

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd July, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.496

MEASURES TO CURB THUGGERY IN MACHAKOS TOWN

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

- (a) if he is aware that gangsters continue to rob business premises in Machakos Town in broad daylight; and,
- (b) what action he has taken to have the culprits arrested.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the House to answer this Question on Tuesday next week.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I talked with the Assistant Minister and he told me the answer is not ready.

Mr. Deputy Speaker: The Question is deferred to Tuesday next week.

(Question deferred)

Question No.376

COMPLETION OF KAPSOWAR-ARROR ROAD

Mr. Deputy Speaker: I thought I saw Mr. Sudi just here? It is just shows the casual manner in which Members are handling things.

Next Question, Mr. Koros!

Question No.490

PAYMENT OF DUES TO MR. SYLVESTER MUTAI

Mr. Koros asked the Minister for Agriculture:-

- (a) if he is aware that Mr. Sylvester Mutai, P/No.87080390, was not paid his salary for the months of July, 2000, to January, 2001; and,

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(b) when he will be paid his dues.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. You have just reprimanded an hon. Member here for the casual manner in which he is taking his Question. What comments do you have about the Minister who has failed to come and answer the Question?

(Applause)

Mr. Deputy Speaker: Mr. Osundwa, I have not reprimanded the hon. Member because I am still coming to the Question for the second time. Just be patient until we reach there.
Next Question, Mr. Shitanda!

Question No.314

PAYMENTS TO M/S CROWN AGENTS (UK)

Mr. Shitanda asked the Minister for Health how much money M/S Crown Agents (UK) has been paid for the procurement of drugs in the last two years.

Mr. Deputy Speaker: Anyone from the Ministry of Health? We will leave the Question until the end.

Next Question, J.K. Kilonzo!

Question No.497

COMPLETION OF NDIANI WATER PROJECT

Mr. Deputy Speaker: Mr. J.K. Kilonzo not there? We will come back to the Question.
Next Question, Dr. Galgallo!

Question No.485

PROVISION OF VITAL EQUIPMENT TO
GOVERNMENT HOSPITALS

Dr. Galgallo asked the Minister for Health:-

(a) if she is aware that lack of Magnetic Resonance Imaging (MRI), CT Scanning and ultra-sound equipment have hampered the efficient delivery of services in all Government hospitals; and,

(b) when the Ministry will provide these important equipment to all provincial, district and specialized hospitals throughout the country.

Mr. Deputy Speaker: Anyone here from the Ministry of Health? We will come back to the Question.

Next Question, Mr. M. Kariuki!

Question No.210

MEASURES TO CURB DISCRIMINATION
IN MATATU INDUSTRY

Mr. M. Kariuki asked the Minister for Transport and Communications what the way forward in the *matatu* industry is to ensure there is no exclusivity or discrimination among the operators.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

The way forward is to eliminate the cartels that have been illegally claiming ownership of *matatu* routes and stages and to streamline the regulation of the industry. The Government has embarked on this so as to restore sanity and order within the sector.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the *matatu* industry is still under the control of cartels and any new entrants have to pay Kshs200,000 to the cartels before they are allowed to operate in particular routes and stages. The answer given by the Assistant Minister is very general. What actual measures have been put in place to ensure that there is fair competition for new entrants and that the cartels do not continue to exploit them?

Mr. Ligale: Mr. Deputy Speaker, Sir, we are aware that those cartels exist, but they are illegal and criminal. We have instructed the police, through the Office of the President, to mount a crackdown on all those illegal gangs like the *Mungiki*, *Kamjeshi* and any other which may be illegally claiming ownership and selling routes and stages to transporters. We want to seek the indulgence and assistance of Members of this august House and the public at large; that they should not be hoodwinked into paying those illegal charges.

Dr. Galgalo: Mr. Deputy Speaker, Sir, only recently, Kenyans witnessed a [Dr. Galgalo] situation where *matatu* operators blocked the road at Chuka. They just parked their vehicles on the road and stopped people from using that road. Since these people seem to be taking the law into their hands, could the Assistant Minister consider bringing restrictive legislation to this House to make sure that they obey the law?

Mr. Ligale: Mr. Deputy Speaker, Sir, there is legislation in place. That is not to say that there are no defects in that legislation. But we are working on a revised amendment to that legislation which will be brought to this House. But as we speak now, there is an existing legislation and it is the enforcement of that legislation for which we have sought the support of the police and the Provincial Administration.

Mr. L.B. Maitha: Mr. Deputy Speaker, Sir, one aspect of the *matatu* industry is the *manambas*. Although they have been inconveniencing passengers, they are Kenyans who are trying to earn a living. What plans does the Ministry have to organize those *manambas* so that they can continue to earn their living instead of banishing them out of the industry?

Mr. Ligale: Mr. Deputy Speaker, Sir, any person who has a *matatu* would have a driver and a turnboy. But touting is illegal and we do not want to encourage it.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the Assistant Minister has just given a general answer to the House. All these things are illegal. The question we are asking is: What steps is the Assistant Minister taking to stop those cartels? We know that the *manambas* are there. He has said that he has instructed the police to mount a crackdown on the cartels. How did he instruct them? Did he give them a circular? New entrants to the *matatu* industry are harassed by the cartels; by being asked to pay Kshs200,000 for the routes and stages. What exactly has he done?

Mr. Ligale: Mr. Deputy Speaker, Sir, I have not given a general answer. I have said that we have given very specific instructions to the police; in writing. The instructions are that the Traffic Act must be enforced and the illegal cartels disbanded. Touting is illegal and should be disbanded. Any selling of routes by any particular groups is illegal and should be disbanded. Those instructions are clearly spelt out to the police and the Provincial Administration.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the problem in the *matatu* industry is not brought about by the *Mungiki*. That is one aspect. A new entrant to the industry does not have space to operate. He cannot access the industry. What measures have been put in place to ensure that there is

fair play for new entrants?

Mr. Ligale: Mr. Deputy Speaker, Sir, we are just going round in circles on the same questions. I have said that instructions have gone out to the Provincial Administration.

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

Mr. Deputy Speaker: Order! Let me assist the Assistant Minister. Hon. Members are worried by the instructions that were issued. The instructions have been issued and the problems still continue. What are you doing to stop that? The instructions are issued year in, year out!

Mr. Ligale: Mr. Deputy Speaker, Sir, with the greatest respect, I do not know about the previous instructions that were issued year in, year out. But I am saying that, at the moment, we have given very firm instructions to the police, in writing, to enforce the Traffic Act. In fact, if you have been listening, for instance, the Provincial Commissioner (PC) Nairobi has been active to ensure that those cartels are broken up. Those are the instructions that we have given.

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

Mr. Deputy Speaker: Order! That question has been answered exhaustively.

Mr. Mwancha: On a point of order, Mr. Deputy Speaker, Sir. The Minister is misleading the House that he gave very strict instructions, when he cannot tell us when he gave those instructions. Is he in order to make that statement?

Mr. Deputy Speaker: I do not see anything out of order there!

Mr. Ogur: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to talk about a *matatu* with a driver and a turnboy? That is not a *matatu*. A *matatu* must have a driver, conductor and many other people. They are known for harassing people! That kind of harassment cannot be done by two people. They are very many. Some even travel on the roof of the *matatus*! We want you to clear that mess.

Mr. Deputy Speaker: Order, Mr. Ogur! Your point has been taken.

Next Question by Mr. Obwocha!

Question No.458

PAYMENT OF DUES TO FORMER
KUTIP WORKERS

Mr. Deputy Speaker: The Minister for Labour and Human Resource Development has requested that this Question be deferred to Tuesday, next week, because he is out of town.

Mr. Obwocha: Mr. Deputy Speaker, Sir, that is too far! This Question is so important. It touches on the issue of pensions!

Mr. Deputy Speaker: When would you like it to be answered?

Mr. Obwocha: I have an answer here! Could any Minister read it?

Mr. Deputy Speaker: No! Then let us defer it to tomorrow afternoon. Could the Minister be informed about that?

(Question deferred)

For the second time, could we have Mr. Sudi's Question?

Mr. Sudi: Mr. Deputy Speaker, Sir, I am sorry to have come late.

Mr. Deputy Speaker: Order, Mr. Sudi! The Chair takes great exception. You were here and you knew that your Question was coming second, but you walked out! Next time, you will not be given a second chance.

Mr. Sudi: Mr. Deputy Speaker, Sir, I went to answer a call of nature.

(Laughter)

Question No.376

COMPLETION OF KAPSOWAR-ARROR ROAD

Mr. Sudi asked the Minister for Roads, Public Works and Housing when the Kapsowar-Arror Road will be completed.

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

The Kapsowar-Arror Road E332/C25 was awarded for construction to the then Ministry of Water Development through the Director of Water Development at a contract sum of Kshs65,603,640. The contract was for a period of 12 months; with effect from 9th June, 1998. The road is not yet complete. However, fresh implementation plans to complete the road are being compiled and the completion date will be ascertained immediately the plans are completed.

Mr. Sudi: Mr. Deputy Speaker, Sir, what the Assistant Minister is telling this House is not true. When the contract was awarded, it was supposed to take 12 months. It has now delayed for five years and one month. It has caused a lot of concern to the residents of Marakwet. That is a security road which was supposed to link the district headquarters to the valley. When the Assistant Minister is delaying like that, it causes a lot concern. The insecurity problem continues. People are being killed. Could the Assistant Minister give us a guarantee that he will tender a fresh contract to complete that road?

Eng. Toro: Mr. Deputy Speaker, Sir, it is unfortunate that the contract was awarded to the Ministry of Water Resources Management and Development through a tender by Marakwet Tender Board in 1998. The Ministry has not been able to complete the road. Up to May this year, it has been able to complete only 17 kilometres, leaving a balance of eight kilometres. Even the 17- kilometre stretch that was done has started deteriorating over the years. At the moment, the contractor has been paid Kshs46,847,514. The contract sum was Kshs65,603,000. My Ministry has already entered into negotiations with the Ministry of Water Resources Management and Development, who are the contractors, to take over the contract, so that we can be able to award it to another contractor to finish the eight kilometres, and also carry out some repairs on the 17-kilometre section of the road.

Mr. Mwangi: Mr. Deputy Speaker, Sir, if I heard correctly, the Assistant Minister has said that the contractor in that case was the Ministry of Water Development. Is it normal for a Ministry of Government to contract another Ministry of Government? Who will then be responsible?

Eng. Toro: Mr. Deputy Speaker, Sir, that was not right. So many wrong things were done during the KANU Government. This is one of them. If you want to know the truth, wait until you are told. Be patient, if you want us to rectify the wrong things done during the KANU Government. But we have to call a spade a spade and not a big spoon.

(Applause)

The Ministry of Roads, Public Works and Housing had no business awarding another Ministry a tender to carry out road maintenance works. The Ministry of Roads, Public Works and Housing is at the moment negotiating with Moiben Dam Construction Unit, which was awarded the tender to carry out the project, but has not carried out the works. The Ministry of Roads, Public Works and Housing will take over the project from the Ministry of Water Resources Management and Development and complete the road.

Mr. Deputy Speaker: Mr. Sudi, ask your last question!

Mr. Sudi: Mr. Deputy Speaker, Sir, this Question should not be rushed through this House!

Mr. Deputy Speaker: Order, Mr. Sudi! This Question has not been rushed because I have

given you a chance to ask your last question. How has this Question been rushed through this House?

