. Ndasya will be paid within this financial year.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the Kshs16 million I spoke about will be used to compensate everybody who is on the list at the moment. So, this particular individual is included.

Mr. Kombo: I think the Minister has got to be specific. He has not even explained why that promise he made two years ago was not fulfilled. He is again making another promise in a very amorphous way that he will pay another Kshs16 million. I think he has got to be specific and tell the House why that promise has not been fulfilled. Secondly, he should assure the House that his new promise will be fulfilled.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the first payments were not made because there were no budgetary allocations. But I can assure the House that I am doing everything possible to ensure that this allocation is made to enable us pay those individuals.

The Temporary Deputy Speaker (Mr. Poghisio): Next Question, Mr. Munyasia?

Question No.656

PAYMENT OF RETIREMENT
BENEFITS TO MR. NYARANGA

Mr. Sifuna, on behalf of **Mr. Munyasia**, asked the Minister for Finance:-

- (a) why Patrick M. Nyaranga, TSC No.50639, who retired from teaching in 1998, has not been paid his retirement benefits to date; and,
- (b) when he will be paid his benefits.

The Temporary Deputy Speaker (Mr. Poghisio): Is there anyone here from the Ministry of Finance? The Question is stood over for now. Next Question, Mr. Kombe?

Question No.293

MEASURES TO CURB CHILD LABOUR IN MAGARINI

Mr. Kajwang, on behalf of **Mr. Kombe**, asked the Minister for Labour what action he is taking to end child labour in the salt manufacturing firms in Magarini Constituency.

The Minister for Labour (Mr. Ngutu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Government under the ILO/IPEC Malindi Child Labour Action Programme has put in place the necessary machinery to ensure that children are withdrawn from the salt firms to school. On their part, the salt firms are under obligation to put up schools and ensure that no child is allowed on the firms during school days. The Ministry in collaboration with the Children Department and Office of the President conducts regular visits to ensure that the requirement is implemented.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, what machinery has the Minister put in place to ensure that his directive is implemented because the children are still working in the salt firms?

Mr. Ngutu: Mr. Temporary Deputy Speaker, Sir, I want to assure the House that the children are not working in the salt firms now. The Government, in collaboration with the ILO, has launched efforts geared towards the prohibition and elimination of child labour in Magarini Constituency. The ILO/IPEC Malindi Child Labour Action Programme has been launched for the purpose of integrating child workers. Consequently, primary schools have been constructed and equipped adequately with books and desks to provide the children with a conducive atmosphere for learning. Removal of children from work in the salt mines back to primary schools was the first step. Further, to motivate the children to learn, they have been provided with school uniforms.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, arising from the Minister's reply, if I heard him correctly, he said that the children would not be allowed in the firms during school days. Will they be allowed to work in the salt firms during the week-ends and over the holidays?

Mr. Ngutu: No, Mr. Temporary Deputy Speaker, Sir. This is not allowed. Our officers are there all the time to ensure that this does not happen.

Mr. Achola: Could the Minister explain to the House what action the Government took against the companies that employed these children? It is unlawful to employ children.

Mr. Ngutu: Mr. Temporary Deputy Speaker, Sir, we have not taken any action. We have asked the firms to construct schools and make sure that children are not allowed to work in their firms.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, the Minister has said that the firms have built schools, equipped them and provided children with uniforms. However, the information I have is that there are no schools which have been built. Can he name the schools and tell us how much has been spent by these firms in equipping those schools?

Mr. Ngutu: Mr. Temporary Deputy Speaker, Sir, I do not have the details of the schools built, but this is the information we received from Malindi. I have no reason to doubt what I have been told. If the hon. Member wants me to bring the names of the schools, then I can do so at a later date.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, the Minister is not telling the truth. The truth is that the children are working in the firms and these firms have not built any school. We are insisting that the Minister investigates this matter and then give us a proper answer. He has already given an undertaking that he can bring that information. Can we defer this Question?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, when can you bring this information?

Mr. Ngutu: Mr. Temporary Deputy Speaker, Sir, I am supposed to bring the names of the schools. I have given all other information.

The Temporary Deputy Speaker (Mr. Poghisio): But you have to bring it to the House. How do you bring it to the Member?

Mr. Ngutu: I will bring it to the House on Wednesday next week.

The Temporary Deputy Speaker (Mr. Poghisio): Next Question, Eng. Muriuki?

Question No.691

DISBURSEMENT OF FUNDS TO
DISTRICT ROADS COMMITTEES

Eng. Muriuki asked the Minister for Roads and Public Works how much money the Kenya Roads Board has disbursed to each of the various District Roads Committees as at 30th September 2000.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Kenya Roads Board had not disbursed any funds to various District Roads Committees as at 30th September 2000.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, first of all, I do not have a written answer. I should have received one. But I had filed this Question under Private Notice---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Eng. Muriuki! If you are complaining about not having an answer, you should have taken up that issue with the Speaker.

Eng. Muriuki: I am asking my supplementary question.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, but are you complaining about not having an answer?

Eng. Muriuki: No, Mr. Temporary Deputy Speaker, Sir. I am only giving the background. I am not doubting the wisdom of the Speaker to refuse to file it under Private Notice. But the point is that it is now three months after the DRCs were launched and they should have started operating. No money has been given and the Minister has not given any explanation. Since by 30th September, no funds had been disbursed to the DRCs, what is the progress of getting the money?

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, we have received some work programmes from various District Roads Committees and we will process and remit the funds to them. We have just received the funds from the Treasury and we will release them. While taking into account that it was only last evening that the necessary legal measures were passed, we are in a position to dispatch these funds.

Capt. Ntwiga: Mr. Temporary Deputy Speaker, Sir, we were informed that this money was not disbursed to the DRCs because we had not amended the Petroleum Levy Act. I think we did that yesterday and the Minister should tell us whether he is going to disburse at least, half of the required money to the DRCs. We expect the Kenya Roads Board (KRB) to be operational.

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, I just said that we are now in a position to present the money.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister. I think the question you are supposed to answer is whether you can give half of the money since the other half is gone.

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, we have received two tranches. The amount set aside for constituencies is about Kshs238 million and that is what we will send. But, as I said, according to the Act, we are supposed to disburse money only to those districts which have forwarded their work plans to the Kenya Roads Board (KRB) and which have been approved by the same Board.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the Minister is misleading the House. It was only two weeks ago when District Roads Committees (DRCs) were asked to forward their work plans to the KRB. Homa Bay District submitted its plan quite in time. Could the Minister confirm when, exactly, DRCs will receive their monies?

Mr. Sifuna: And how much the amount will be.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Sifuna, you do not have to answer the hon. Member; let the Minister do so.

Mr. Ojode: When are we, exactly, going to receive the money, and how much money is it?

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, I have said that we already have Kshs238 million

for the constituencies. We are going to disburse money to those DRCs whose work programmes we will have received starting tomorrow. For others DRCs, it will depend on how soon they will forward their work programmes.

Hon. Members: How much money will each DRC get?

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, let the Minister answer that part of the question.

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

The Temporary Deputy Speaker (Mr. Poghisio): But the Minister is answering your question, Mr. Ojode. How much will each DRC get, Mr. W.C. Morogo?

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, let me come up with the breakdown of how much each of the DRCs that have forwarded their work programme will get because the amount each DRC will get will be determined by the respective work programmes. I will come here with that break down on Tuesday.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, the Minister will, on Tuesday, make a statement concerning the details of each DRC. Could you ask the final question, Eng. Muriuki?

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, the primary source of the monies being allocated to the DRCs is the Road Maintenance Fuel Levy Fund (RMFLF), which is estimated to collect Kshs8.2 billion this year. Since we are now about half way through this financial year, the Fund should now have collected about Kshs4 billion. In this case, DRCs should be receiving about half of their total allocations for the whole year. So, what does the Minister mean by saying that the Ministry has only Kshs238 million to disburse to DRCs? We should be talking about Kshs600 million by now.

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, I have said this money will be disbursed according to the work programmes forwarded to us by the various DRCs. Eng. Muriuki is a Member of this House's relevant Committee on this matter. He knows very well that other amounts for on-going projects will have been disbursed by now.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that KRB will only disburse the money after work programmes have been received from the various DRCs when the matter is clearly stipulated in the Kenya Roads

[Mr. Sambu]

Board Act? We have to be careful here. The Act is not subsidiary to a subsidiary legislation, but only subsidiary to the Constitution. The Act provides that constituencies will receive 16 per cent while districts receive 24 per cent of the RMFLF money; it does not provide that the money will be disbursed to the DRCs if they submit their work programmes to the KRB. That requirement must go!

An hon. Member: Hongera!

(Applause)

Mr. W.C. Morogo: Mr. Temporary Deputy Speaker, Sir, I challenge hon. Sambu to read the Kenya Roads Board Act again. I have read the Act, and know that, that provision is there.

Mr. Sambu: Which Act?

Mr. W.C. Morogo: I am talking of the Kenya Roads Board Act, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, we have to move on; we are running out of time.

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

The Temporary Deputy Speaker (Mr. Poghisio): The last supplementary question on this Question has already been asked. So, we shall proceed to Mr. P.K. Mwangi's Question.

Question No.494

COLLECTION OF LEVY FROM SQUATTERS

Mr. P.K. Mwangi asked the Minister for Local Government:-

- (a) whether he is aware that Maragwa County Council has collected Kshs3,000 from each squatter of Maranjau in Kambiti Location and Kio of Maragwa Ridge Location;
- (b) whether he is further aware that the levy was to assist the council in speeding up the settling of the squatters by hiring a registered surveyor; and,
- (c) in view of the above, how much money was collected by the council and how it was utilised.

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

reply.

(a) I am aware that Maragwa County Council has collected Kshs3,000 from each squatter of Maranjau in Kambiti Location and Kio of Maragwa Ridge Location.

(b) I am also aware that the levy was meant to assist the council in speeding up the settling of the squatters by hiring a registered surveyor.

(c) The sum of Kshs1,426,350 was collected and is being applied to meet the cost of the survey work. Any balance that will remain will be utilised to meet the cost of registration of title deeds.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, you will agree with me that the most mismanaged institutions in this country are the local authorities. The said squatters are very poor people from my constituency.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. P.K. Mwangi, please, just put your question and give the Assistant Minister a chance to answer it.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister give us the name of the registered surveyor who has been given the job of surveying the whole land parcel where the said squatters are supposed to be settled?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, the Ministry advised the local authority that it would be very expensive to hire a registered surveyor to do that job. Considering that squatters are very poor people, we advised the local authority to engage a Government surveyor, who of course, should be registered. So, that is what is going on.

Eng. Toro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that the squatters would not afford to raise a registered surveyor's fees when each of them has already paid Kshs3,000 for that purpose?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, I did not say that the squatters would not afford to raise a registered surveyor's fees; I said that it would be very expensive to hire a private registered surveyor. There is a difference between my words and those of Eng. Toro.

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister saying that the Kshs3,000 was meant to hire a surveyor so that the squatters could get their land surveyed. He has answered in the affirmative - that, that money is going to be used by a surveyor and the balance of it is going to be used on their title deeds. How does he now change by saying that a government surveyor is going to do the job while he has accepted that a surveyor was going to be hired using the squatters' money? Are they trying to say that this money will not be spent and it will not be returned to the squatters?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, we are moving progressively from when the exercise started - the intention was to hire a registered surveyor. After the Ministry was notified of the matter, the Ministry being concerned about the welfare of squatters, advised them to hire a Government surveyor. So, we are talking about the intentions at that time and what the Ministry advised them and what is going on now.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, for the last two years, nothing has taken place in my constituency. Survey plans for this land have never been done, and the person who has been given the job to do is not a Government surveyor. The surveyor was collected from the street - he is a Mr. Mugatha - and he has carried out each and every dirty job within the whole of Maragwa district. Now that the work is to be done by a Government surveyor, when will the job commence and the money refunded?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, work is progressing, and it does not start from the ground. Works starts from the working table and it is already progressing. I refute the fact that somebody was collected from the street. I do not think that he or she would even have experience or knowledge to do the required work.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! That was the last question. I cannot allow more points of order. We are moving on to Mr. Munyasia's Question.

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

The Temporary Deputy Speaker (Mr. Poghisio): What is it, Mr. Parpai? It had better be a point of order.

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, my point of order is: Could the Assistant Minister tell us what percentage of work has been done on the ground?

The Temporary Deputy Speaker (Mr. Poghisio): Order! I will not allow that question to be answered.

For the second time, Question by Mr. Munyasia.

Mr. P.K. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. P.K. Mwangi! You should be very thankful.

Mr. P.K. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir.--- (inaudible)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. P.K. Mwangi! You know that the Speaker is on his feet. I would like to tell you that you should be thankful that I did not hear what you said. We have to move on

because our time is gone.

For the second time, Question by Mr. Munyasia.

Question No. 656

PAYMENT OF RETIREMENT BENEFITS
TO MR. NYARANGA

Mr. Sifuna, on behalf of **Mr. Munyasia**, asked the Minister for Finance:-

- (a) why Patrick M. Nyaranga, TSC No.50639, who retired from teaching in December, 1998, has not been paid his retirement benefits to date; and,
- (b) when he will be paid the benefits.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I am sorry, I must apologise for coming late.

However, I beg to reply.

Mr. Patrick Nyaranga, TSC No.50639, who retired from teaching in December, 1998, has been paid his retirement benefits by cheque No.146657 dated 15th November, 2000. The said cheque has been sent to the Manager, Kenya Commercial Bank, Bungoma Branch and credited into Mr. Nyaranga's account.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, you can see from the answer given by the Assistant Minister, that they only paid him on 15th November, this year. Obviously, they made this payment after realising that a Question had been slated to be asked in the House in connection with the late payment of Mr. Nyaranga's money. Could the Assistant Minister tell us why it has taken over two years before the Ministry could consider paying Mr. Nyaranga's dues?

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, any delay has not been caused by my Ministry. In fact, the pension claim papers for Mr. Nyaranga were received in the Ministry's Pension Department on 23rd October, 2000. So, in fact, the Ministry paid Mr. Nyaranga within three weeks after receiving his claims. That is, probably, faster than can be imagined elsewhere.

QUESTIONS BY PRIVATE NOTICE

INVASION OF PRIVATE FARMS IN OL MORAN

(Mr. Mbitiru) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that large herds of cattle have invaded private farms in Ol Moran Division of Laikipia West, thereby destroying crops?
- (b) Is he further aware that the herdsmen are armed with sophisticated weapons?
- (c) What urgent measures is the Minister taking to move the herdsmen from these private farms?

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Mbitiru not here? His Question is dropped.

(Question dropped)

IMPROVEMENT OF PRISON CONDITIONS

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, although I have not received a written reply, I beg to ask the Minister for Home Affairs, Heritage and Sports the following Question by Private Notice.

- (a) Is the Minister aware that unlike other Kenyans, Members of Parliament, require special permission from the Commissioner of Prisons to visit relatives in prisons?
- (b) What immediate plans does the Minister have to improve the living conditions of the inmates?
- (c) Why are convicts denied an opportunity to vote during general elections?

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Mr. Temporary Deputy Speaker, Sir, I am sorry if my friend has not received a written reply, but I will find out why it is so.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Those consulting, please, do so in low tones. We need to hear the answer.

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Members of Parliament do not require special permission from the Commissioner of Prisons to visit relatives in prisons. However, as prisons are restricted areas, it is beneficial to those hon. Members wishing to visit their relatives in these institutions to notify officers in charge of the Provincial Prisons Commanders to avoid identification inconveniences.

(b) My Ministry has been continually involved in improving living conditions in prisons. In this regard, mattresses have been provided to the prisoners. We are also in the process of gradually providing beds to them. Our limiting factor, however, lies in inadequate budgetary provisions.

(c) Section 43(2) of the Constitution of Kenya prohibits convicted prisoners from voting during the general elections.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I am delighted that the answer comes from an ex-prisoner. But I must take the opportunity to thank the late Minister for Energy, Mr. F.P. Lotodo, for having made mattresses available in prisons. But is the Assistant Minister aware that - of course being an ex-prisoner - prisoners live in very dehumanising conditions whereby they have a small pot that they use for peeing right in the small cells which are very congested? You will find that there is a small room, fully packed up with prisoners and right there within they have the small pots they use as toilets. Is he aware that, that is what exactly happens, and is he satisfied that, that is not dehumanising enough?

Mr. Choge: Mr. Temporary Deputy Speaker, Sir, I am aware of all that. Sometimes, you get prisoners from another prison going into another prison when the conditions and the rooms there are already congested. The Prisons Department has no alternative, but try their level best to accommodate the new prisoners who are coming in, before they are dispersed to other prisons.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is speaking from practical knowledge and he is not alone in this House to have been in prison. Hons. Raila, Dr. Ochuodho, Awiti, Anyona and I have all been there. All these people testify to the inhuman conditions that exist in Kenyan prisons. Prisoners are submerged in water from time to time. The punishment cells are still there and I have lived in one of them. They are denied clothing and are beaten. When I went to King'ong'o Prison on 1st September, I was nearly killed by the warders. Can the Assistant Minister assure this House that they will improve the prison conditions to treat convicts with humanity?

Mr. Choge: Yes, Sir.

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir. "Yes, Sir" could be a form of greeting or acknowledgement. Did he accept that, that will happen or did he just acknowledge what I have said?

The Temporary Deputy Speaker (Mr. Poghiso): Order! We know that he answered the Question.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, this is not a laughing matter. Maybe, hon. Choge thought this was an *afande* and he said "Yes, *afande*". My understanding is that when one is in prison, they are only supposed to be denied their freedom of movement and nothing else. They are supposed to continue living normally like any other citizen. The Assistant Minister says that hon. Members may require to notify the officer in charge so that some arrangements are made. What kind of arrangements are these? What makes MPs special breeds? I have just been reading Cap. 90 of the Prisons Act and there is nowhere in the Act where MPs are supposed to be treated as different citizens. Why is it that MPs require special attention when they want to visit their relatives in prisons? Why are they treated as special people?

Mr. Choge: Mr. Temporary Deputy Speaker, Sir, an hon. Member of Parliament is honourable and he has to be treated that way, so that when he goes to visit there is always an officer around. He should not be left with an ordinary prison warder who might push him around. These arrangements are meant to assist him.

The Temporary Deputy Speaker (Mr. Poghiso): I will move on, our time is up.

Next Question!

FEES COLLECTION BY NAIROBI
UNIVERSITY ENTERPRISES

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

(a) Why does the University of Nairobi Enterprises Services Company collect fees from the university students while the university has a finance department?

(b) What action is the Minister taking to stop the company management from interfering with university

functions and programmes, contrary to the University of Nairobi Act and Statutes?

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, may I request that this Question be answered tomorrow in the afternoon. It is not ready.

The Temporary Deputy Speaker (Mr. Poghismo): What is not ready?

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): The answer is not ready.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Kajwang, is tomorrow all right?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, he had consulted me. I have no objection.

(Question deferred)

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

MOTIONS

RESETTLEMENT OF DISPLACED KENYANS

THAT, in view of the fact that many Kenyans were displaced from their farms at Miteitei, Kitochi, Kamalelo, Simotwo and others from their farms in the Rift Valley Province and other parts of Kenya during the 1991/92 land clashes; and considering that their current social and economic status are in pathetic conditions; this House resolves that the Government re-settles them in their former farms with immediate effect.

(Mr. Obwocha on 15.11.2000)

(Resumption of Debate interrupted on 15.11.2000)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I had only six minutes left and I want to be understood. In bringing this Motion, I did not have any malicious intentions by putting the names of the farms that are in the Motion, particularly those from Nandi area. I only received a memorandum from some members of the public including some of my constituents to bring up this Motion. If there is any misunderstanding, that should be put to rest. Further, I have requested hon. Kirwa and hon. Sambu that if they feel that those names are distorting this Motion, they are free to bring an amendment and I think it will be welcome. The intention of this Motion basically is to resettle the clash victims, a promise that the Government has already given. All we want is the implementation of that.