Mr. Sudi: Mr. Deputy Speaker, Sir, this contract was awarded by the Ministry of Roads, Public Works and Housing to contractor who is not qualified. This contract was awarded when the current Permanent Secretary, Ministry of Roads, Public Works and Housing was the Permanent Secretary, Ministry of Water Development. Is there not a conflict of interest when you are a contractor and at the same time an employer? That is the reason why this road has not been completed. The other reason why this road has not been completed is because the consultant who designed it has not been paid. The consultant has laid down his tools. Could the Assistant Minister pay the consultant his dues immediately so that he can show the new contractor how to do the road? If this is done, work on this road will start.

Eng. Toro: Mr. Deputy Speaker, Sir, if the current Permanent Secretary in the Ministry of Roads, Public Works and Housing was the Permanent Secretary in the Ministry of Water Development when the contract was awarded, he cannot be blamed. This is because Eng. Mwangera was not the then Permanent Secretary for Roads, Public Works and Housing who made a mistake by awarding the contract to the Ministry of Water Development. I have information to the effect that the consultant has been paid his consultancy fee of Kshs4,446,000. If he has not been paid that money, he should lodge a complaint with my Ministry. I have information to the effect that he has been paid his consultancy fee in full although this road has not been completed.

Question No.490

PAYMENT OF DUES TO MR. SYLVESTER MUTAI

Mr. Koros asked the Minister for Agriculture:-

(a) whether he is aware that Mr. Sylvester Mutai, P/No.87080390 was not paid his salary for the months of July, 2000 to January, 2001, upon his reinstatement, including medical, hardship and house allowances; and,

(b) when he will be paid his dues.

*(Mr. Angwenyi consulted with Messrs.
Manoti and Obwocha)*

Mr. Deputy Speaker: Order, Mr. Angwenyi! You should respect this House!

Mr. Angwenyi: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order, Mr. Angwenyi! You should not engage the Chair in an argument over an obvious thing. Every hon. Member here saw and heard you consult with Mr. Manoti and Mr. Obwocha. I demand that you apologise to the House. Could you apologise to the House?

(Mr. Angwenyi bowed to the Chair)

Order, Mr. Angwenyi! Could you apologise to the House?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I apologise to the House for using my hands instead of my mouth.

(Laughter)

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I would like to apologise to the House for not making it here in time to answer this Question.

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

(a) I am aware that Mr. Sylvester Mutai, P/No.87080390, has not been paid his salary from July, 2000 to January, 2001 upon his reinstatement after his disciplinary case was finalised.

(b) Mr. Mutai's dues will be paid through the payroll for August, 2003.

Mr. Koros: Mr. Deputy Speaker, Sir, although I appreciate the answer the Minister has given, could he consider paying Mr. Mutai interest for the seven months he has not been paid his salary?

(Applause)

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is a very interesting phenomenon. It is not provided in Government rules and regulations that an officer should be paid interest for the period he or she has not been paid his or her salary. So, the question of paying Mr. Mutai his salary with interest does not arise.

Mr. Rotino: Mr. Deputy Speaker, Sir, there are many cases of this nature. When people retire, or are reinstated, they are not paid their dues on time. Could the Minister tell us why Mr. Mutai has not been paid his dues from July, 2000 to January, 2001 and yet he was on duty?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I do agree with the hon. Member that there has been a problem in facilitating quick payment of people's dues after they have retired or have been reinstated after their disciplinary cases have been finalised. In the case of Mr. Mutai, after his appointment, he went for further studies and when he came back it was reported that he had deserted duty at a certain time. On his reinstatement, there was still a problem of reactivating his personal number. His personal number has now been reactivated and that is why I am saying that he will be paid through the payroll for August, 2003. I do regret the inconvenience caused to Mr. Mutai. As a Ministry, we are trying to streamline the procedures which occasion unnecessary delays in the payment of officers' dues.

Question No.314

PAYMENTS TO M/S CROWN AGENTS (UK)

Mr. Shitanda asked the Minister for Health how much money has been paid to M/s Crown Agents (UK) for the procurement of drugs in the last two years.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I apologise to the House for coming in late.

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

The amount of money paid to M/s Crown Agents (UK) for the procurement of drugs and medical supplies over the last two years, 1st July, 2001 to 20th June, 2003, is US\$22,702,958, which is equivalent to Kshs1.8 billion plus Kshs72 million paid as a commission.

Mr. Shitanda: Mr. Deputy Speaker, Sir, despite these huge sums of money having been paid to M/s Crown Agents (UK) for the procurement of drugs, and other drugs being sourced locally over the same period, our hospitals continue to experience an acute shortage of drugs.

(Mr. Kenyatta entered the Chamber)

(Applause)

Could the Minister tell us why, in spite of making these huge payments our hospitals have continued to experience an acute shortage of drugs? Could she also tell us why large stocks of medicines continue to pile up and expire in the Kenya Medical Supplies Agency (KEMSA) stores?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I do agree with the hon. Member for Malava, who has asked this Question, that despite the payment of these huge sums of money to M/s Crown Agents

(UK) our hospitals still experience an acute shortage of drugs. As a matter of fact, the amount of money allocated for purchase of drugs in the Budget can buy drugs to last our hospitals only three months. I will ensure that KEMSA starts offering efficient service by streamlining its operations. This situation will be corrected.

Dr. Galgalo: Mr. Deputy Speaker, Sir, one of the biggest problems with the Ministry is the procurement and supply of drugs. The Ministry supplies drugs that are not used by the rural health facilities. Many drugs are bought with taxpayers money and supplied to the hospitals, but are never used. Could the Ministry consider supplying drugs that are relevant to our situation?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, we now have essential drugs that are supplied to all health centres and dispensaries. As a matter of fact, we have changed the system where the Ministry used to take drugs to health centres. It is now the health centres that order for the drugs. I agree with the hon. Member that, in the past, drugs were delivered to health centres without any reference to them. That has now been corrected.

Mr. Osundwa: Mr. Deputy Speaker, Sir, we have just heard the Minister say that Kshs72 million was paid as commission. Why can the Ministry not go for competitive bidding, so that the firm with better terms can be given the contract, instead of paying such a huge sum of money as commission?

Mrs. Ngilu: I have considered that. That is why I am setting up the Kenya Medical Supplies Agency (KEMSA) to enable the Government to procure drugs directly, without using an agent. In fact, that is what we are going to do this year.

Dr. Manduku: Mr. Deputy Speaker, Sir, now that the Minister has confirmed that drugs are sent directly to dispensaries and health centres, is she also aware that those prescribing drugs in health centres are clinical officers and yet, clinical officers are not allowed to prescribe second generation drugs? Is she doing anything, so that the clinical officers can be able to prescribe them? Sickneses are the same in health centres, dispensaries and hospitals.

Mrs. Ngilu: We are having continuous training for the clinical officers in the dispensaries, health centres and hospitals. In fact, the House needs to know that soon, those health centres will be accessing anti-retrovirals. We are going to train them to administer those drugs too. So, that is being done.

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

Mr. Deputy Speaker: Not allowed! Dr. Manduku, you have asked your question! Let others also ask their questions too! Mr. Midiwo!

Mr. Midiwo: Mr. Deputy Speaker, Sir, the Minister has just said that she is streamlining KEMSA. But part of the problem is that most district hospitals have only a doctor and a medical officer of health. More often than not, it is the medical officer of health who drives from the district headquarters to Nairobi to pick up the drugs. Most of those drugs do not reach the designated hospitals! Could the Minister, while undertaking streamlining measures, consider removing the medical officers of health from the business of picking up the drugs in Nairobi? That is because the drugs never reach the hospitals.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, that is a great proposal by the hon. Member. Previously, we had a very serious brain-drain of health workers, especially doctors. There was one point in time when we had only 600 doctors in our hospitals. We have raised that number to 1,100 doctors. It is true that some doctors have had to travel to Nairobi to collect drugs for their hospitals. We are streamlining that. We are also computerising KEMSA and putting in place mechanisms to ensure that drugs reach the hospitals and health centres and they are signed for. That is an exercise that is already going on.

Mr. Deputy Speaker: Last question, Mr. Shitanda!

Mr. Shitanda: Mr. Deputy Speaker, Sir, considering the huge stocks of expired drugs at KEMSA - that the Minister stumbled on the other day - what plans does she have to ensure that Crown Agents and other agents who are contracted by the Kenya Government to procure drugs, do

not abuse the agency by dumping drugs that are not required in this country?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, that is why I am streamlining KEMSA. I want to invite the Committee on Health, Housing, Labour and Social Welfare to visit KEMSA and compare what it was a month ago and what it is today. It is properly streamlined. I have put in very qualified people and it is being run very smoothly. We are not going to use the agents any more. We are going to use our own Government agents. That will ensure that all those problems are solved.

Mr. Deputy Speaker: Next Question by Mr. J.K. Kilonzo!

Question No.497

COMPLETION OF NDIANI WATER PROJECT

Mr. J.K. Kilonzo asked the Minister for Water Resources Management and Development:-

(a) whether she could explain why a pump installed for Ndiani Water Project in Kaliku was removed from the

site; and,

(b) when the borehole will be completed for the benefit of the area residents.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Deputy Speaker, Sir, I apologise for coming late. Nevertheless, I beg to reply.

(a) The pump installed for Ndiani Water Project at Kaliku was reported as having been stolen from the pump-house on the night of 22nd August, 1994. The items which were stolen included a Lister engine and a Grand Force pump. The items have not been recovered to date.

(b) During the financial year 2003/2004, my Ministry has budgeted Kshs5 million for the rehabilitation of water supply projects in Kitui District. The rehabilitation of Ndiani Water Project to benefit the residents will be considered along with the other projects in Kitui.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, now that the Assistant Minister has confirmed that the pump was stolen, has he been able to apprehend the culprits and if not, what measures is he taking to ensure that a pump is installed? He can do that without specifically referring to the money allocated for the whole district.

Mr. Munyes: Mr. Deputy Speaker, Sir, we have not apprehended the culprits. As you can see, the theft took place a long time ago and the police have not arrested the culprits. As far as my Ministry is concerned, the principle is to provide funds for stalled projects. We treat that project as one of them because, for many years, it has not been allocated any funds. We have given Kshs5 million for rehabilitation and we think that money will be enough to buy a pump.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, we have so many stalled water projects in this country. Even after the pump was stolen, the piping was started but did not reach Kaliku Shopping Centre. Given the many projects that have stalled and left half-way, what policy does the Ministry have to ensure that water projects in the country are completed?

Mr. Munyes: Mr. Deputy Speaker, Sir, that is what I have just said. The policy is to rehabilitate all the stalled projects. That is our priority. As we speak here, we have funds for Arid and Semi-Arid Lands (ASALs). If the money for ASALs is not enough, we expect to get more from the Office of the President. I know that some of the stalled projects will be covered through that fund.

Question No.485

PROVISION OF VITAL EQUIPMENT TO
GOVERNMENT HOSPITALS

Dr. Galgalo asked the Minister for Health:-

- (a) whether she is aware that lack of Magnetic Resonance Imaging (MRI), CT scanning and ultra-sound equipment have hampered the efficient delivery of services in all Government hospitals; and,
- (b) when the Ministry will provide this important equipment to all provincial, district and specialised hospitals throughout the country.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that lack of Magnetic Resonance Imaging (MRI), CT scanning and ultra-sound equipment hampers the quick diagnosis of ailments in Government hospitals.

(b) It will cost the Ministry a total of Kshs680 million to provide Kenyatta National Hospital (KNH) and Moi Teaching and Referral Hospital (MTRH), with MRI, all provincial hospitals with CT scanning equipment and all district hospitals and specialised hospitals with ultra-sound equipment. However, the Ministry has already provided KNH and MTRH with CT scanning machines. Further, the Ministry has provided 23 public hospitals with ultra-sound equipment and it continues providing such equipment to all public hospitals.