In summary, we are asking for the resettlement of the clash victims all over the country, from Likoni, through Eastern Province, Rift Valley and Western Province. The compensation programme which was in place should be effected. The Akiwumi Commission whose findings have not been made public should be made public so that we know what the Commission has come up with. There is no point of spending a lot of money on a Commission like this and you do not bring out their conclusion.

Finally, this issue of ethnic clashes has troubled and inflicted wounds on very many Kenyans. We thought the Akiwumi Commission would suggest that we set up a Truth and Reconciliation Commission. A Truth and Reconciliation Commission which was set up in South Africa resolved very fundamental issues that were breaking that country. Therefore, if the findings of the Akiwumi Commission can be turned into a Truth and Reconciliation Commission so that we can make a fresh start as a country, we will go a long way to resolve these very unfortunate incidents that happened in the history of our country.

Mr. Temporary Deputy Speaker, Sir, I do not want to say what those people who instigated tribal clashes would face. We will leave that for history to judge. All we are asking is that the Government takes up this issue and resettles all the land clashes victims. Many of them have the title deeds and papers to their property. Since this is guaranteed in our Constitution, then they should get their property back. I hope the Government will not oppose this Motion, but take it in the spirit in which I have brought it. They have already committed themselves to resettling these victims. Our greatest problem in so doing is the Provincial Administration. The Provincial Administration is not implementing Government policies. I do not know what we will use to make sure that the Provincial Administration takes up these issues very seriously as the people of Kenya would want them to do. A government is set up to serve its own people. If you cannot serve your own people with dignity, give them their rights, defend them and protect them, then you have no business being in power. The Government should do what it has professed to do in the Constitution; that is to protect its citizens and not to beat them up. I hope that the Government will accede to this Motion.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and request my brother, hon. Dr. Kituyi, to second the Motion.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to second this Motion and start off this way. One of the afflictions of the Kenyan society is that a matter of major policy and practice blunder, ceases to be a matter of public concern the moment it disappears from the front pages of the newspapers. That whatever crimes are committed against the people of this country are pretended away the moment reaction to those crimes are not carried by the daily Press. We have a Government which will pretend today that ethnic clashes - the pogroms of the early 1990s - are now history, because the talking classes do not talk about them. But what is the reality in our country? If we had a chance to take proper statistics on the people who have died from "*kumi kumi*", you will find that many of them are under-class who were forced under by the clashes. Many of those people have gone to towns because they were chased away from the land they owned by right as citizens of this country. They have been part of the unknown under-class because the talking classes do not meet and care about them. We only care about them when we pay them with a peck of *chang'aa* to vote for us once every five years.

I come from a constituency which has a large rural slum called "Shauri Yako". This slum is two kilometres away from my home. Half of the residents of this slum are persons who were displaced during the so-called "ethnic clashes" of 1991 and 1992. If you go to Shauri Yako, you will see a different Kenya. You will see women who were decently married and led religious lives relocating into livelihood of selling *chang'aa* and cheap sex. You will also find children who were brilliant and attended primary schools reduced into cheap season agricultural labour; men who were honourable or esteemed elders reduced to watchmen for other persons. Their only crime is that they owned land in a place where others preferred to consider ethnic territory for themselves. Sometimes, it is very difficult to avoid getting annoyed or angry when you see that perpetrators of ethnic violence want us to apologise for pointing a finger at them that they have committed a crime against our people. I do not think there is anything wrong in moving with examples, areas where there has been social injustice and where people lost their land because of their ethnic backgrounds. It is not a matter we should apologise for. In fact, if ever there will be justice in this country, the starting point for the pursuit of justice is admission of guilt. Even good Christians say: First of all, you confess your sins, repent your sins, seek forgiveness and unite with those who are aggrieved, and then you can claim redemption. If those who are sinned against have to apologise for pointing out sins, what society are we trying to build? Why do you want to be hypocritical that we hide away the reality that we have sinned against our citizens?

Mr. Temporary Deputy Speaker, Sir, I do not think I will hold it against the Provincial Administration that citizens have not reclaimed their rightful places. The Provincial Administration is an empty vessel into which the Government gives instructions to be implemented in this country. When the Office of the President says clear up a slum of *chang'aa* dens, the Provincial Administration moves in. When the Office of the President says: "Chase these people out of Eldoret, we do not want a rally here", the Provincial Administration moves in. If the Government had the goodwill and determination to help people who were displaced in ethnic clashes to get back to the land they rightfully owned, that would be done. It will not require assistance from the UNDP, churches and NGOs. It will just require good manners from the Government to do what civilised governments are supposed to do.

(Applause)

The Mover of this Motion mentioned the Akiwumi Report. This report is a statement about **[Dr. Kituyi]** what this Government considers commissions to be. Commissions are public conveniences created to ease public tension, divert attention from burning issues of the day and give some sitting allowances to preferred commissioners. They are not instruments for solutions. They are not methods for finding information that can help move forward in reconciliation, seeking justice and implementing better policies. You can name all the commissions in this country, which have had very selective implementation, for example, the Koech and the Omamo Commissions. The only thing we remember about them is the names of the persons who chaired them. What was the purpose of the Akiwumi Commission? What was the thinking of the Government about what needed to be done? Was it to ease tension hoping that the talking classes would forget and go back to do things the usual way? Is this the way to reconcile? Is this the leadership for national unity? Is this the root to justice? None of the above is.

If this country wants to have a peaceful future, we owe it to ourselves that we create the infrastructure for justice as the only foundation for lasting peace. The infrastructure for justice must dig up unpleasant history and seek how to bury those skeletons properly. One of the issues that we cannot run away from is the issue of people who lost their pieces of land because of ethnic background or the people who were incited to go and kill others because of the political anxiety of their political overlords. If Kenyans were displaced because of their ethnic backgrounds and the Government pretends to enforce peace which does not return those people to their places, the gods of the evil forces of ethnic cleansing will have been rewarded. We cannot demonstrate that ethnic cleansing is wrong, evil and must be

punished unless we reverse the gains of those who perpetrated ethnic cleansing. The only way we can reverse the gains of those ethnic chauvinists or criminals is to return citizens to the land they rightfully owned; to return Kenyans to a demonstrated justice that you have citizen rights which destroy all pretensions of ethnic boundaries. If you are a political patron or warlord who developed a political career on the basis of delusion, that you defended ethnic territory, where will you go to when the Nyayo era ends? You must make peace with your victims before Nyayo retires or is "retrenched"!

(Applause)

Mr. Temporary Deputy Speaker, Sir, you can pretend or talk nicely about them, but at the end of the day, the perpetrators themselves know that their security in the "new" Kenya will depend on what other Kenyans think about them. And what other Kenyans will think about them positively will depend on how much ready they will be to return justice that was denied; to return citizen rights to the many people whose livelihoods have been extinguished; to return hope to the children of those people who live in Shauri Yako slums, who are now trading in sex and "kumi kumi" because some politicians did not like their ethnic background and organised thugs to burn their houses and led them into exile.

We cannot pretend to stand in the community of nations, and boast that we are a peaceful country, if we are not ready to ask ourselves ugly questions on how to create lasting peace in our own homesteads. We cannot pretend that, because those victims have been so impoverished that they cannot talk; because their story has become stale and does not make news in the newspapers, justice has been done to them. It is incumbent, first and foremost, upon the Government which was in power at the time of the clashes than anybody else, to lead the way by example, and show remorse and discovery of a new phenomenon called "compassion for victims of its crimes of commission and omission", and that it has the capacity for empathy. If we, as the political class in this country, have no capacity to raise that question and find solutions to that problem, we will bequeath this country a heritage that is full of bruised souls, bitter people and persons who have no stake in law and order. Their only livelihoods have proved that we do not believe in law and order. They have been victims of a system that only talks about law and order, and rewards thugery and political opportunism.

With those few remarks, I beg to second.

(Question proposed)

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, sisi kama viongozi lazima tufikirie maisha ya baadaye ya watoto wetu. Tusifanye mambo ya ardhi na vita katika Kenya yetu mambo ya siasa ya kujipatia majina makubwa. Tusisahau tuna watoto ambao tunaweza kuwatia chuki na mwishowe wagombane.

Ikiwa kuna mtu katika Kenya hii ambaye amejaribu kuleta amani, kushughulikia mambo ya ardhi na kutoa ardhi ya jamaa zake ili kuleta amani kwa Wakenya, ni Rais Moi. Ameunda Tume ya Njonjo kuangalia mambo ya ardhi. Waliofanya mapigano ya kikabila walipewa ardhi vile vile. Watu hupenda sana kujifurahisha katika siasa. Hata wakisikia watu 150 wamekufa, wanasema wapewe tena kibali wakafe zaidi! Tutawafanya nini viongozi kama hao? Wanasikia tembo ya kienyeji inaua watu. Ikiwa watu wengi wanapika pombe hiyo katika sehemu fulani, Mbunge wa huko anasema katika radio wapewe kibali cha kupika na kuuza pombe hiyo. Kila kiongozi lazima atafute njia ya kuleta amani katika Kenya.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think I am entitled to know whether hon. Nassir is the official Government Responder, so that I can---

Hon. Members: No!