Dr. Galgalo: Mr. Deputy Speaker, Sir, the Minister has avoided answering properly part (b) of my Question. I wanted to know "when" she will provide the equipment. So, I expected her to give us a plan of action towards that end. However, she has told us about available equipment. The equipment has been there all these years. Mine is a proactive question. So, what exact plans does she have? How much money has she budgeted for the provision of the equipment to Government hospitals this financial year? The equipment is not expensive. There is an individual on Ngong Road who owns an MRI machine. If an individual can afford such a machine, why can the Government not buy one for KNH and another one for MTRH, so that we have accurate diagnosis?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, each MRI machine costs Kshs70 million. I agree that we should have one or two MRI machines. So, I will see whether we can have one or two such machines at KNH and MTRH, but the equipment has not been budgeted for in the current financial year. I am, however, aware that it is important for us to have these machines. I agree with the hon. Member that we have only two MRI machines in this country. One of them is on Ngong Road, while the other is in Westlands, and it is important that the Government gets such machines. So, I will see to it that we get one or two of these machines.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, is the Minister aware that even in hospitals where these machines are available, there is no personnel to handle them? For instance, in Machakos, these machines are available, but there are no radiologists to operate them. Somebody in Machakos Town is exploiting patients. So, what is the Minister doing to post personnel to such hospitals?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, we have only two MRI machines in two places in this country, and Machakos is not one of them. We have only one such machine on Ngong Road and another one in Westlands. So, when the Ministry acquires one such machine, it will certainly train personnel to operate it.

Mr. Deputy Speaker: Could you ask the last question, Dr. Galgalo?

Dr. Galgalo: Mr. Deputy Speaker, Sir, at least, ultra-sound equipment is not expensive, and the Minister says that 23 district hospitals have them. Since ultra-sound equipment is not so expensive, but it is critical, could she consider providing all the remaining district hospitals with the equipment? Even operating the equipment is not difficult. It only takes four or five hours to train somebody to use it. There is no need for complicated training for one to use the equipment. So, could she consider providing all district hospitals with ultra-sound equipment immediately?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the hon. Member was an Assistant Minister for Health in the previous Government, and he knows the problems of the Ministry. However, I want to assure him that we are in the process of looking into the problems that we have in our hospitals, including the possibility of providing them with these machines. We are not going to do all this at once but we will certainly do so.

QUESTIONS BY PRIVATE NOTICE**EVICTION OF TENANTS IN MATHARE NORTH**

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

(a) Could the Minister explain the circumstances in which hired youths invaded Mathare North Estate on Thursday, 3rd June, 2003, where 13 people were killed, while others were injured and displaced?

(b) What action has the Minister taken to restore order in the area, especially in Blocks 2-288, 2-289 and 2-290, whose residents have lost household goods to people purported to be policemen on orders to have the residents evacuated and the houses locked?

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

(a) On 3rd June, 2003, a group of young men was said to have been hired by landlords in Kiambu to go and remove doors of houses in Mathare North. When they reached the site, the residents mistook them for members of the outlawed *Mungiki* sect, because they were armed with crude weapons. The residents also armed themselves with crude weapons and attacked the invaders. In the process, 13 people were killed.

(b) Security in the area has now been restored through intensified patrols. Neither report of any loss of household goods nor forced evacuation from the houses has been received at any of the police stations within the area. The police were not in any way involved in the alleged evacuation of tenants from the said housing blocks.

Mr. Omondi: Mr. Deputy Speaker, Sir, the laws of this land protect every citizen against undue harassment, intimidation and even theft. I wonder what the Assistant Minister will say about three lorry-loads of people transported all the way from Kiambu to Nairobi in the wee hours of the morning on the said day, who then invaded the residents of the said flats, battered them, stole their items and even raped women in front of their children and husbands. I want the Assistant Minister to explain what he thinks about such circumstances.

Mr. Deputy Speaker: Mr. Omondi, I am afraid that the question must be clear even to the Chair. What is your question?

Mr. Omondi: Mr. Deputy Speaker, Sir, I want to Assistant Minister to say whether it is in order for very many people to be transported from one district to another to invade people who are sleeping in their houses, beat them up, rape women and steal everything from the houses. What does he have to say about such a matter?

Mr. Tarus: Mr. Deputy Speaker, Sir, whether people were transported from one district or the other, the act is criminal. That is why 64 people have been charged with the offence of creating a disturbance likely to create a breach of the peace in Mathare North.

(Several hon. Members, including Mr. Mwenje, stood up in their places)

Hon. Members: Mwenje! Mwenje!

Mr. Deputy Speaker: Order! Order! The Chair will not be directed! Let us have Mr. Muchiri!

Mr. Muchiri: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in this country there is a law which provides for a tribunal to mediate on landlord/tenant disputes and, therefore, we should not be having the kind of problems we have witnessed in Mathare North and elsewhere?

Mr. Tarus: Mr. Deputy Speaker, Sir, the law exists and the Government follows it.

Mr. Deputy Speaker: Let us now have Mr. Mwenje!

Mr. Mwenje: Mr. Deputy Speaker, Sir, this matter was dealt with at a meeting of all Members of Parliament with the Provincial Commissioner (PC), Nairobi, in his Boardroom, and it was concluded that the incident was caused by inflammatory political statements issued some time last year.

Hon. Members: By who!

Mr. Deputy Speaker: Order! Order! Could you ask your question, Mr. Mwenje?

Mr. Mwenje: Mr. Deputy Speaker, Sir, what is the Assistant Minister doing to ensure that inflammatory and inciting statements are not issued, and that tenants who decline to pay rents are made to do so? Really, the cause of the problem was non-compliance by some tenants to pay house rents.

Mr. Tarus: Mr. Deputy Speaker, Sir, problems of that nature are being handled by the relevant Ministry.

Mr. Sungu: Mr. Deputy Speaker, Sir, it is illegal for a landlord to evict tenants in the manner that has been described in view of the fact that there are laws governing tenant/landlord disputes. Those who have been charged are not necessarily those who came all the way from Kiambu to evict people illegally. I want the Assistant Minister to state very clearly whether he thinks it is fair and just for the affected people to be victimised using courts.

Mr. Tarus: Mr. Deputy Speaker, Sir, we believe that our courts have the necessary capacity to determine whether one is innocent or guilty. That is not going to be determined here.

Mr. Deputy Speaker: Let us get the last question!

Mr. Sasura: Mr. Deputy Speaker, Sir, it is not the last question!

(Laughter)

Mr. Deputy Speaker: Order, Mr. Sasura! Okay, let me hear what you want to say.

Mr. Sasura: Mr. Deputy Speaker, Sir, it is very clear that there are wars in Nairobi; between landlords and tenants. Could this Assistant Minister confirm or deny that these wars are being fuelled by Government Ministers through issuance of inflammatory statements to tenants telling them not to pay rent?

Mr. Tarus: Mr. Deputy Speaker, Sir, I am not aware of any Minister who has said that people should not pay rent.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Last question by Mr. Omondi!

Mr. Omondi: Mr. Deputy Speaker, Sir, I would like to say that this is not the first time that a such a thing has happened in Kenya. In the first incident people were ferried from Laikipia to Kariobangi North, which is close to Mathare North, and more than 20 people were killed. The killers went scot-free. At another time people were ferried all the way from Laikipia to Nakuru where a number of people were also killed, and the killers also went scot-free. Is it wrong for some Kenyans to believe that the Minister concerned is abetting these things knowingly?

Mr. Tarus: Mr. Deputy Speaker, Sir, that is certainly not true.

GOVERNMENT POSITION ON MOI CURRENCY

Mr. Salat: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

What is the Government's position on the currency bearing the former President's portrait?

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to reply.

The Government's position is that the currency notes and coins bearing the portrait of former President Moi will continue to circulate as legal tender. Since we have two former Presidents, I have assumed that the Questioner had in mind the immediate past President.

Mr. Salat: Mr. Deputy Speaker, Sir, could the Minister inform the House how much money has been printed to replace the currency bearing the portrait of the former President and at what cost to the taxpayer?

Hon. Members: Which former President?

Mr. Salat: Mr. Deputy Speaker, Sir, the immediate former President. Are you happy?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, that is a completely different Question. However, I can say that when we took over the Government, we found that bank notes printed in 1978 bearing the portrait of the first President of the Republic of Kenya were still kept in the vaults of the Central Bank of Kenya and we released them into circulation.

Dr. Awiti: Mr. Deputy Speaker, Sir, it is common knowledge that all currency should bear identical features. If we in Kenya have two different currencies, is this not confusing? Which currency is more valuable than the other? Why do we need to have two different sets of currency?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, once bank notes have been printed and are legal tender, they circulate. The Americans have on their Dollar portraits of the late Lincoln, Washington and others. There is no reason why Kenya should not have portraits of different people on its currency.

(Applause)

Mr. Omingo: Mr. Deputy Speaker, Sir, the excuse the Government gave for issuing the notes bearing the portrait of the late Head of State was to cut costs. Could the Government now state whether it will continue printing currency bearing the portrait of the late Mzee Kenyatta? The issue of cutting costs no longer arises as the Government is printing new notes bearing the portrait of the late President Kenyatta.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, we are completely at liberty to continue printing the late President Kenyatta's notes, if we so wish.

Mr. Deputy Speaker: Mr. Minister, I think that is not in question. You are at liberty to do what you choose but the House wants to know what you are going to do. Are you going to keep Kenyans guessing whether it is Mr. Moi's or the late Mzee Kenyatta's portrait that is going to be used on the currency? Could you be clear on which currency Kenyans are going to get?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, when we took over the Government, there was a large stock of notes bearing former President Moi's portrait. We are going to use all those notes. In the meantime, we are also considering whether to continue with the portraits of the first two Presidents or introduce completely different notes. We have not yet decided but we are going to print the late Mzee Kenyatta's notes in future.

Mr. Deputy Speaker: We are going to have the last question from Mr. Salat.

Mr. Salat: Mr. Deputy Speaker, Sir, owing to the fact that Mzee Kenyatta's currency, like the Kshs20, Kshs10 and Kshs100 notes, can be easily counterfeited, what measures is the Minister putting in place to ensure that those notes are not counterfeited?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the same security measures which are in use, plus others we are introducing, will ensure that there are no counterfeit notes.

Mr. Deputy Speaker: Mr. J. Koech's Question!

OWNERSHIP STATUS OF BOMET AFC OFFICE

Mr. J. Koech: Mr. Deputy Speaker, Sir, this Question was effectively answered last week.

Mr. Deputy Speaker: Very well. I believe that there is a mix-up in the Clerk's Chambers and the Chair directs that its officers should note it. In fact I saw this Question last week. Next Question

by Mr. Cheboi!

Mr. Cheboi: Mr. Deputy Speaker, Sir, before I ask my Question I should say that I have no written answer.

PAYMENT OF DUES TO
PYRETHRUM FARMERS

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

(a) Is the Minister aware that pyrethrum farmers have not been paid for their deliveries for over one year and, as a result, they have started uprooting their crop?

(b) When will the full board of Pyrethrum Board of Kenya be constituted?

(c) What urgent action is the Minister taking in view of "a" and "b" above?

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

(a) Yes, I am aware that pyrethrum farmers have not been paid for their deliveries worth Kshs1,113,532,291 for one year.

(b) The Pyrethrum Board of Kenya has been constituted and I have signed the necessary Gazette notices which should be out fairly soon.

Mr. Cheboi: Mr. Deputy Speaker, Sir, part "c" has not been answered. However, last week when the Minister said that he was not going to answer the Question because he had not been given sufficient information, I met him outside this Chamber and he showed me the same answer that he has given. That notwithstanding, Kshs1.2 billion for the farmers who grow this crop, and cannot even afford---

(Mr. Cheboi displayed a pyrethrum plant)

(Laughter)

Mr. Deputy Speaker: Order, hon. Members! Mr. Cheboi, I appreciate your eagerness to display the product you are holding. However, it is illegal for you to bring such a thing into this Chamber.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I apologise.