Mr. Obwocha: He is not the one? Thank you.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, mtu akijua kusema sana, si kuonyesha ni hodari kwa kila kitu. Mheshimiwa Mbunge anaweza kuwa hodari kwa kusema, lakini anashindwa na mambo mengine. Ndio wakaleta Hoja hii Bungeni kuzungumzia kilichofanya watu wauane. Watu wamepewa ardhi na hawataki vita. Waliopigana hawataki vita. Hawataki tena kusikia mambo hayo. Leo tunataka watu wenye amani wagawanyiwe ardhi. Watu wengine watachimbua vidonda vilivyopona, na kufanya vitoke damu, na itakuwa vibaya sana. Kwa hivyo, mimi napinga Hoja hii. Lazima tufuate njia ya Tume ya Njonjo. Mambo ya kuleta fitina na kuwakumbusha watu mambo ya zamani tuache. Hatutaki kujua ni nani alichukua ardhi kubwa! Tutazungumza mambo mengi tutakapozungumzia mambo ya Katiba. Watu watalia machozi. Watu watazungumzia juu ya uchungu wao. Jambo la kupitisha mambo yasiokuwa na maana si zuri sana. Kuna mambo mengi ya kufanya. Ifikapo mwaka wa 2002, tunataka Serikali itakayotuweka sisi sote pamoja. Atakayekuwa Rais, Makamu wa Rais au Mbunge, hatakuwa mtu wa kujisifu. Katiba italeta amani katika Kenya. Watu watapendana na wasikilizane katika

Kenya. Hawatanyang'anyana mali.

Sina mengi sana lakini napinga Hoja hii. Mtu anatakiwa kuleta Hoja ya kufanya watu wapendane. Hakuna haja ya kuingiza chuki. Ahsante sana.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. I am glad to speak after the contribution by my good friend, hon. Nassir. Members of this House were not born yesterday. They are elders. As elders, we are capable of knowing what is important for the nation, and what is important for fostering national unity in this country.

Mr. Temporary Deputy Speaker, Sir, way back in 1967, when I was the Principal of Egerton College, a friend of mine from America paid me a visit and told me: "Bill, the Kenya Government is very busy distributing real power!" I said: "What do you mean?" He replied: "Yes! The Kenya Government is distributing real power under the one million acre settlement scheme". That was real power according to him. He explained that possession of land is possession of real power. This was a priority after Independence. The down-trodden, the under-dogs and Africans got access to land. They got access to real power which was in the hands of the European settlers. We must salute the Government of the day under the late His Excellency President Jomo Kenyatta! That was a priority and they did it! They distributed real power in form of land. In Central Province, I saw it with my own eyes. Some schemes were called "jet schemes". They were of five-acre piece. In some places, there were high density schemes. They were of six acres piece. In other places, there were low density schemes. In other places, some plots were given as out-sized Z plots. Those were 20 to 50 acres and more.

Mr. Temporary Deputy Speaker, Sir, the Government was busy distributing real power to Africans and having done that, the Africans were happy. Where were they? They were settled in many places; the million-acre scheme was finished and some moved out to occupy land by buying those pieces of land through co-operative movements and individually. They were busy acquiring real power!

When tribal clashes descended on us, we were all alive and it destabilised many areas. Some of the areas mentioned in this Motion are very close to where I stay. For example, I know Miteitei which is mentioned in this Motion. I was there and I saw tribal clashes in motion with my own eyes. People like Ochieng Omollo and Omondi Rateng' were kicked out and some died because of tribal clashes. These were employees of my own farm!

Mr. Temporary Deputy Speaker, Sir, I saw the Nandi people running away from Luoland and the Luos running away from Nandi areas and calling on my farm. That were tribal clashes in motion. Why did this happen? They were busy running away from the land they had acquired. They were busy running away from the real power which was already in their own hands.

This Motion requires the Government to take action to return the lost power to wananchi. I am surprised by my friend, hon. Nassir. He is talking as if he has not heard our own President appealing to the Provincial Administration to help wananchi go back and repossess their real power. Where does hon. Nassir stay? Where is his office? We are trying our best to help His Excellency the President to finish a term and leave a good legacy for Kenya; a President that tried to return real power to wananchi. Why is hon. Nassir opposing it? Why?

With those remarks, I support the Motion.

(Laughter)

Mr. M.A. Galgalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

[Mr. M.A. Galgalo]

Mr. Temporary Deputy Speaker, Sir, let us refer to the history of this country. The Whiteman came and took people's land by force; impoverished and oppressed them. Then the Africans rose up and said they wanted Independence so that they can own their own land. Under these circumstances, the Whiteman came and literally displaced Africans by taking their land by force and turned them into squatters or forced them to flee their areas.

Mr. Temporary Deputy Speaker, Sir, actually part of the reasons why we were fighting for Independence was to repossess those lands. Repossessing those lands did not naturally mean changing the ownership from the previous occupiers of that land to a new migrant society.

(Applause)

Therefore, it means that when we got our Independence, we took control of this land through an agreement with the British. We agreed to buy this land under the Settlement Fund Trustee Programme. However, there were people who were more clever than others. There were people who did not have access to money and others who had access to it. There were special people who had access to that money while others did not have. Therefore, you get that because some fellows were within the system, they used that opportunity, went and replaced the Mzungu and those

other people by occupying the former Mzungu's land. We are human beings and we have feelings! Therefore, people said:- "Oh! The Mzungu left and another Mzungu came in to own our land" because he was using Government machinery since he had access to this money which the ordinary man did not have.

The only point I support in all this exercise, is that, these schemes were good, but the arrangements for settlement in those schemes were also biased because people who held positions in the Government went and collected their kinsmen and put them on those farms. I have that experience in Kipini Settlement Scheme. I live in Coast Province and I can tell you the way the DCs in Tana River and Lamu Districts played with the Kipini Settlement Scheme. They brought people from outside to come and settle there, while denying such a chance to the indigenous people of that area. It is painful! We should not support this kind of thing because this is what will in the end bring about tribal clashes. These people should not take for granted that others shall always remain subservient.

Mr. Temporary Deputy Speaker, Sir, for example, during the colonial days, those beaches in Mombasa were not being given out. When the African Government came into power and because someone had powers, the beaches were selectively given to So-and-So. The people of the Coast Province have not benefited from the beaches along the Coast, yet the indigenous people are there. When we set up the Shimba Hills Settlement Scheme, people were brought from up-country to come and occupy that land. When we set up Lake Kenyatta Settlement Scheme, people were imported from up-country to come and occupy that land. There was never a time when someone from the Coast Province was considered for any settlement in Nyandarua or anywhere else in this country. It has always been vice-versa and people are bitter. The Government is setting up infrastructure to assist the indigenous people, but instead it is bringing in Matu Wamae, Ndicho and Kaindi. What is the hell now? Where is the fairness?

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was a baby at that time. I do not know what happened since I do not have anything. Now is the time I want something from the people with large farms. Nassir, the late Lotodo and myself are the people who were talking about it.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Continue, Mr. M. A. Galgalo.

Mr. M. A. Galgalo: Mr. Temporary Deputy Speaker, Sir, let us not replace unfairness with unfairness. The way I see this Motion is that it is actually instigating another tribal clashes. Let us discourage this as Kenyans. When we say we are Kenyans, please let us be Kenyans. Let me respect hon. Ndicho; let him respect my rights. However, if it is one group being an occupation force, we will not accept it. The beneficiaries are here. I have not benefitted from any settlement anywhere. I own cattle, but I do not own land anywhere. I even say that the Government took over our land and gave it to the Mzungu for 45 years. So, we have to fight for it, but still ADC is occupying it. We want ADC to surrender our land. Let it surrender 1.5 million acres of Galana and 300,000 acres of Fulana. Let them surrender our land because our suspicion is that, they may convert it into a settlement scheme and people from outside will be moved in to come and settle on it.

Mr. Temporary Deputy Speaker, Sir, let Kenyans be equal. Let us regard one another as brothers and sisters. You should not behave like an occupation force. Do not feel that you have replaced the Mzungu because you had access to good education. Even the man who has not gone to school has a right. Therefore, to me, this Motion is very "dangerous". If my brother, hon. Obwocha, thinks that he can push the Kisiis back to Kalenjin land, he is making a mistake. If it is the case that one says: "I cannot buy a five-acre plot of land in Luhyialand because that is an occupation", then that is wrong. How did the land slip out of their hands in the first place? It was the fault of the Mzungu and we cannot correct that by pretending that actually nationalism, brotherhood, integrity will come about as a result of supporting this occupation idea.

With those few remarks, I oppose this Motion.

Eng. Muriuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. I would wish to start by recognising that the gist of this Motion does touch on quite a number of raw nerves. I would like to take the same opportunity to also congratulate the Mover of this Motion, hon. Obwocha. This is because by refusing to discuss this issue just because it touches on a lot of raw nerves, we may be putting under the carpet, perhaps, a very important national issue which will flare up some time in the future.

Mr. Temporary Deputy Speaker, Sir, when I was in school in the sixties and seventies, the tribes were there. You were a Kikuyu, Maasai, Luhyia and so on. However, that was normally just a very simple fact. It never went beyond that. We were working as brothers and sisters in school and work places. The issue of where you came from was not a major one. However, come the tribal clashes in the early nineties and two years back, they brought an aspect which, perhaps, we the adults can deal with. However, our children are going to have a stigma which they cannot come out of. We saw people being displaced from what they called home; that is, Molo, Londiani and other parts of Rift Valley and they became refugees moving from one part of the country to another.

Mr. Temporary Deputy Speaker, Sir, I was not in any of those areas where the tribal clashes occurred but Ol Kalou Constituency which I represent, hosts tens of thousands of refugees from those parts where they were displaced. A case in point, as an example, there were people displaced from Enoosupukia in Narok to a camp called Maela

awaiting to be relocated land elsewhere. What happened is that one day, we woke up in Ol Kalou to find large numbers of people by the roadside where they had been dumped from GK lorries at 3.00 a.m. at night. We took care of them and gave them where to stay and so on, and that was six to seven years ago. Up to now, they are not able to go back where they came from. We cannot settle them because we do not have any more land on which to settle them and the gist of this Motion is that, there must be another way of doing so. Even if, perhaps, there may have been a justification that people should not be settled here or there, there must be some other way of dealing with that issue. A good number of our people were killed and I do not wish to dwell on that subject.

Mr. Temporary Deputy Speaker, Sir, the fact is that those people who went through that system of displacement and now they are refugees in other parts of the country Ol Kalou being one of them, are totally traumatised. There have been some calls by various leaders including the Head of State that they should voluntarily go back to their original land where they were displaced. However, they are traumatised to an extent that unless there is a deliberate decision and policy of the Government to allow them to settle either where they came from or wherever the Government would wish to settle them so that they are settled once and for all, you cannot talk in a public baraza and say: "Go back" and they do so.