Mr. Deputy Speaker: Could you now hand over that product to the Serjeant-at-Arms?

*(Mr. Cheboi handed the pyrethrum plant
to the Serjeant-at-Arms and
remained standing)*

(Laughter)

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, is it in order that when the Chair is addressing a Member, that Member continues to be on his feet? We need to know this so that in future we will know what to do.

Hon. Members: He is a new Member!

Mr. Deputy Speaker: I do not think that anyone can say that he is new, after nearly seven months in the Chamber. But it has been happening not only to new Members, even now as I was talking, I saw Mr. Shitanda on his feet. I think we had better observe the Standing Orders.

Dr. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. Why does this Government also continue to say that it is new after six months in office?

(Applause)

Mr. Deputy Speaker: Order, Dr. Galgalo! That is a very trivial matter.

Let us proceed, Mr. Cheboi!

Mr. Cheboi: Mr. Deputy Speaker, Sir, a few months ago, in March, the Minister for Agriculture was quoted in both the print and electronic media, claiming that there was Kshs600 million to be given to the farmers. At the Nakuru show grounds, the President himself said that Kshs1.4 billion was made from the sale of the pyrethrum crop last year. It is now one year, and farmers have not been paid. In my own constituency, we rely on nothing else but pyrethrum. At the moment, farmers cannot even buy a packet of salt!

Mr. Deputy Speaker, Sir, if Kshs1.4 billion was made out of the sale of pyrethrum last year, why have pyrethrum growers not been paid for a whole year?

Mr. Kirwa: I do agree with the hon. Member that this is a very serious matter. But just to give a slight background to this problem, sometime back, in the year 2000, the former managing director of that particular corporation designed an arrangement with various companies abroad where, among other things, they put the pyrethrum industry in Kenya in serious jeopardy. It was stated that for anything that was going to be sold accruing from pyrethrum in Kenya, 50 per cent of the proceeds would go to a company abroad.

(Loud consultations)

Secondly, that any pyrethrum that was going to be sold in Europe, 9 per cent would go to somebody doing business in Europe, with no direct bearing whatsoever on pyrethrum production, processing and marketing in Kenya.

(Loud consultations)

As the Minister in charge of that particular portfolio, when I got this information and saw various documents about the development and marketing of pyrethrum, I took the requisite decision to relieve the former Chief Executive Officer (CEO) of the Pyrethrum Board of his duties. He has since left, and I have already appointed a new CEO and also constituted a new Board. I have given specific instructions to the new board to give me a proposal as to how they can revive the pyrethrum industry and stop farmers from further suffering occasioned by some of these problems.

The issue arising from the statement by His Excellency the President that pyrethrum production went up to the tune of Kshs1.4 billion is true and I can confirm that. But the stocks of pyrethrum are still being held because of the constriction of marketing dynamics in this particular industry.

Secondly, Mr. Deputy Speaker, Sir, early this year, one of the lines was burnt. As the Minister in charge, I have taken the right decision to take the processing of pyrethrum to Rwanda. Last week, when I went to Rwanda, I visited that particular factory, and I can confirm that the first consignment of pyrethrum to be processed in Rwanda has already taken place. These are the problems we are faced with as we try to streamline that industry.

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

Mr. Deputy Speaker: Mr. Sungu, I will not recognize you! If you wanted to ask a question, you should have just stood up and caught my eye!

Mr. Sungu: Please name the man!

Mr. Deputy Speaker: Proceed Mr. Lesrima, although I know that pyrethrum is not grown in your area.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I may not be a pyrethrum farmer, but there is

tremendous potential for growing pyrethrum in Samburu, and it would produce the best pyrethrin.

Is the Minister aware that Kenya is the largest producer of pyrethrum in the world? I do not understand why marketing dynamics should be complicated if we are in a monopoly situation.

Is the Minister further aware that, in fact, other countries such as China are now developing pyrethrum, and could actually make our farmers irrelevant? What measures is the Minister taking, and at what speed, to restore the confidence of the world market in this product for which we are best at producing?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I could not have been a Minister for six months and not know the facts that have been stated by the Member. Having said that, I am already preparing the necessary policy position to make sure that we move with lightning speed to restore the confidence and get rid of corruption in that particular industry.

Mr. M'Mukindia: Thank you, Mr. Deputy Speaker, Sir. In the light of the Minister's statement, that 50 per cent of the proceeds from the year 2000 have been going to private accounts abroad, plus an additional 9 per cent, what action is he taking to recover that money, which was clearly stolen?

(Applause)

Mr. Kirwa: Mr. Deputy Speaker, Sir, as you are well aware, any terms of contract cannot be revoked without the necessary decisions being taken by the Government. I have henceforth given notice and revoked the contract between us and Johnson in terms of pyrethrum marketing. As to whatever proceeds that have been collected by the same company or any other person, it is not possible under contractual terms to recover the money.

Mr. Sambu: Mr. Deputy Speaker, Sir, extraction of pyrethrin from the pyrethrum flower is not a complex process. Why can we not get Kenyan investors to invest in pyrethrin extraction machinery, rather than taking our raw pyrethrum all the way to Rwanda and having it marketed as Rwandan pyrethrum? It will cost less than Kshs100 million.

Mr. Kirwa: It will not be marketed as Rwandan pyrethrum. What will be done is that after the initial extraction, the crude pyrethrin shall be brought back to Kenya, where it shall be further refined by the line that we already have.

Secondly, the question of a new investor does not arise because the Pyrethrum Board is already preparing to install a new line. The only problem is that there has been a delay in payments from the insurance company because of Government procurement procedures, something we have already harmonized. I am sure that in the next couple of weeks, something will be in progress.

Mr. Deputy Speaker: Let us have the last question from Mr. Cheboi.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. The Minister stated in his answer that 9 per cent of the proceeds from these poor farmers is going to a businessman unrelated to this business and I think that is an illegality and a corrupt deal. Would it be in order for the Minister to name the Managing Director and the company involved and to take legal action against him because that is an illegality?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I said at the beginning that the Chief Executive Officer (CEO) had already been relieved of his duties.

Hon. Members: What is his name?

Mr. Kirwa: Mr. Deputy Speaker, Sir, his name is Mr. Kiptoon. So, he has already been relieved of his duties and we are still investigating to see how best to take the necessary action to ensure that the farmer's money does not go to waste.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I want a specific answer to this question. When are the farmers going to be paid because six months down the line since the new Government assumed office, farmers have not been paid? Farmers have already uprooted plants and that is why I showed the House one uprooted pyrethrum plant. The Pyrethrum Board Act is also very specific. Nakuru District

produces 49 per cent of the total pyrethrum crop in the Republic. Who are the directors of this Board and how were they appointed because the Pyrethrum Board Act is very clear that it should be commensurate---

Mr. Deputy Speaker: Mr. Cheboi, I want to assist you. You said you wanted a specific answer to your supplementary question which was: When are the farmers going to be paid? However, now you are talking about directors. Could the Minister answer the first question which was: When are the farmers going to be paid? I think that is it.

Mr. Kirwa: Mr. Deputy Speaker, Sir, as I said at the beginning, there has been a problem of marketing pyrethrum because of bad contractual terms. We have been releasing some little amounts of money and there is a lot of pyrethrum in stock. I cannot pay the farmers unless the stock has been sold and that is why I have said that I have made the decision to pay farmers. Secondly, I have also already made a decision that the contract that was signed between the Pyrethrum Board of Kenya at that time and the company abroad should be terminated. I have already given notice to that effect.

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

Mr. Deputy Speaker: Order, hon. Members! It is okay since I will give you a chance to raise the point of order, but before I give it to you, the Minister was in the process of answering the question by Mr. Cheboi. Could you let him finish and then you raise your point of order? Mr. Rotino, what is your point of order?

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. I come from a pyrethrum growing area and as we speak now, the farmers are uprooting the crop and yet the Minister is not being specific on the timetable of paying the farmers. If he does not pay the farmers, they will continue uprooting the crop. Pokot District produces the best pyrethrum in the whole world and yet the Minister is not telling me when my farmers will be paid. He is just beating about the bush and telling us stories. Mr. Minister, are you in order?

(Laughter)

Mr. Deputy Speaker: Mr. Rotino, it is true Pokot District produces the best pyrethrum in the world. I do not doubt that, but that is not a point of order.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I am raising this point of order as an affected farmer. Is the Minister in order to tell us that he will not pay farmers until the stocks are exhausted when, in fact, we have voted in this House emergency funds? Why does he not pay the farmers using those emergency funds so that the farmers can continue with their business?

Mr. Deputy Speaker: Order, hon. Members! I will allow that question to be answered, but certainly it is a question and not a point of order.

Mr. Kirwa: Mr. Deputy Speaker, Sir, well, I did not say that I will not pay the farmers until we exhaust the pyrethrum stocks. As soon as we sell the stocks, we will pay the farmers the way we paid in the months of May and April. So, it is a question of how much do we sell and how much do we pay. So, the payment is in progress and the only problem is that we are constrained by lack of cash flow into the kitty.

Mr. Deputy Speaker: Very well. Hon. Members, we have a few minutes for Ministerial Statements. Any Ministerial Statements?

MINISTERIAL STATEMENT

CLOSURE OF MASENO UNIVERSITY

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, Maseno University was closed on 30th June, 2003, as a result of unrest and unruly behaviour by students. This was largely caused by a section of the University teaching staff and was a

result of one Professor Okello, who as Chairman of one faction of the Maseno Chapter of the Universities Academic Staff Union (UASU), had been fired for alleged misappropriation of university funds amounting to Kshs1.2 million between March, 1993 and April 1998 when he was Deputy Principal in charge of Planning, Development and Student Administration. Some quarters in the university had raised the question of as to why Prof. Okello was being punished for this alleged crime five years after it had been committed and that it was an unfortunate coincidence that he also happened to be very active in the Universities Academic Staff Union of Maseno University.

Mr. Deputy Speaker, Sir, following the unrest and damage to property, it became [necessary to close the university to avoid further damage and loss of human life. Failure to close the university at that stage would have resulted in a more serious situation than has been witnessed. Following the closure, a set of activities have taken place. On 1st July, 2003, the University Senate held a meeting which established that the riots that caused the closure of the university were caused by differences between two factions of the University Academic Staff Union, Maseno Chapter. However, during the Senate meeting under the chairmanship of the Vice-Chancellor, the two factions agreed to work together. Consequently, a committee of senior members of the Senate was formed to oversee the merging of the two factions.

Mr. Deputy Speaker, Sir, the Senate further recommended that the university administration should convene a joint meeting of the Council and Senate to discuss the matter and to chart the way forward. At the same time, the new Chancellor of the University, Mr. William Wamalwa, was invited to give guidance as it was deemed fit. Probably because the institution of the Chancellor is a new one where some roles might not be so clear, Mr. Wamalwa may have made statements that may have been construed by some members of the public to have been siding with the university administration against the students and lecturers. The full council meeting was held at the university on the morning session of 11th July in which the Council members were briefed on the events that led to the closure of the University.

Mr. Deputy Speaker, Sir, following deliberations in the council meeting, members made the following observations: The university closure was caused by the one faction which was led by Prof. Okello who had been fired by the council. That faction had used the UASU platform to get sympathy from some members, from among both the teaching staff and students, as a means to fight the alleged misappropriation of funds with the intention to retain his job. It was also noted that the great majority of students did not want the university closed. The students did not register any grievances against the university administration that would have warranted the closure of the institution. It was necessary for the council to meet with the senate to hear their side of the story and listen to any grievances that they might have had so that the council could address the same. The council also wanted to know whether the senate supported the immediate reopening of the university and whether they would resume normal teaching.

In the afternoon of the same day, a joint meeting between the Maseno University Council and the Senate was held. During the meeting the new university Chancellor and the council emphasised the following aspects of university governance:-

That there is need for all parties to reason and dialogue together on issues that affect lecturers and the university community as a whole.

That the Government has appointed chancellors of public universities so that these institutions may be managed from free and direct Government interference. So, the police have issued guidelines on how those with grievances should present them without creating disorder.

That in the era of democratic governance, disagreements among warring parties in universities should be resolved amicably through constructive dialogue.

Mr. Deputy Speaker, Sir, I would like to point out, at this point, that it was unfortunate, perhaps, because of the tension around the university compound, students were not allowed to enter the university and, therefore, student representatives who should have attended the University Council

meeting did not get the chance to present the views of the majority of students in the university.

Mr. Deputy Speaker, Sir, after long deliberations between the two parties; the council and the senate, it was agreed that some members of teaching staff caused the problem. It was further unanimously agreed that there was need to reopen the university as soon as possible and that teaching would resume immediately. A joint committee of six members of the council and six members of the senate, was appointed to chart the way forward for the immediate reopening of the university. The screening process of both students and lecturers was left to the university administration and the senate to handle.

The following recommendations were jointly adopted as a means to return the university to normal operations:

(i) That the university should only have in session student numbers it can accommodate in the facilities available.

(ii) That it might be necessary to miss out one or two---

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. If all Ministerial Statements are going to last for more than 20 or 30 minutes, then, we are going to have a lot of problems in this House. Would you please tell the Assistant Minister to shorten his statement?

Mr. Deputy Speaker: Mr. Mwiria, I am sure you have heard the sentiments by hon. Muiruri.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I heard his sentiments except that he has grossly exaggerated the amount of time I have taken. I started at 10.20 a.m and I have only spoken for four minutes. I feel that I need another 15 minutes to make it 20 minutes.

Mr. Deputy Speaker: Just be brief, Dr.Mwiria!

The Assistant Minister for Education, Science and Technology (Dr.Mwiria): Mr. Deputy Speaker, Sir, I will be very brief.

An alternative to the above will require the university to have additional facilities. The following programme for recalling students was adopted:-

Fourth year students who have three to five weeks to complete their studies to come first beginning on Monday 21st, July, 2003. First and second year students, who are currently out of session should return after fourth year students have completed their programmes in September, 2003. Second and third year students to return upon screening and only when the university has all the required facilities and normalcy is restored.

Mr. Deputy Speaker, Sir, I would like to remind the university community that freedom and autonomy from Government interference must entail the respect for law and order. Without the respect for law and order, there can be no freedom of any kind. As such, university communities cannot seek fair treatment and change through violence and mass riots. The solution to every problem will come through dialogue and consensus building among all parties concerned.

Mr. Deputy Speaker, Sir, I will stop at that point having taken six minutes.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, this is a very serious matter and I want to thank the Assistant Minister for giving us a comprehensive Statement. However, information reaching us indicates that all is not well at Maseno University. Indeed, the reopening of the university does not include the recalling of students who were sent away recently, because they are recalling students who were outside waiting to come back. Could the Assistant Minister tell us whether all is well because we know what caused the closure of the university was a disturbance by both students and members of staff; and, that reference to Prof. Okello has nothing to do with the very fundamental and underlying problems that are dogging the university right now?

Mr. Deputy Speaker: Prof. Oniang'o, the purpose of this is to seek clarification.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, that is exactly what I am doing.

The Assistant Minister for Education, Science and Technology (Dr.Mwiria): No, that is not what she is doing!

Mr. Deputy Speaker: Order Dr.Mwiria! I can distinguish between a lengthy debate and a

point of order seeking a Statement!

The Assistant Minister for Education, Science and Technology (Dr.Mwiria): Mr. Deputy Speaker, Sir, in the quest to help us solve the crisis, Prof. Oniang'o probably felt it necessary to give us some suggestions on how to go about it and that is appreciated. I would like to say that all is not well at Maseno University and, as a Ministry, we are aware. Unfortunately, the students who were in session when the university was closed are not the first ones to be recalled and the students and lecturers have complained about this. However, this has been a decision of joint meeting between the Senate and the council. The Government, as it has been noted recently, is trying to divest from the management of universities. This is not to say that the issue will not be listened to. What we have agreed upon is that unless matters cannot be completely resolved at that level, the Ministry should be the last resort, but Prof. Oniang'o's sentiments are well taken.

Mr. Munya: Mr. Deputy Speaker, Sir, the Assistant Minister seems to be skirting some of the fundamental issues affecting Maseno University. He is not talking about the role of the Vice-Chancellor in the management of the university. When there are management problems in a university, the Assistant Minister should address the issue of management. The Vice-Chancellor has been unable to run the university and that is why there have been problems after every three months. These are the clarifications I am seeking now:

Is he aware that there will be no graduation in Maseno University next year if the calendar that has been brought out is the one to be followed? Is he also aware that the Vice-Chancellor with a senior Minister are running an Information Technology (IT) business within the University and that is what is causing tension among the students because they do not have facilities while the ones existing are rented out to outsiders? Is he also aware---

Mr. Deputy Speaker: Order, Mr. Munya! I asked for clarifications and now you have asked more than two questions. The question you are asking now is the third one although I had allowed you to ask only two questions.

Dr. Godana: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member said that part of the problem at Maseno University is that a senior Minister is running IT business on the campus. Could he name him?

Mr. Deputy Speaker: Very well. That is a very valid point of order. Mr. Munya, the correctness of the statement you made in this House is your own responsibility. Now tell us!

Mr. Munya: Mr. Deputy Speaker, Sir, there are certain courses which students are made to take from a private IT business within the university and this is public knowledge!

(Loud consultations)

Mr. Deputy Speaker: Order, Mr. Munya! Do not underrate the intelligence of hon. Members in this House. What you said was heard. If you have no facts, then, withdraw your remarks.

Mr. Munya: Mr. Deputy Speaker, Sir, it is Mr. Tuju.

(Applause)

The Assistant Minister for Education, Science and Technology (Dr.Mwiria): Mr. Deputy Speaker, Sir, while talking about the problems at the university, I could not have avoided talking about governance. When I spoke about the senate jointly meeting with the council, that was about governance. However, there have been many complaints, through rumours, against the Vice-Chancellor, but it is not the duty of the Ministry to ignore the deliberations and discussions reached at by the council and the senate especially when we want to give universities some kind of autonomy. This is not to say, though, if there are any irregularities at Maseno university they will not be investigated. I would appreciate greatly if Mr. Munya would give us evidence that hon. Tuju and

Prof. Fredrick Onyango are doing some business within the university campus. We do not have that information and I can assure this House that we shall investigate, but Mr. Munya should be the very first one to give us evidence so that we can start from there.

Mr. Owidi: Mr. Deputy Speaker, Sir, the problem at Maseno University is not that the students are supporting the lecturers. First, there is a mass exodus of lecturers from the university and they have been replaced by mere tutorial fellows, and students cannot accept that. Secondly, lecture halls are not enough for the students, yet there are many stalled projects. The university went ahead and bought a hotel in Kisumu City for Kshs50 million, instead of completing the stalled projects. This is not fair. This is part of the corruption that is going on there, that some of the lecturers do not agree with.

Mr. Deputy Speaker: Mr. Owidi, I wish you could seek a clarification.

Mr. Owidi: Mr. Deputy Speaker, Sir, could the Assistant Minister clarify on that issue?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, we are aware that a number of lecturers and professors have left Maseno University for jobs elsewhere, where they are paid better, and especially, the Western University College of Agriculture and Technology (WEUCO). Some of them have complained that they have left because they are not happy with the administration, but we know that many of those who have left have done so because they have found better jobs somewhere else.

On the issue of accommodation, I pointed out that the Ministry has approved the acquisition of Bondo Teachers College to ease the congestion within the current facility. On the allegation that the university has bought a hotel at Kisumu City, if this is true, why can the hon. Member not provide us with the evidence, so that we can send the Anti-Corruption Police Unit to the university?

Mr. Sungu: Mr. Deputy Speaker, Sir, the Assistant Minister should not deny what is obviously a fact. It is a fact that Maseno University bought Hotel Royale in Kisumu City for Kshs50 million and, currently, it is involved in renovating it for another Kshs20 million. That is being done when there are no lecture theatres and equipment in Maseno University. That is public knowledge.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, let me make it very clear that I have no business at all, to support the continued stay of Prof. Fred Onyango at Maseno University if he is guilty. All I am saying is that we should have evidence, like we had against Prof. Eshiwani of Kenyatta University, and sent the Anti-Corruption Police Unit there to investigate. I have heard rumours about the acquisition of Hotel Royale, but it is up to the university community, especially the lecturers, to prove this accusation, for us to bring in the Anti-Corruption Police Unit to investigate the Vice-Chancellor and the administration.

Mr. Deputy Speaker: Order, hon. Members! Yesterday, there was a similar matter in the House. I remember the Chair ruling that a Ministerial Statement cannot take as much time as this one has taken. Obviously, the Chair knows the importance of this matter, and that is why I have allowed so much time to be spent and we cannot go on and on. There are other avenues of pursuing such matters. You can pursue the issue if you want to go on with it. I have to stop that matter there.

POINTS OF ORDER

HEALTH STATUS OF THE VICE-PRESIDENT

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. I stand to ask for a Ministerial Statement from the Minister for Health, on the health status of the Vice-President and Minister for National Reconstruction. The health of the Vice-President, like that of the President, is a matter of national interest. So far, we have not had any official Statement from the Government on the health status of our Vice-President, who is also the Leader of Government Business in this House. We are also hearing that there will be a delegation of Parliamentarians going to London. We want to know whether this delegation is official or private. We also want to know when our Vice-President will be

coming home.

Mr. Deputy Speaker: I believe someone should be taking brief for the Minister for Health. Who is doing that?

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I have taken serious brief on that particular issue.

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Four weeks ago, I stood here on a point of order to ask for a Ministerial Statement from the Minister for Local Government on the issue of a councillor in Kilifi County Council. Last week, the Minister promised this House that he would make that Statement yesterday. He was not here yesterday to make that statement, and I do not see anybody from the Ministry here today. I would like your guidance.

Mr. Deputy Speaker: I have looked at the HANSARD of 16th July, 2003 regarding the matter Mr. Khamisi has raised. Indeed, this matter has gone on for a long time. It actually came up three weeks ago. I was on the Chair last Wednesday and I said that I wanted a specific date when this Ministerial Statement was going to be issued. Mrs. Tett, who is an Assistant Minister for Local Government said: "Mr. Deputy Speaker, Sir, we will issue it on Tuesday, next week". That was yesterday. This is a very serious matter and I want to say that the Ministry of Local Government seems to be taking the business of this House very lightly. This is not the first time that the Chair has continued to ask the Minister to come and issue a Ministerial Statement on a matter.

Therefore, the Chair now orders that this Statement shall be issued tomorrow without fail. So, someone must go and tell the Minister for Local Government that we want a Ministerial Statement on this matter tomorrow in the afternoon.

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I undertake to do that.

BREACH OF PROTOCOL

Mr. Salat: Mr. Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Ministry of Health, as to why there was a breach of protocol in allowing a non-Ministry official to read an official speech on behalf of the Minister, during the official launch of the Society for International Development Journal on 12th July, 2003.

Mr. Deputy Speaker: Mr. Salat, could you elaborate for the House? We do not understand what you mean.