Mr. Temporary Deputy Speaker, Sir, at the moment, this country is pre-occupied with a concept called "poverty eradication" and it makes nonsense of our pretending that we are fighting poverty, if we are not going to recognise somebody who bought some land wherever he bought it in any part of this country because he is a citizen. He has spent his whole life developing that land, taking care of his family and teaching his children how to take care of the land and to use it to fight poverty at personal and family levels. If you now tell the children of those people who have been displaced that they can use land to fight poverty, those children who are now no longer very small cannot understand that language. Even from our own economic planning as a nation, we are asking investors to come from other parts of the world and invest in our country.

Mr. Temporary Deputy Speaker, Sir, there is no way somebody will come all the way from Canada to invest in land-related projects in this country, because of our tendency to cause land clashes. We should encourage the people of this country to invest in land. We have many people who have the capacity to invest in land development, especially in rural areas.

Mr. Temporary Deputy Speaker, Sir, I call upon the authors of ethnic clashes to revisit whatever policy they were following. They should look for alternative ways if they feel aggrieved by settlement in a particular place. We should be thinking as Kenyans right now. The leaders of today will not be alive for ever. We should be thinking about Kenya, 100 years from now, when all of us will be dead. We should leave a better Kenya for both our children and grandchildren.

Mr. Temporary Deputy Speaker, Sir, the Njonjo Commission is not an answer to this issue. That commission may be looking at the various injustices on land allocation. But it cannot give those people who were displaced the chance to go back to their farms. I agree that there may have been some unfair allocations of land in some parts of the country, but clashes are not a solution to any form of injustice. The Government should be clear on the policy of resettlement. I call upon hon. Members to look at this Motion in that light. Let us not push it under the carpet, however difficult it may be.

With those remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I do not want to start by "rubbing wounds raw" again. But sometimes, it is good to put some of these things on record.

In the first place, my community - and everybody knows - had been subjected to victimisation and alienation by the British. They took our land, pushed us aside and left us alone without any development. Most of the land in the Rift Valley belonged to the Maasai, including Kinangop and Ol Kalou where my hon. friend comes from.

Mr. Temporary Deputy Speaker, Sir, we are not fighting over Ol Kalou or Kinangop, but it is important to bring to light the fact that we were also victimised by the other Governments that came after the colonial Government. The fact of the matter is that the Maasai have accommodated and hosted almost all the communities in this country. In Kajiado and Narok districts today, we have got thousands of people from other communities controlling businesses. Sometimes they even threaten to control politics. If you went to Narok Town today, you would think it is a little market centre in Kiambu! We have no problem with that because they are doing business. They control the matatu transport system and the retail trade business.

Mr. Temporary Deputy Speaker, Sir, we only became enemies when we told them to move away from Enoosupukia which is a water catchment area. Our people in the lower ranches were suffering and they had no water. Nobody incited those ranchers, but they had to go up the hill to liberate the water catchment area. That was their right. That is the only place where we went to war with other people. Why is it that some people have refused to see the truth? We have lived with these people as brothers, friends and in-laws! Why should they keep on yapping about Enoosupukia?

Mr. Temporary Deputy Speaker, Sir, when President Kenyatta was in power, I do not know what else happened in the Rift Valley, but I know that there were waves after waves of people moving into the Rift Valley. Whether they bought those farms or grabbed them, I do not know. The same thing happened in Maasailand; hoards, waves, invaders and interlopers came in. We did not care much until they went to Enoosupukia, and the stream stopped flowing. What were we supposed to do? Were we going to kneel down and pray to God to save us in our own land? That was a foreign invasion! They had to be removed and the people themselves had to do it. So, I do not know what we are waiting for. Let us not rub those wounds raw. We are living with other people--

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to admit to have committed an offence by going to war?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, these are the kind of people who do not even reason. They are the ones causing trouble between us and other ethnic communities, including the people whom I do not want to have war with, the Kikuyus! In fact, I have declared an amnesty with them. It is people like these ones who do not know that we were victimised by the British. We do not want to be victimised by a black man!

Mrs. Mugo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to claim that they were victimised when I know very well that he was deeply involved in land allocation during that time?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, hon. Mugo could have seen me, but that is not a point of order. Maybe, we were going to pay homage to the old man like everybody else in this country has done, and I do not think there is anything wrong in doing that.

Mr. Temporary Deputy Speaker, Sir, we must be fair to other people. We do not want a situation where other groups of people pretend in the name of--

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am entitled to a ruling. I wanted to know whether it is in order for the Minister to admit to have committed an offence.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I think you had better stop these frivolous points of order from people who I think are a problem in this country, because they think they are more equal than others. No more. We are all Kenyans. That must be understood very well. I have said that I have declared peace, love and amnesty for everybody who is living in my own constituency. But people do not just know that.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. How can the Minister purport to declare amnesty? Is he the Government? Who are you?

The Minister of State, Office of the President (Mr. ole Ntimama): And who are you? Huna akili!

The Temporary Deputy Speaker (Mr. Poghishio): Order, Mr. Murathe! Mr. Ntimama is [The Temporary Deputy Speaker]

entitled to his own opinion. He is a Minister and an MP. I am sure you can also say the same thing.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. I do not want those statements from the hon. Member. I am not speaking as a Minister of Government. If you understand English, I am speaking as an hon. Member for Narok North Constituency. If you do not know the meaning of the word amnesty, you had better go to the dictionary and you will know it.

Mr. Temporary Deputy Speaker, Sir, you better protect me from these people who are so frivolous. It is them who brought this Motion here. But I think it was wrong to have brought this Motion here, because they knew we were not going to kneel down to anybody to wait for people like these to start insulting our people.

This is the problem, and I have said that it is people like these who think because they are Kikuyus, they are above everybody else. They must understand, they are not.

The Temporary Deputy Speaker (Mr. Poghishio): Order! Order! I am going to sound this as a warning in general, particularly to hon. Ntimama. Let us try and avoid offensive language and getting tribal about anything. I would like you to steer clear of offensive language.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I think it is not really offensive. I was only trying to balance the scores.

Mr. Temporary Deputy Speaker, Sir, we have a duty to live together the way the Maasai in Narok North are living with other communities. We must not under-estimate the fact that other people must also be given their rights. Their rights must be recognized, not only by the law, but socially as well. I do not know whether some of these people understand English. I have said that we have opened up dialogue and we want to live together and inter-marry. We do not want to "rub those raw wounds" any more.

I beg to oppose the Motion.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am shocked by the war rhetoric coming from senior

citizens of this country. Why should somebody talk about "our own 1.5 million acres of land"? Kenya is for all of us. It does not belong to any single community. There is nobody who can stand here and purport to declare amnesty, amnesty is declared by people who are at war. It is the warring parties who then declare peace. So, I think hon. Kibicho was in order to question the basis on which an hon. Member of Parliament can stand here and own up as having been behind tribal clashes. There is no justification for anybody to evict any Kenyan from any part of the country. This Motion is not about tribal clashes.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that any of us were behind tribal clashes, when in fact, it is the other group who invaded us in our own land and territory?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I will not respond to that.

This Motion is not about tribal clashes. It is about resettlement. It is about seeking modalities for the Government to resettle those people. There was a resettlement criteria which was there---

The Assistant Minister for Labour and Human Resource Development (Mr. Maizis): On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion talks about the ancestral land of the Nandis and the Kisiis. This is not a "white highland". So, that should be put straight.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, for the benefit of those who do not have the Order Paper, the Motion states as follows:-

THAT, in view of the fact that many Kenyans were displaced from their farms at Miteitei, Kitochi, Kamalelo, Simotwo and others from their farms in the Rift Valley Province and other parts of Kenya during the 1991/92 land clashes; and considering that their current social and economic status are in pathetic conditions; this House resolves that the Government re-settles them in their former farms with immediate effect.

This Motion is not about tribal clashes. It is about resettlement of the displaced Kenyans. There was a settlement criteria which was very clear, objective and legal. Titles are not pieces of paper the way some of these people are telling Kenyans. If they cannot respect the sanctity of the title, there is no need of doing business with these people. You cannot get into a contract with people who will not respect a title deed.

Mr. Temporary Deputy Speaker, Sir, the Motion is seeking to work out modalities where a team of elders could sit together and decide how people can be resettled in those places where they were displaced.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to speak about respect and non-respect of title deeds, when he knows very well that in some communities, the people who were dishing out title deeds robbed land from other people and gave them fake title deeds?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, there is a legal process in this country where such actions can be challenged, and the Minister is fully aware of that. We would like to get elders to come together and resettle those displaced people. We are trying to help this Government. The other day, the President ordered for the resettlement of victims of tribal clashes, but the Provincial Administration went out there and dished to themselves 50 acres of that prime land, instead of giving it out to the victims of the tribal clashes. Kuresoi Constituency is a good example.

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. I really do not want to interrupt the hon. Member's contribution, but I would like him to substantiate the claims he is alluding to my constituency?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I can bring documents relating to how DCs in Nakuru and Molo have taken land which was meant for the displaced victims. I can bring those documents to the House tomorrow.

Could I proceed because he is just wasting my time?

Mr. Ndicho: He is a beneficiary!

Mr. Murathe: Probably, yes.

The Temporary Deputy Speaker (Mr. Poghismo): You are being asked to substantiate. When can you do so?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I can bring the list tomorrow afternoon.

Mr. Temporary Deputy Speaker (Mr. Poghismo): Can you do that this afternoon?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am seeking the Chair's indulgence to allow me to substantiate tomorrow because I will have to go for the list from Nakuru.

The Temporary Deputy Speaker (Mr. Poghismo): I am not stopping you from bringing it tomorrow or any other day. But I am saying that you must be responsible for the accuracy of the statement you make. When you make a statement and you are not prepared to substantiate it, then do not make it.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am promising to bring it tomorrow afternoon.

The UNDP has given a commitment to support the resettlement of the victims of the tribal clashes. The programme was going to involve rebuilding houses, providing farm implements and inputs. However, that did not happen due to the obstinacy of this Government. For reasons best known to them, they have even frustrated that programme which would not have cost them even a penny. It is donor money. Because of this hatred of certain communities, they are determined that these people will never be resettled back on their farms.

The Assistant Minister for Health (Mr. Koske): On point of order, Mr. Temporary Deputy Speaker, Sir. It is rather very unfortunate for the hon. Murathe to keep on---

The Temporary Deputy Speaker (Mr. Poghio): What is your point of order?

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to mislead this House when we really know that the UNDP money was actually used to settle Kikuyus and not any other community in Nakuru District?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, that is not true. I do not want to engage him in any talk. Give him a chance to talk.

We are trying to guarantee a lasting peace and security for co-existence of various tribes as Kenyans; not as Kikuyus or Maasais. We do not want to talk about the history or the past of the Kenyatta settlement, among other things. We are saying that we have now in place the Land Law Reform Commission which will come up with criteria for land utilisation, land use and land law reform. These people are living in the "stone age". With urbanisation, land will no longer be an issue. We are going to move into urban areas, and look at tenancy agreements, effective and efficient housing scheme. Eventually, the rural areas will be used for farming and feeding Kenyans. The biggest challenge for this Government before it departs in the year 2002, is the resolution of those tribal clashes and the genocide visited upon certain communities of this country.

When they talk about the legacy, because there are two years left--- This Motion by hon. Obwocha is actually helping the Government. Rather than setting up a truth and reconciliation commissions later on, among other things, hon. Obwocha is telling you to support this Motion and get something that will guarantee peace and harmony among various Kenyans. I believe, deep down in his heart, the President would be interested in resolving these issues. But with some of these "hawks" around here, we will never move and Kenyans will never be able to sit together as one country.

Mr. Temporary Deputy Speaker, Sir, the reason why we are supporting this Motion by Mr. Obwocha is because some of us or young Kenyans are thinking in 20, 30, 40 or 50 years' time frame. We are not thinking about history like these 60-70- years old people here. We are thinking about how we shall live together with other Kenyans, regardless of what tribe they come from.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to discard history when he knows that we cannot discuss the present or the future without referring to history?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, the vision of the future cannot be blurred by dwelling on history. If we dwell on history, we will never deal with the future. History is there to guide you to form a basis for dealing with the challenges of the future.

An hon. Member: What are you saying?

Mr. Murathe: I am saying that Kenya is for all Kenyans and that you should stop talking about the Likoni clashes that saw the eviction of up-country people from Mombasa and actually work on a resettlement programme in Likoni.

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Murathe, address the Chair!

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that we should not talk about history when he knows that those people who settled up-country people in Likoni are the same people who started the clashes?

Mr. Murathe: I know you were in Likoni during those clashes!

Mr. Kamolleh: I challenge you to say that outside this Parliament!

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

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niweze kusema machache juu ya Hoja hii. Mhe. Mbunge ambaye amewasilisha Hoja hii hapa hajui mambo kama yalivyofanyika---

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Choge, you have five minutes because the Government response will be at 11.20 a.m.

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Bw. Naibu Spika wa Muda,

mnamo mwaka wa 1950, Musa Nyanduse ambaye alikuwa baba ya mhe. Nyachae alikuwa chifu mkuu katika Kisii. Aliwafukuza Maragoli waliokuwa wakiishi huko Kisii na kuwalazimisha kuishi katika sehemu yenye bung'o karibu na Wilaya ya Kuria. Tendo hili lililofanyika kule Nandi Hills ni sawa na lile lililofanyika kule Kisii mwaka wa 1870, ambapo watoto kutoka Nandi na Kipsigis waliuawa. Jambo hili lilitokea huko Nandi Hills---

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this House to encourage matters which can never build a nation?

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Bw. Naibu Spika wa Muda, mhe. Kibicho, anachomwa sana na maneno yangu. Si kweli kusema Wakisii walitoka Nandi Hills kwa sababu walichoma zaidi ya nyumba 2,000 za Wanandi wakati wa Samoei. Waliwafukuza Wanandi kutoka wilaya za Trans Nzoia na Uasin Gishu, Kaimosi na Sarura. Wanandi wote walizingirwa katika eneo la Kiputule. Wazungu walipofika katika Wilaya ya Nandi hawakuwafidia Wanandi kwa ardhi yao iliyotwaliwa na Wakisii. Katika Bunge hili ninamheshimu sana mhe. ole Ntimama. Hii ni kwa sababu tulipigana na Wamaasai katika Donyo Baruk karibu na mji wa Naivasha. Wamaasai hawana ng'ombe wowote wa Wanandi katika boma zao; sisi tuna ng'ombe wa Wamaasai katika boma zetu.

Bw. Naibu Spika wa Muda, sioni kama itawezekana kuwapa mashamba watu walioathirika katika vita vya kikabila ikiwa Wanandi waliotimuliwa kutoka Nandi Hills hawatapewa mashamba yao. Wanandi hawajawahi kufidiwa kwa ardhi yao iliyonyakuliwa na watu fulani katika mkoa wa Rift Valley.

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to go to the 18th Century history about migration of the African people, when the Motion is very specific? We are talking about the 1991 clash victims. Why should he go 200 years back?

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Bw. Naibu Spika wa Muda, hakuna kitu chochote katika Kenya kisicho na historia. Watu wengine wanajaribu kula mali ya wengine kwa kuziba historia. Tutapinga jambo hili kabisa! Kama makosa yametokea wakati wa Serikali ya Mzee Kenyatta na Rais Moi, tuko hapa kurekebisha. Kumekuwa na vita baridi katika Kenya kwa muda mrefu. Huu ni wakati wa watu kusema ukweli wao. Tungetaka kuchanganyika na kuishi vyema katika Kenya. Baina ya Nyeri na Thika bado kuna Wazungu. Yafaa tuchukue Wanandi, Waluhya na Wakisii wachache waende wakaishi huko.

(Laughter)

The Temporary Deputy Speaker (Mr. Poghishio): Order! Order, hon. Members! I will now call upon the Government Responder.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I wish to respond on behalf of the Government. But before I do so, I would like to donate three minutes of my time to hon. Kosgey.

The Minister for Science and Technology (Mr. Kosgey): Thank you, Mr. Temporary Deputy Speaker, Sir. I also thank the Minister for giving me this opportunity. I hope this Motion is not about clashes. The names mentioned here; that is, Miteitei, Kitochi and Kamalelo are in my constituency. I would like to assure this House that the rightful owners of land in Miteitei, Kamalelo, Kitochi and Simotwo are living there as we are speak now. This Motion is superfluous! It is trying to open up wounds on matters which have been settled. In Miteitei, rightful land owners have title deeds for their parcels of land. If there is anybody claiming land in Miteitei, he is not a genuine land owner of that area. He must have been swindled of his money. The genuine shareholders of land in Miteitei were 270. They bought that land in cash. Among the 270 shareholders, there were Kalenjins, Kikuyus, Kisiis and Luhyas. Somebody somewhere decided to continue getting money from other people on the pretext that he had land to sell to them. When those people tried to claim their land, they were chased away by the genuine shareholders. Where are these people going to be settled? There is no land!

If we were to say who originally owned the land, the Nandis have every right to have the land. That is our land. But we have accommodated those original shareholders who joined us to buy the land. But we cannot accommodate those fellows who gave their money to some other persons. We do not know who. So, we do not want to open up wounds in that area. Every area must be analyzed. If it is a question of Enoosopukia, the people who were staying there did not have title deeds for that land. In any case, that was a catchment area.

With those few remarks, I oppose this Motion. We should not have Motions like this!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I wish to donate two minutes to hon. Biwott.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I have

only two minutes, and therefore, I will go straight to the point. This Motion is, indeed, superfluous in the sense that this issue is being addressed professionally and the criteria has been formulated. The UNDP, and even the President himself, are involved to the extent that Kenyans are satisfied. What message is this Motion sending? It is sending out a message which implies that the Government is not caring about the citizens of this country. That is false! This Government cares about her citizens. What message is this Motion sending out to the international community? It is sending out a message that we do not recognise and respect title deeds or people's property. We do care about people's property. As hon. Kosgey has said, whoever has a genuine title deed, which can be proven, is being attended to. As far as I am concerned, I think the Provincial Administration, which is administering this exercise, is doing a fair job. Secondly, this Motion is also sending a wrong message that it is only a certain community which is affected. Indeed, many communities were affected and their rights must be recognised and addressed. Therefore, I would want to appeal to the hon. Mover of this Motion to realise that he is dwelling on a beaten track because this issue is being addressed. The Government has seen it fit to implement it correctly.

With these few remarks, I beg to oppose.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! Are you donating any more of your time Mr. Minister? You need to do that and bring up all of them!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I wish to donate two minutes to hon. Koske.

The Assistant Minister for Health (Mr. Koske): Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief also and I will address the Motion as it is. I would like to join my colleagues in opposing this Motion. The father of the Mover of this Motion, hon. Obwocha, lives comfortably in my constituency. Contrary to the impression he wants to create in this House, his father was not affected by the land clashes. We in Kuresoi have accommodated all these people. I also want to go ahead and point out that the Government has taken steps, contrary to the impression that is being created here. Land clashes victims especially from Chepakundi area in my constituency were resettled in Kapsita. There is nobody amongst those people who was not resettled.

Secondly, the UNDP, through the Catholic Church, undertook a selective and discriminatory resettlement exercise. A good example is the Patron of the Democratic Party, Mr. Njenga Karume. He sold his land to the UNDP to settle the displaced people. The best the Catholic Diocese of Nakuru could do was to settle Kikuyus only, as if there were no other landless people.

With those few remarks, I beg to oppose.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, on behalf of the Government, I wish to---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker. Just give me two minutes!

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Minister, the time is yours and you have very little time left!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I wish to respond on behalf of the Government.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You did not hear [**Mr. Ndicho**] the concluding remarks by the hon. Member for Kuresoi. Everybody speaking here seems to bash the Kikuyus. Is it in order for the hon. Members---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! I did not hear him! What did he say that I did not hear?