Mr. Salat: Mr. Deputy Speaker, Sir, I would elaborate by saying that an hon. Member who is not a Member of the Cabinet was allowed to read a speech on behalf of the Minister for Health, yet we have Assistant Ministers, Permanent Secretaries, Deputy Secretaries and a Director of Medical Services in the Ministry. We are wondering whether we have a "Shadow Minister" within the Ministry of Health.

Mr. Deputy Speaker: Again, Mr. Minister for Agriculture, take the brief.

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I will do so.

UPSURGE OF INSECURITY COUNTRYWIDE

M'Mukindia: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement regarding the unprecedented increase of crime and insecurity in the country in the recent weeks. There has been a major increase in carjackings, burglaries, bandit attacks, cattle rustling, muggings and shootings throughout the country in the last six weeks. This has occurred in Nairobi, Kisii, Turkana, Moyale and virtually everywhere.

Could the Minister make an urgent Statement to this House, telling us what has caused this upsurge in crime and what specific and urgent actions he is taking to ensure that security is restored in this country?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, I will

give the response on Tuesday, next week.

Mr. Deputy Speaker: Very well, Dr. Khalwale!

NEGATIVE MEDIA PUBLICITY

Dr. Khalwale: Mr. Deputy Speaker, Sir, although Mr. Khamasi has raised a point of order that might look like mine, there is no mischief. I wanted to raise a point of order demanding a Ministerial Statement from the Office of the President in view of the negative publicity that has been going on in this country perpetuated by the *KISS 100 FM*, the *East African Standard* of 20th July, 2003 and the *Gutter Press*. The matter rests on the credibility of the Vice-President of the Republic of Kenya. In April, 2003, *KISS 100 FM* ran a "call in" programme which they called, "mini-skirt". As a result of that programme, there were riots in Eldoret Town. Women in mini-skirts were stripped naked by youth in that town. This was attributed to the Vice-President.

Mr. Deputy Speaker, Sir, secondly, two weeks ago, there was speculation which suggested that the Vice-President was not alive. It is the *Daily Nation* which took the trouble to communicate with the Vice-President so that he could address the nation from Europe, while the Government was quiet.

Mr. Deputy Speaker, Sir, on Monday, 21st July, 2003, *KISS 100 FM* also ran a "call in" programme, where they were asking listeners to suggest whether they thought the Vice-President was still fit to run that office. I am, therefore, demanding for a Ministerial Statement from the Office of the President because these events are suggesting a trend. There are forces behind this campaign to smear and slander the Vice-President. He is not the first public leader to be indisposed. Such things were not done when Mr. Parpai was in hospital. This was also not done when His Excellency the President, hon. Mwai Kibaki, was indisposed.

Mr. Deputy Speaker, I am demanding for this Ministerial Statement with a lot of pain. I would like to say, whether in health or in sickness, Mr. Michael Kijana Wamalwa is our Vice-President.

Mr. Osundwa: Mr. Deputy Speaker, Sir, on a point of order.

Mr. Deputy Speaker: Mr. Osundwa, did you inform the Chair of any Ministerial Statement? What is it?

AWARD OF TREASURY PSI TENDER

Mr. Osundwa: Mr. Deputy Speaker, Sir, last week, the Chair ordered the Minister for Finance to lay documents here to prove a case about irregular awarding of PreShipment Inspection services tenders by himself and other Treasury senior staff.

Mr. Deputy Speaker, Sir, you ordered that the Minister should bring those papers here on Tuesday. I have looked at the Order Paper, but there is nothing with regard to that matter. The same Treasury officials have paid a contractor Kshs50 million, according to yesterday's *Kenya Times*. This is not *Gutter Press*. I salute the journalist in *Kenya Times*. If Treasury is going to abet corruption with a bundle like this, I do now know where we are leading to. The Chair ordered the Minister to bring documents, but he has not done so. I saw him here and he never bothered to lay anything on this Table.

Mr. Deputy Speaker, Sir, I am seeking your guidance on this matter.

Mr. Deputy Speaker: Mr. Osundwa, first of all, I would like to correct you. I did not order the Minister to bring the documents here. What the Chair directed is that the pleadings to be presented to the Chair, not necessarily here, to be able to determine whether the matter was *sub-judice* or not. You will appreciate that if the pleadings are laid on the Table here, the Chair cannot know whether they are relevant or not. So, the issue was for the Minister to give these pleadings to the Chair, preferably in the Chambers, to be able to determine whether the matter was *sub-judice* or not. Be that

as it may, that has not been done as of now, as far as I am aware. Therefore, the Chair will want to follow up with Minister immediately after this, to find out what happened.

Mr. Osundwa: Mr. Deputy Speaker, Sir, do you also order me to bring the evidence to the Chambers? I also have evidence to counter the Minister's evidence.

Mr. Deputy Speaker: Order, Mr. Osundwa! I think this is a matter of what the Chair ordered and what it did not. I have stated what I ordered and that will be confirmed by the HANSARD.

DEMOLITION OF KIOSKS IN NAIROBI

Mr. Ndolo: Mr. Deputy Speaker, Sir, I stand on a point of order to demand a Ministerial Statement from the Minister for Local Government on the current demolition of kiosks in Nairobi. I would like to ask him to inform this House if compensation will be paid to the owners of those kiosks. Most people who own kiosks in Nairobi are very poor and they need protection. I would like the Minister to also tell us where the Ministry will relocate them so that they can continue with their businesses.

Mr. Deputy Speaker: Very well. Mr. Minister, you are going to be overloaded with briefs. Could you, please, take that brief?

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I have the capacity to take in all the briefs.

(Laughter)

Mr. Deputy Speaker: Very well, last point, Mr. Ndambuki!

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I would like to comment also on that issue of the kiosks. As we are all aware, this is a very serious issue. We need a Ministerial Statement immediately because these people are suffering. They were not given any notice to move from those areas. They only woke up to find their goods destroyed. The Government doing these things assured Kenyans of creating 500,000 job opportunities per year. Could the Ministerial Statement be issued this afternoon?

Mr. Deputy Speaker: I think this afternoon will be too soon. I believe tomorrow afternoon will be reasonable.

Next Order!

MOTIONS

REVIEW OF THE BANKING ACT

THAT, being aware that all the key banks concentrate their activities and services within the major urban centres while most of Kenya's population lives in rural areas; further aware that our rural population do not have access to affordable credit to finance their formal and informal economic activities; this House urges the Government to review all the Banking Laws with a view to facilitating financial institutions, SACCOs, and micro-finance banks, operate effectively in the rural areas.

(Mr. M'Mukindia on 16.7.2003)

*(Resumption of Debate interrupted
on 16.7.2003)*

Mr. Deputy Speaker: Mr. Kagwima, you were on the Floor. You have three minutes to make your contribution.

Mr. Kagwima: Mr. Deputy Speaker, Sir, I beg your pardon. I was told I will have seven minutes to make my contribution.

Mr. Deputy Speaker: You may proceed. You will have seven minutes.

Mr. Kagwima: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to continue from where I left. I read in the newspapers and heard over the electronic media the argument between the Ministry of Finance and the Kenya Bankers Association. The banks fear that the Ministry might introduce controls on interest rates. The Minister does not need to worry about the control of the interest rates. If only the Ministry can implement this Motion, that will take care of the interest rates. If people have access to credit from other financial organisations, they will not bother going to those other banks. Since business people need to borrow money to run their businesses, this Motion will ensure that money is lent to business people at cheaper interest rates.

Mr. Deputy Speaker, Sir, I am happy to note that a number of banks are now announcing that they intend to reduce interest rates. This morning, I read in the *Daily Nation*, that the famous Barclays Bank has announced that they will reduce their lending interest rate to 11.75 per cent. I hope they are serious.

An hon. Member: When will they implement those new rates?

Mr. Kagwima: Mr. Deputy Speaker, Sir, they will implement this from 1st August, 2003. This is what I read from the *Daily Nation* today. I hope they are being honest to us so that they do not mislead people. Last week, they were talking of 24 per cent. So, I do not know what miracle will have happened for them to come down to 11.75 per cent.

[Mr. Deputy Speaker left the Chair]

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

This Motion should ensure that financial institutions can lend money to Kenyans. I am saying that organisations like the Kenya Planters Co-operative Union (KPCU), Kenya Farmers Association (KFA), and the Agricultural Finance Corporation (AFC), should be financed and be assisted by the Government to acquire credit. This would enable them avail the money to the farmers, and rescue them from being exploited by the multinational banks that have for many years been exploiting our people.

I am also urging the Finance Ministry to ensure that adequate money is allocated to the Ministry of Co-operative Development, so that the Ministry can assist the co-operative movement in the country. The co-operative movement would empower our people in the rural areas and assist them to have easy and affordable credit. All this will go towards taming our banks. In the last 10 years, our people have lost property and businesses to banks of like the Kenya Commercial Bank, the Standard Chartered Bank, and others. I request that once this Motion goes through, the Ministry of Finance should quickly prepare a Bill, bring it to this House, so that we can enact it and ensure that Kenyans go about their businesses more comfortably than they have been doing. The economy has continued to perform very poorly over the years. However, at every end of their calendar year, our banks continue to announce major profits. One bank last year announced profits of about Kshs4 billion; another one, Kshs3 billion and another one Kshs2 billion. If these banks were doing genuine business, how would they be making these profits when Kenyans are continuing to suffer because of the poor economy? That means that the business the banks have been doing is to exploit our business people.

If the Government was to create 500,000 jobs per year, we should have many players and many people doing business. As His Excellency the President said the other day, the Government is

targeting the private sector to create the jobs. The private sector will create jobs if those involved in it have enough money to expand their businesses. They are not going to be able to operate if they are paying 24-30 per cent interest rates. I would like to strongly support this Motion though I do not think that the Ministry of Finance is represented here. I would like to ask the Minister for Finance to prepare a Bill and bring it to this House after the approval of the Motion, so that we can adopt it and ensure that we have money available to our business community.

The Government is trying to encourage the private sector to play the role of ensuring that the economy is turned around. This will not happen unless we ensure that credit facilities are extended to institutions that fall under the private sector. Having said that, I would also like to talk about areas that do not have co-operative movements, for example, Tharaka District. I want the Ministry of Co-operative Development to move fast and ensure that we have a co-operative movement and ensure that the farmers in that area have access to credit facilities. In the entire district there is no single bank.

With those few remarks, I would like to support and urge the Minister to bring that Bill to this House.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kagwe, I would like to inform you that you only have three minutes.

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, even though I have three minutes, I would like to support this Motion and say that for us to have proper national financial management, rural financing is a necessity.

Majority of our people live in those areas and unless we support them at that point, financial lending will be concentrated in the urban areas because that is where it is easier to carry it out diligently. As you know, there is an "underground economy" which was created by corruption. The corruption multiplied and the real economy is currently dead. Therefore, there is very little activity that is happening in Kenya as far as the economy is concerned. If we had rural banks and SACCOs that work efficiently in the rural areas, we would have more money in circulation.

At the moment, there is very little money circulating in this country. I propose that the National Bank of Kenya, and the Kenya Commercial Bank, be allowed to lend money. This money can be taken out from the Central Bank liquidity ratio for financing micro-finance institutions in the rural areas. I am saying this because it is one thing to talk about creating the micro-finance institutions, and quite another to effectively have them in the rural areas. Even if they are there, it is another issue for them to have affordable credit. For them to have affordable credit, I propose that part of the money that goes to form the liquidity ratio of these banks goes to finance micro-finance institutions in the rural areas. That is the only way that those micro-finance institutions will be able to lend money at an affordable rate. I propose not less than 5 per cent.