Mr. Ndicho: Is it in order, Mr. Temporary Deputy Speaker, Sir, for the hon. Members on the KANU side to bash the Kikuyus? We are ready to receive all the Kikuyus who were displaced in Rift Valley, back in Central Province. I am giving the *Wazungus* in Kakuzi, Del Monte and Socfinaf up to next year to get out so that we can settle all the Kikuyus who were displaced in the Rift Valley!

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order, Mr. Ndicho!

Proceed, Mr. Minister!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, it is a pity that such a Motion should be brought here in the Year 2000.

An hon. Member: Why?

The Minister for Lands and Settlement (Mr. J. Nyagah): This is because the Motion raises tempers amongst victims of those clashes; it takes us back to history, and disunites this country. In the Year 2000, we should be finding a way of uniting this country. Kenya has gone through a difficult time since the last century, when it was colonised. It is time Kenya moved on. It is true that we have gone through difficult times and have had bad experiences. I would, however, like to appeal to hon. Members of this House, and Kenyans generally, to start looking

forward to the future; we should build a future for this country. In one way, we should not hate each other. The effect of this morning's debate has been to open many wounds and cause people who have been friends to, suddenly, start questioning each other. I hope that this is the last time---

The Assistant Minister for Health (Mr. Koske): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister for Lands and Settlement (Mr. J. Nyagah): I do not need information, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I hope that this is the last time we are having this kind of debate. Kenyans want to be united. Let us have the Opposition and Government sides of this House united as we move forward. We have difficult issues ahead of us; let us tackle them as a nation. As stated clearly, by many hon. Members, the settlement of Kenyans started soon after Independence, in 1963, when the Government created the Settlement Fund Trustees (SFT). Many people have been settled since the time of the late President Kenyatta to date.

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

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

Many people have benefited from the SFT. So, we should not lose sight of what happened. The SFT was meant for the settlement of all Kenyans, so that all of us can benefit and live as a nation. We borrowed money from the British Government, Non-governmental Organisations (NGOs), among others. Over the years, many people have helped us, this Motion notwithstanding.

Since we had the problems of the early 1990s, the Government's policy has been very clear. Through His Excellency the President, the Government has made it very clear that people should return to their *shambas*. So, I would like to take this opportunity to appeal to those people who have not gone back to their *shambas* to feel confident enough and do so; their *shambas* are intact. If one goes back and finds that his *shamba* has been occupied by somebody else, the Government will assist him to resettle in it. About 18 months ago, His Excellency the President issued out 1,000 title deeds in Molo area; to people who had been affected by the clashes that rocked that area. Although we initially intended to settle 800 people, we went ahead and settled 1,000 people.

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to continue misleading the House that people who were displaced following the tribal clashes in the Rift Valley can now go back to their *shambas* when he knows very well that most of those *shambas* are occupied by other people? Secondly, some of those people do not even have the financial ability to resettle in their *shambas*.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I stated very clearly that if those people find that their *shambas* have been occupied by some other people, the Government will help them to resettle in them. Of late, the Government has been removing people who have occupied other people's *shambas* and resettling the *bona fide* owners in those *shambas*. We are only reluctant to allow additional people to move into those areas.

Mr. Kihara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to endanger people's lives by saying that those who were displaced from their farms should go back before we even know the findings and recommendations of the Akiwumi Judicial Commission of Inquiry into Tribal Clashes in Kenya?

The Temporary Deputy Speaker (Mr. Musila): Mr. Minister, you do not have to respond to the hon. Member's remarks. That is not a point of order!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, the Government position is very clear on this matter; people have to go back to their farms. We know that some of those people have been affected psychologically, but we would like to appeal to them to go back. The Government is totally committed to resettling those people in their *shambas*. Already, thousands of *bona fide shamba* owners have been resettled.

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

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, I have a word of caution for you. Please, ensure that you raise genuine points of order, and not contributions. So, what is your point of order, Mrs. Mugo?

Mrs. Mugo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to say that people can go back to their farms when we know very well that their title deeds were burnt by those people who

caused the clashes? How would such people prove that they are the *bona fide* owners of those farms?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, the genuine land owners should go back to their farms; the Government guarantees to reissue title deeds for their farms. I would like such people to approach their respective District Land Registrars, with evidence of loss of documents. We have been doing this, and we will continue doing it. We are aware that some people have misplaced their documents, but it is important to raise those matters with their District Land Registrars. We have advised District Land Registrars to take into account cases of people in such situations.

The Assistant Minister for Health (Mr. Koske): On a point of order, Mr. Temporary Deputy Speaker, Sir. Luckily, I have watched some hon. Members stand---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Koske! Raise your point of order!

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Speaker, Sir, is hon. Mugo in order to insinuate that some people have lost their title deeds when we know that she was allocated 3,000 acres of land in Njoro? Could she declare her interest in this matter?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Koske!

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Speaker, Sir, actually, she was given that land as a wedding present!

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

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Mr. Koske, the language you used in reference to the alleged land given to hon. Mugo is, certainly, unparliamentary. Hon. Members, take it easy. Some of you have had the opportunity to contribute to the Motion. So, do not attempt to have a second chance to contribute to the Motion in the guise of raising a point of order.

Continue, Mr. Minister!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, in conclusion, as I stated, approximately, 800 people were affected by the tribal clashes in Molo area. His Excellency the President, personally, issued 1,000 people with title deeds. This means that additional people were settled in that area.

Regarding the particular area referred to in this Motion, I would urge the *bona fide* people to go back to their *shambas*. As I said, we are willing to issue new title deeds to people who have misplaced the title deeds of their *shambas*.

Therefore, because the Government is already doing what this Motion asks the House to resolve, and given that the Government is, in fact, far much ahead, since it has been resettling people over the last two years, I totally reject this Motion.

Thank you.

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the Mover of the Motion to reply.

Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. The Mover of the Motion asked me to respond on his behalf because he had an urgent matter to attend to, and I am only going to take five minutes of the time.

Firstly, let me thank all those hon. Members who have contributed to this Motion. Thirteen hon. Members have contributed, and I know that hon. Obwocha will be very grateful for the contributions that they have made. Maybe, some of them feel very strongly that what he is requesting for in this Motion should not be considered by the Government, but the most important thing is that, at all times, we must live by the laws of this country. Section 75 of the Constitution of Kenya is very clear on ownership of property in this country; that a property cannot be acquired by an individual and he or she is displaced in any part of this country, without being adequately compensated. The Registered Land Act, that is Cap. 300 of the laws of this country, is also very clear; that when you are registered as---

The Assistant Minister for Local Government (Mr. Hashim): On a point of order, Mr. Temporary Deputy Speaker, Sir. In 1964, the Bajunis were displaced and they were never resettled!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Hashim! That is not a point of order.

Proceed, Mr. Kihoro!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I have been interrupted by my very good friend, and, maybe, that has given me an opportunity to request a very senior hon. Member of this House, hon. Karume, to contribute to the Motion. I will give him two minutes of my five minutes.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Musila): Order! You cannot do that!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, this is because he has been very much involved in that matter.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kihoro! You started responding and you cannot

now, in the middle of your response, start donating what you are calling your time to hon. Karume. You have no time. So, could you continue?

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. Before I was interrupted by my very good friend, hon. Hashim---

Mr. Karume: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order because I was told that a while ago, when I was not in the Chamber, an hon. Member mentioned my name. The hon. Member misled the House and the whole nation - which is very serious - that I sold my farm. I am not interested in selling my farm, and I will not sell it!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Karume! You are a very experienced hon. Member of this House, and you know the rules. If you want to react to an issue that was raised here earlier on, there are ways of doing it, but not in that manner. Proceed, Mr. Kihoro!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, the point that was made by hon. Karume is very important. I was saying that Chapter 300 of the laws of Kenya, that is the Registered Land Act, recognises absolute proprietorship of land, freehold and leasehold. That is very important; that anybody who owns certain property, that has been recognised by the Government, cannot lose its title deed, unless the Government compensates that individual. Indeed, that is what has happened. That is why it looks like we are opening old wounds.

If we go back to 1991 and 1992, all those people who had been recognised by the Government, as the actual owners of the land in question, should be resettled by the Government on their farms. These members of the community are only asserting their rights - to be recognised and to continue being recognised by the Government of the day as the absolute owners of those parcels of land.

The primary duty of every Government, everywhere in the world, and we have got more 190 Governments in this world today, is to provide security to its citizens. In this particular situation, a bow-and-arrow war was introduced, and something our people had forgotten to do 200 years ago, became the order of the day in 1991 and 1992.

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to duly inform my hon. friend, Mr. Kihoro, that the gist of this Motion was to send an olive branch to the Government, and it is the onus of the Government to resettle the victims of tribal clashes on their own farms. Now that we have seen the mood of the Government, I wish to ask my friend to inform them that the people who were evicted from their farms, especially the Kikuyus he has talked about, since there are many parcels of land in Central Province - in Kakuzi, Del Monte and Socfinaf - they will be resettled on them. I am giving the Government up to next year to resettle them, failure to which we will resettle them on those parcels of land, including hon. Biwott's land!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Ndicho! If you wanted to contribute, you had ample time to catch the Speaker's eye. You are now pretending to give hon. Kihoro information when, in fact, you are just making a contribution.

Continue, Mr. Kihoro!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, the important issue to take note of is that justice must not only be done, but it must be seen to be done. We are talking about a people in this country most of whom are landless. We did find last week that there is still enough land in this country and this Government has got to come up with an appropriate land policy that is going to settle our people on a permanent basis. We know how much famine and hunger there is in this country and it is, therefore, important that we resettle them on the ADC farms that are left. If we cannot resettle them in the five areas that are suggested by this Motion, there is enough land elsewhere. Many ADC farms have gone to the Front Bench here, but the remaining ones should be used to resettle the landless, hungry and dispossessed Kenyans. That is very important.