The capital required for the formation of macro-finance institutions must also be reviewed. I propose that micro-finance institutions based in the rural areas be floated at not more than Kshs200,000, and not the Kshs250 million for ordinary banks. Kshs250,000 is enough to start a small micro-finance institution that lends *Jua Kali* people amounts of Ksh18,000, Kshs20,000 or Kshs50,000. This is because the micro-finance institutions will also be forming small training facilities.

Mr. Temporary Deputy Speaker, Sir, thank you. I would have said more if time allowed. I wish to support.

Mr. Temporary Deputy Speaker (Mr. Ethuro): I now call upon the Mover to reply.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, with your permission, we can continue.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion, and say very briefly that the only way to stop rural urban migration is to ensure that we economically empower our people in the rural areas.

We are aware that the Government has a strategy for poverty eradication. The way to go about that will be to target where the poverty is. Poverty in this country has basically affected the rural areas where we have no facilities.

There is no equality on the contract between a borrower and a lender. Banks as institutions dictate the terms. There is no freedom of contract whatsoever. It is, therefore, important that we have necessary legislation to ensure that the banking sector is controlled. If you go to other places in the world particularly in Europe, the difference between the interest on savings and the interest on the lending rates is not more than 3 per cent. We are told that the Barclays Bank is going to lower its lending rates next month to 11.5 per cent, but the interest on savings is still 4 per cent. So, the gap is still very large. It is about 8 per cent. We would like a situation where the gap is bridged to not more than 3 per cent. That is the only way that we shall be able to make reasonable savings and be able to service the loans.

I wish to appeal to the Minister for Lands and Settlement and the one in charge of Justice and Constitutional Affairs, to ensure that the charge documents under the relevant statutes are simplified. A lot of time and money is spent in drawing charges and mortgages. If you look at the registered Land Act, the documents that are being prepared for charging land are very simple. We would like everything else under any other legislation to be simplified and help make credit more affordable, and there will be less costs.

As far as the collaterals are concerned, it is not reasonable to ask for land titles from people who do not own land. We should find alternative ways of ensuring that the people who are coming to borrow become security for each other, the way the micro-finance organisations are lending out to small-scale traders within the industry. If you look at our rural areas, a lot of people have lost their land because the AFC has demanded payment for loans which have not been serviced and the poor peasants have had to part with their land. The interest rates are unreasonably high, and I would like to urge the Minister, as stated in the Budget, to bring them down. I believe we should not leave it to the discretion of the Minister; we should be able to do this through legislation. That is the only way we can guarantee our people that they can borrow without risking their security; the collateral that they have given to the bank.

Mr. Temporary Deputy Speaker, Sir, as far as the SACCOs are concerned, we need a legal framework. There is insufficient legal framework under the Co-operative Societies Act. We need a very specific legal framework to regulate SACCOs. I think most of the workers in this country basically survive from the small loans that they get from the banks.

Mr. M'Mukindia: Mr. Temporary Deputy Speaker, Sir, the object of this Motion among other things is basically to promote banking, savings and economic activities throughout Kenya especially in the rural areas and the poor urban areas. It was not supposed to promote access to affordable credit. I am sure banking is not reserved for the privileged few, but should be accessible to poor people as well. We should promote village banks and other banking systems and create a regulatory framework in which most of our financial institutions can operate effectively in the rural areas. This is nothing new. For example, countries such as Tanzania and Uganda already have this legislation in place, and there are village and township banks. It has taken us a long time to come to this level.

Mr. Temporary Deputy Speaker, Sir, I am grateful to the hon. Members for the overwhelming support they have given to this Motion. Their support translates to their support for *wananchi* and for banking to be taken to the rural areas and the poor urban areas. The support of the hon. Members is also a clear rejection of the colonial system of banking that has existed in this country to this date. There are three or four banks which, with the collusion of the Central Bank, knowingly or unknowingly, have actually impoverished this country over the past 15 years. This is a clear rejection of that type of banking which is controlled by three foreign banks.

I would also like to thank the Minister for Finance for his great support for the Motion and his pledge that he will act as soon as he can in order to bring legislation to this House for debate and enactment by the House.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment on the role of the IMF and the World Bank. Hon. Members are aware that at the beginning of the year, we had a lot of hope that by this time the IMF and the World Bank would have resumed lending to Kenya because things have changed. We have a new Government in place fighting corruption and acting in the right way by listening to *wananchi*. It is very disappointing that now we hear new conditionalities are being put in place to delay the process of approval of World Bank and IMF funding to this country. It is imperative that Kenyans must take their fate in their own hands. We cannot depend on these donors, irrespective of whichever Government takes over this country. If they can treat the NARC Government this way, there is no doubt that these donors want to control us even in the future. Since as we have heard, the Minister for Finance is discussing issues relating to banking with the World Bank and the IMF, I would like to point out to him and the Government as a whole that we must put our own interests first. Kenyan interests must come first. We must put our own homegrown banking system that best reflects the reality of Kenya. We should not depend on bureaucrats from Washington to tell us what to do with our banking system or broadly about our economic system.

Mr. Temporary Deputy Speaker, Sir, it has been disappointing that for many years since Independence, rural areas have been net exporters of capital to the urban areas. For example, for the past years, Meru has been exporting capital to Nairobi and yet Meru is not richer than Nairobi. If you go to other rural areas, you find exactly the same thing. For example, whereas the sugar industry was doing well in Mumias, the people of Mumias were exporting capital to Nairobi. This is not acceptable. The people of Mumias, Meru and Kisumu are poorer than the people of Nairobi and, therefore, there is no reason for them to be exporting capital to Nairobi. The same situation applies to Samburu livestock farmers who bank money in Nairobi after they have sold cattle. There is no bank in Samburu from which a herdsman can access credit to increase his livestock. We must reject this kind of banking system and create a banking system that best caters for our needs. This question of exporting capital must be stopped, and the only way this can be done is by having our own village banks in the rural areas.

Mr. Temporary Deputy Speaker, Sir, we did not enumerate all the laws, but the Motion was general in stating that all banking laws ought to be reviewed and amended as appropriate. If necessary, new ones should be created. Although the insurance law was not specifically mentioned, insurance is part and parcel of the financial sector. Therefore, I would like to urge the Minister for Finance, that in reviewing banking laws, he should not leave out insurance laws. Insurance has got a major effect on the way we save in this country and how we create and use capital. It is really not different from any other banking laws. Other laws such as the hire purchase laws, building societies' laws and many others also fall under this category.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to support what Mr. Kagwe said a few minutes ago, that the capital requirements of micro financing institutions ought to be affordable to our people. There is no point of creating a beautiful banking law and yet the capital required to set up a bank, for example, in Nkubu or Katheri is Kshs100 million. If the capital is very high, that law becomes obsolete. Therefore, I totally agree with hon. Members, that the capital requirement for micro financial institutions that are going to be set up in the rural areas should be in the region of Kshs250,000 or Kshs500,000 so that people can afford to start banks. We must also take account of the fact that most of the people do not have the money to do that.

I beg to move.

(Question put and agreed to)

ASSISTANCE TO VICTIMS OF TRIBAL CLASHES

Mr. Wamwere: Bw. Naibu Spika wa Muda, naomba kutoa Hoja:-

Kwamba, ikieleweka kuwa vita vya kikabila vilisababisha kuporwa kwa mashamba, makazi na mifugo ya Wakenya wengi na sasa wamerundikana kwenye vijiji na vitongoji vya miji wakiwa maskwota na masikini hohehahe nchini mwao; ikikubalika kuwa suluhisho mwafaka ni kuwarudishia haki zao wahiniwa hawa kwa vile dhuluma hizi zilitokana na sera za kikabila zilizoendelezwa na utawala uliopita, Bunge hili linahimiza Serikali iwasaidie Wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali.

Bw. Naibu Spika wa Muda, katika kutoa Hoja hii, naomba Kiti kiniruhusu ninukuu Ripoti ya Tume ya Bunge hili ambayo inajulikana kama Tume ya Kiliku, kuhusu namna vita hivi vilivyo anza na hasara iliyotokana na vita hivyo. Katika ukurasa wa tisa wa Ripoti ya Tume ya Kiliku imeandikwa hivi:

"The Kapkatet rally held on 21st September, 1991, was attended by the following leaders from Rift Valley: Ministers K.N.K. Biwott, John Cheruiyot, Assistant Ministers Kipkalya Kones, Francis Mutwol, Willy Kamuren, William Kikwai, John Terer, Lawi Kiplagat, Christopher Lomada, Peter Nang'ole; and Members of Parliament Ayub Chepkwony, Robert Kipkorir and Samson ole Tuya. It was chaired by Minister Timothy Mibei.

The Members banned advocates of multi-partysm from setting foot in Rift Valley Province and reportedly ordered the late Mr. Masinde Muliro, a founder member of FORD to move out of Trans Nzoia

District. They further condemned Nairobi

leaders for offering safe havens to the Opposition and decided that a Motion be

tabled in Parliament to proscribe the Law Society of Kenya.

Hon. Biwott said that FORD members would be crushed and added that KANU youth wingers and *wananchi* were ready to fight to the last person to protect the Government of President Moi. He said that Kalenjins were not cowards and that they were ready to counter signs to relegate them from leadership. Hon. Mibei instructed *wananchi* in the province to visit beer halls and crush any Government critic and later make reports to the police that they had finished them. Hon. Kamuren said that the Kalenjins were ready to protect the Government using any weapons at their disposal.

Another Member said that FORD members would be crushed to serve as a lesson to other would-be dissidents. On---

Mr. ole Ntimama: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to go on reading the report? He is reading everything. He should only refer to the notes and not read out the whole Report.

Mr. Wamwere: Bw. Naibu Spika wa Muda, niliomba kunukuu nasijamaliza kufanya hivyo. Huwezi kunukuu pasipo ya kusoma. Kwa hivyo nitaendelea:

"Hon. Chepkok urged *wananchi*"

The Temporary Deputy Speaker (Mr. Ethuro): Bw. Wamwere, unasoma Ripoti nzima au unaendelea na Hoja yako?

Mr. Wamwere: I am just coming to the last sentence. It reads as follows:

"Hon. Chepkok urged *wananchi* to arm themselves with *pangas*, *rungus*, bows and arrows to destroy any FORD member on sight."

Bw. Naibu Spika wa Muda, nimenukuu yale ambayo nimeyasoma kudhihirisha ya kwamba huo mkutano ndio ulikua mwanzo wa vita vya kikabila ambavyo vilianza tarehe hiyo. Vita vya kikabila vilianza tarehe hiyo na kuendelea mpaka mwaka wa 2001. Vita hivi vilikuwa na malengo matatu.

Lengo la kwanza lilikuwa ni kuzima siasa za Upinzani nchini, hasa katika Mkoa wa Bonde la Ufa. Lengo la pili lilikuwa kufukuza makabila ya Upinzani kutoka Mkoa wa Bonde la Ufa na baadaye, Mkoa wa Pwani.

Lengo la tatu, na pia limeelezwa katika ripoti ya Tume hiyo ya Kiliku na pia katika ripoti ya Tume ya Akiwumi, lilikuwa kuchukua mashamba, manyumba, kazi na mali ya waliofukuzwa na kupatia watu wa mikoa iliyotajwa. Vita hivi vilivyoenea pahali pengi nchini, vilikuwepo katika Wilaya za Trans Nzoia, Bungoma, Kakamega, Uasin Gishu, Nandi, Kericho, Bomet, Kisii, Nyamira, Narok, Marakwet, Nakuru, Laikipia na Wilaya za Pwani. Vita hivi viliua watu wengi. Kwa jumla viliua watu 4,030. Pamoja na kuua watu, vilikoshesha watu wengi sana ardhi, makao, biashara na kazi zao. Idadi ya watu ambao walikoseshwa makao na vita hivi ni 545,174 na mpaka sasa, watu ambao bado hawana makao wala hawajarudishiwa mashamba yao ni 355,368.