Unless we do that, there is no sure answer to the question of poverty in this country. The Government is committed to the policy of eradicating poverty in this country, but until we address the question of landlessness in this country, that objective will not be attained. A majority of the hungry people in this country are the people who are landless. Therefore, it is important, before the Government makes another move, to give a Front Bench Member a piece of land, to let those landless people be considered first. There are nearly 60,000 acres in Mutara Farm and most likely it is going to be taken as a ranch by one of the hon. Members here. That will be a sad day for this country.

So, the point that I am making is that it is important to do justice in this country. The Government should come up with an appropriate land policy that is going to restore the land rights of our people, including the Maasais who do not have land. They should be settled properly in this country and in their homes.

Dr. Kulundu: On a point of information, Mr. Temporary Deputy Speaker, Sir. Hon. Kihoro should remind the other side of the House that the hunters of today will be the hunted of tomorrow.

(Applause)

Mr. Kihoro: Thank you, Dr. Kulundu, for that very important point of information. The laws of this country do recognise title deeds, in absolute proprietorship, if compensation has not been made and if the Land Acquisition Act has not been applied by the Government. If you take away somebody's land, that issue will come back either tomorrow or today in this House or in the court, or during the Second Republic, which is not very far away. That is bound to come up.

So, I beg to move the Motion.

(Question put and negatived)

Hon. Members: Division! Division!

DIVISION

(Question put and the House divided)

(Question defeated by 58 votes to 23)

AYES: Messrs. Gatabaki, Gitonga, Kamanda, Kamau, Karume, Khamasi, Kibicho, Kihara, Kihoro, Kitonga; Dr. Kituyi, Dr. Kulundu, Mrs. Mugo, Messrs. Muihia, Munyao, Murathe, Eng. Muriuki, Messrs. O.K. Mwangi, P.K. Mwangi; Ndicho, Eng. Toro, Mr. Wamae and Dr. Wekesa.

Tellers of the Ayes: Messrs Kihoro and Kamolleh.

NOES: Dr. Anangwe, Messrs. Awori, Biwott, Chanzu, Choge, Ekirapa, Ethuro, Galgalo M.A., Haji, Hashim, Kalweo, Kamolleh, Keah, Khaniri, Kiminza, Kirui, Kitur, Kochalle, Kosgey, Koske, Lagat, Leting, Lotodo, Madoka, Maizs, Manga, Maundu, Mbela, Mkalla, Morogo E.T., Morogo W.C., Muchilwa, Mudavadi, Mukangu, Musila and Musyoka, Mrs. Mwewa, Messrs. Nassir, Ndambuki, Ngala, Ng'eny, Nyagah J.W.N., Nyang'wara, Otula, Poghisio, Rotich, Ruto, Prof. Saitoti, Messrs. Sang, Sankori, Sasura, Shambaro, Shidiye, Sirma, Sumbeiywo, Too; Dr. Wako, and Dr. Wamukoya.

Tellers for the Noes: Eng. Muriuki and Mr. Shambaro.

ALLOCATION OF FUNDS TO CONSTITUENCY-BASED PROJECTS

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

THAT, in view of the fact that Kenya is a developing country, cognisant of the fact that Members of Parliament are responsible for effecting development in their individual constituencies; this House resolves that 5 per cent of the annual Government revenue be allocated to constituency-based development projects, and that such development projects be presented to the House Departmental committee on Finance by the elected Member of Parliament for each constituency, for eventual inclusion in the annual Government budget.

Mr. Temporary Deputy Speaker, Sir, Kenya is grouped among the countries which are referred to as developing countries. The issue which hon. Members should reflect on today is that: Kenya has been called a developing country since Independence. For how long is this country going to be referred to as a developing country? When we got our Independence in 1963, we resolved to fight ignorance, disease and poverty. Every year, since 1963, we have had a Government Budget which has always had a component called "recurrent expenditure", to run the affairs of the State. There has always been another component called "development expenditure". When you look at what the development budget has done until now, it leaves a lot to be desired. When we say that the country is being developed, we have to ask whether it is the country being developed or the people! The rivers and mountains are not interested in development. They are quite happy to be where they are. But if we say that we have developed education, but there are some people still at home, and they cannot go to school because there are no schools, there is no development. If we say that we have developed the health sector, and there are some people who cannot reach health centres to be treated for simple diseases, we cannot say that we are developing! A lot of effort has gone into trying to develop the country. But whether it is the wrong approach or the wrong direction, the fact remains that most of the people who live in the countryside, especially the rural areas, live far behind the rest of the country and the world.

Mr. Temporary Deputy Speaker, Sir, various attempts have been made by the Government and various development agencies. The result of this is the large official debt, which is one of the major problems which we are

facing in the country. As at now, we are having over Kshs350 billion in terms of external debts and over Kshs160 billion in domestic debts. If you add those two together, you will find that our country is having a very heavy debt of over Kshs510 billion but very, very little to show for it. If you look at Chapter 7 of our Constitution, it says that every debt of the Government, and that which is guaranteed by the Government, is a charge on the Consolidated Fund. That is just a round-about way of saying that, we owe this debt equally. It would, therefore, mean that, every Kenyan owes the same debt. If you borrow money to construct a power station, even somebody who does not get power out of the that power station takes part in the repayment of that debt. It is not easy to spread the debt of Kshs10 billion to the entire Kenyan population at the moment. So, I would take the convenience of dividing that debt among the constituencies because that is the best method we have to equally distribute the debt. If you divide Kshs510 billion by the number of constituencies, it will mean that, on average, every constituency is owing the official lenders to Kenya a total of Kshs2.4 billion.

Mr. Temporary Deputy Speaker, Sir, if you asked me what we did with Kshs2.4 billion, which the people of Ol'Kaluo owe the external and domestic lenders, we certainly have nothing to show for that. I would recognise the fact that, not all borrowing will be distributed equally to all constituencies. But even if you only took half of the amount and divided it equally across the countryside, we will have to explain to our constituents what the Government did with that amount of Kshs2.4 billion. Therefore, the essence of this Motion is to focus on the mwananchi from now onwards, so that a portion of whatever little we have for development reaches the mwananchi at the grassroot level.

There have been many approaches to try to effect development in this country. We have tried to prop up the manufacturing sector. At one time, we even tried to give them export compensation in order to boost the industries and so on, but that has not worked. We have tried to create Export Processing Zones (EPZs) thinking that we shall create employment and so on, but that has not worked either. A lot of money has been poured from external borrowing to try to boost tourism in this country but that has not worked either in trying to uplift the livelihood of people, especially in the rural areas. This heavy borrowing has also not worked. Recommendations by the World Bank, bilateral, multilateral and other donors have not worked.

Mr. Temporary Deputy Speaker, Sir, at the moment in this country, we have got a new song which we call "Poverty Eradication Programme." Even this Poverty Eradication Programme is not taking us anywhere. All we are being told is to sit down in seminars and workshops to discuss how we are going to eradicate poverty in our country. The people in the rural and urban areas already know what requires to be done but the Government has not bothered to ask wananchi what they want. However, wananchi themselves know what development they want in their areas. If wananchi are too many to be consulted, I am proposing in this Motion, that their leaders should be consulted. That is leaders who are elected from each constituency know what is good for their constituencies in each part of the country.

Mr. Temporary Deputy Speaker, Sir, if we ask the elected leaders, who are the Members of Parliament, to consult with their constituents and tell us what development projects they require in their areas, we cannot go wrong and priorities vary from one sector to another and also from one geographical area to another. There is an area where they want to develop tourism, another where they want to develop coffee and horticulture. But, overall, what I am requesting the leaders to support is that somewhere along the way, everyone has to come out of the subsistence system. The system we have had until now is to encourage people like pastoralists to continue with what they have been doing for ages, whereas the fact remains that you are not going to use those cows or goats to pay school fees. At the end of the day, they have to be supported, so that they get into the money economy. There is no intention on the part of the Government to dish out money to various communities. Whether we are calling it development projects or poverty eradication, at the end of the day, we are talking about facilitating the people in each particular area to be on their own.

Mr. Temporary Deputy Speaker, Sir, poverty eradication will not happen. You cannot eradicate poverty, unless you first eradicate unemployment. This is because the people have to be on their own and earn their own living. Some time back, somebody came up with a very clever idea called District Focus for Rural Development and I admired it. However, before it went very far, it completely went out of focus for various reasons, one of them being creation of districts here and there without any particular basis. However, this Motion is calling on focus on the constituency. We no longer have any focus on the district but if we focus on, the constituency, there will be no problem because there is somebody to focus on called a Member of Parliament who will be able to focus on the needs of his people in that particular constituency.

Mr. Temporary Deputy Speaker, Sir, in a constituency approach, which is what is proposed by this Motion, if you take a simple example like the Ministry of Health, in 1999/2000 Financial Year, its budget, irrespective of what it was going to do with the money, was a total of about Kshs14 billion. If, for argument's sake, you divided that money across all the constituencies, you would get a total of Kshs67 million per constituency. When I look at my constituency, Ol Kalou, where I come from, we have not developed anything which we did not have. We do not have a health centre or any new system which we did not have and I will not advocate that you divide everything equally. However, if the equal distribution would be

Kshs67 million, my Motion is only asking for only Kshs5 million per constituency. We will do the same thing in water supply. That, whatever the budget size, we will also find how much goes to the constituency. We shall do the same for rural electrification. I want to know how much has been allocated to Ol Kalou Constituency. Every Member would want to know how much has been allocated to his or her constituency, so that one is able to sit with the other leaders and the residents of that area and be able to decide if electricity will be tapped in that town, school or wherever you want.

Mr. Temporary Deputy Speaker, Sir, it is the same case with roads. Recently, Parliament, in its wisdom, passed the Kenya Roads Board in which we created the District Roads Committees. That is the first step towards accomplishing the aims of this Motion, where the residents of an area take care of their destiny, having been supported directly from Parliament, so that they have an allocation. I am aware there was an attempt to sabotage that particular provision of the District Roads Committees but I am happy to note that Members of Parliament did pass the necessary legislation.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Muriuki, you will continue with your presentation next Wednesday.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.