Ninakotoka, katika Jimbo la Uchaguzi la Subukia, tuna watu ambao walikoseshwa makao na vita hivi, kiasi cha 8,230. Watu hao walionyanywa mashamba yao na vita hivi, wamejazana kila pahali, vijijini na mijini kama maskwota na imebidi wengine kuomba pahali pa kujenga vibanda. Wamekua wakimbizi nchini mwao. Tunaelewa ya kwamba waliokufa hawawezi kufufuliwa na kurudishiwa maisha yao. Waliohai wanaweza kurudishiwa mashamba yao na mali waliopoteza. Kama hawakurudishiwa mali yenyewe, wanaweza kulipwa ridhaa. Kwa zaidi ya miaka kumi sasa, jambo hili halijafanyika, ijapokuwa Serikali iliyokuwepo, na Serikali iliyoko sasa zinaendelea kusisitiza umuhimu wa hawa walionyanywa mashamba yao kurudishiwa.

Kuna haki nyingine ambayo inapaswa kufanywa, ijapokua Hoja yangu hailengi kuuliza jambo hilo lifanyike. Haki hiyo ni ya wale walio husika katika mauaji haya kufanyiwa hukumu na kuadhibiwa, wakipatikana na makosa. Ninazungumza juu ya wale ambao walitumwa kuenda kuua wengine na waliopanga vita. Ni matumaini yangu ya kwamba swala hili litajadiliwa kwa kirefu na kipana wakati Tume ya kuchunguza ukweli, maridhiano na haki itakapoanza kufanya kazi. Kabla ya hilo jambo kufanyika, ningomba Serikali iliyoko, ifanye kila jitihada kuona ya kwamba hawa wananchi ambao ni wakimbizi nchini mwao wamerudishiwa mashamba yao na wamepewa nafasi ya kuwa na makao nchini mwao.

Kwa nini nimeleta Hoja hii? Ni sababu zipi ambazo ni lazima zizingatiwe na Wabunge wakati wa kuamua kuunga mkono Hoja hii? Tunakumbuka ya kwamba tume nyingi ziliundwa kwa minajili ya kuchunguza chanzo na hasara za vita na kinachotakiwa kufanywa ili vita hivyo visirudiwe na walioathirika wapewe makao tena. Tume hizo ni kama Tume za Kiliku na Akiwumi ambazo zilitoa mapendekezo ya watu waliohasirika katika vita hivi kupewa mashamba yao na kulipwa ridhaa kwa nyumba zao zilizochoywa lakini mpaka sasa, hakuna chochote kilichofanyika. Kama tutailaumu Serikali ya KANU ya kwamba haikutekeleza mapendekezo haya, basi ni lazima tuihimize Serikali ya NARC kutekeleza mapendekezo haya yote. Wakati chama cha NARC kilikuwa kinafanya kampeni zake nchini za kuomba kura ili kuiunda Serikali badala ya Serikali ya KANU, mojawapo ya mambo ambayo kiliahidi wananchi ni kuhakikisha ya kwamba waliopoteza mashamba yao watarudishiwa.

Bw. Naibu Spika wa Muda, kila Mkenya ana haki ya kumiliki ardhi na ya kuishi pahali popote, kufanya biashara, kuwa na nyumba na kujihisi nyumbani hapa nchini. Hata hivyo, Wakenya wengi walitimuliwa kutoka makao na mashamba yao. Jambo linalobatilisha haki hii ya kila Mkenya kuishi na kumiliki ardhi pahali popote nchini ni lazima likomeshwe mara moja. Ili nchi hii iendelee kuwa nchi moja, haki hii ni lazima ilindwe kwa dhati. Hata hivyo, haiwezi kulindwa kwa dhati kama wananchi waliopoteza mashamba yao hawatarudishiwa. Ni kuyarudisha mashamba haya ambapo tutaweza kujenga Kenya moja ambayo itakuwa ni nyumbani kwa kila Mkenya. Kila Mkenya, awe ni wa kabila la Kikuyu au Kalenjin, ana uhuru wa kuishi na kumiliki ardhi mahali popote nchini kama vile Wilaya ya Kisumu au Kiambu bila kutimuliwa na mtu yeyote.

Bw. Naibu Spika wa Muda, kila Mkenya ana haki ya kufanya siasa za upinzani bila ya kunyang'anywa shamba lake, kuchomewa nyumba na kufukuzwa na polisi au hata kuuawa kwa sababu

hiyo. Labda wale waliochochea vita hivi hawakujua ya kwamba siku moja wangekuwa katika upinzani. Inafaa waelewe ya kwamba tunapopigania haki za wale ambao waliathirika katika vita vilivyopita tunafanya hivyo ili jambo hili lisitokee tena. Waheshimiwa Wabunge wa Upinzani hapa Bungeni wana wajibu mkubwa wa kuunga mkono Hoja hii ili mambo haya yakome mara moja. Hii ni kwa sababu wasipofanya hivyo, watakuwa wakiambia Serikali ya sasa kwamba nayo ina haki ya kuwatimua watu fulani kutoka kwa mashamba yao kwa sababu wako upande wa Upinzani. Kutimuliwa kwao kunawezekana, lakini hatutaki kufikia kiwango hicho. Tunataka kila mhe. Mbunge wa Upinzani ajihisi huru na asiogope kutoa maoni yake. Haifai aogope kuwa atapigwa usiku kwa sababu ya siasa zake za upinzani.

Bw. Naibu Spika Wa Muda, Hoja yangu inaomba waliotimuliwa kutoka mashamba yao wapewe makao kwa sababu hii ilikuwa ni mojawapo ya sababu za wananchi wengi kuunga mkono chama cha NARC. Walipiga kura wakiwa na matumaini ya kwamba wakiitimua Serikali ya KANU kutoka mamlakani, Serikali mpya ya chama cha NARC itawarudishia mashamba yao. Itakuwa ni usaliti kama Serikali ya NARC haitasimamia na kuona ya kwamba watu hao waliotimuliwa wamerudishiwa mashamba na makao yao.

Ni aibu kubwa kwa nchi yetu kuwa na Wakenya ambao ni wakimbizi hapa nchini. Kama nilivyosema, eneo langu la Subukia lina watu wengi ambao walitimuliwa kutoka mashamba na makao yao. Hawa ni wananchi wa Kenya na wengi wao wana shida ya kupata chakula cha kutosha. Kuna wengine ambao hawana uwezo wa kulipa karo ili watoto wao wahitimu katika masomo ya sekondari. Hii ni kwa sababu hawana mapato ya kuwawezesha kulipa karo. Baadhi ya hao wananchi wanapokuwa wagonjwa hawawezi kugharamia matibabu yao. Wengi wao hufa kwa sababu ya ukosefu wa pesa.

Bw. Naibu Spika Wa Muda, kama tunawakubali wakimbizi kutoka nchi za nje na tunawashughulikia, kwa nini hatuwezi kuwashughulikia wakimbizi ambao ni Wakenya halisi? Wakimbizi wa Kenya wanatakiwa wawe wakimbizi nchini Uganda, Ethiopia na nchi za ulaya, lakini sio hapa nchini. Pia kuna haja ya kuhakikisha ya kwamba wakimbizi hawa wamepewa mashamba yao kwa sababu wakati huu wanajulikana kama wavamizi wanapojaribu kurudi katika mashamba yao. Wale ambao waliosalia katika mashamba ya Serikali sasa wanafukuzwa kutoka mashamba hayo. Sasa, waliovamiwa na kufukuzwa kutoka mashamba yao, wanawezaje kuwa wavamizi? Hiki ni kinyume cha haki. Badala ya wao kuitwa wavamizi, wanafaa kupewa mashamba yao. Mtu akiwa katika shamba lake, hawezi kwenda kuvamia shamba la mtu mwingine. Kama Serikali haitawarudishia mashamba yao, basi na ikome kabisa kuwaita wakimbizi au wavamizi. Wasiporudishiwa mashamba yao, basi tutakuwa tumefanya mambo ambayo yanaweza kudhuru nchi hii au mstakabali wa nchi hii katika siku zijazo. Kwa nini nasema hivi? Ni kwa sababu kama watu hawa hawatarudishiwa makao na mashamba yao, basi tunafaa kujiuliza swali hili: Ni nani atakayemiliki mashamba yaliyokuwa ya hawa watu? Kama watu wengine wataruhusiwa kuendelea kumiliki mashamba hayo tutakuwa tunairuhusu Serikali ya sasa kuanzisha vita na kutimua watu na kuwapa watu wengine mashamba hayo. Ili kuhakikisha ya kwamba hakuna mtu ambaye atakwenda kupigana vita vya kunyang'anya mtu mwingine shamba lake ni lazima Serikali hii ihakikishe ya kwamba hakuna mtu yeyote ambaye anamiliki mashamba ya watu wengine. Kuwaruhusu watu hao kuendelea kumiliki hayo mashamba ni kuwapa zawadi ya kufanya maovu, kuanzisha vita na kueneza ukabila. Jambo hili linaweza kusababisha hasara kubwa sana katika siku zijazo.

Isitoshe, tunajua ya kwamba Mheshimiwa Rais amekuwa akiwahimiza wananchi kufanya kazi kwa bidii. Alisema ya kwamba hakuna cha bure. Ili kuiendeleza nchi hii, ni lazima kila mmoja wetu afanye kazi.

Bw. Naibu Spika Wa Muda, kwa hayo machache, naomba kuitoa Hoja hii na ninamsihi mhe. Munya aiunge mkono.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I rise to second this very important

Motion. It is urging the Government to deal with the past. Without dealing with the past, the future becomes very uncertain. If we cannot address the issue of land clashes and other crimes committed against citizens of this country, we cannot assure ourselves that after 10 or 20 years, another bad leadership will not come in place and commit the same crimes against the citizens of this country.

Mr. Temporary Deputy Speaker, Sir, the aim of this Motion is not to seek retribution or punishment for whoever might have committed those crimes. The aim of this Motion is to pave the way for reconciliation. Those people who were displaced from their farms are Kenyan citizens from different tribal backgrounds. There were land clashes in Bungoma District in Western Kenya, Rift Valley, Coast and North Eastern provinces. So, this was a national problem. But this problem teaches us that bad leadership can destroy a country and that we have to build institutions that can guard against dictatorship taking root in our country. It does not matter who takes over leadership as long as there are people who are interested in using power for their personal aggrandisement, or use tribes for negative political reasons, this country will never have a good history. That is why this Motion is urging the Government to look for ways and means of settling those land clashes victims.

Mr. Temporary Deputy Speaker, Sir, Kenya is regarded as a peaceful country which hosts refugees from other countries. If people from other countries come to seek refuge in Kenya, how could we still continue having Kenyans themselves, who are living in Kenya, as refugees? If the NARC Government has to be judged as being different from the previous regime, it has to demonstrate this difference by settling the land clashes victims.

Mr. Temporary Deputy Speaker, Sir, the issue of poverty eradication and unemployment that the NARC Government keeps talking about everywhere could be dealt with if those land clashes victims are settled. One of the basic ways of employing people, especially those in the rural areas, is letting them have access to land. Land is the basic means of employment in an agricultural country like Kenya. As a first step, the NARC Government must settle those land clashes victims. We do not want to be told there is no land. There is land.

The previous Government even degazetted some forests with the aim of settling people. But those people who were in need of land were never settled there. Most of that land was dished out to politically-correct individuals in the previous regime. We need to identify the genuine land clashes victims and settle them on that land.

I know people are uncomfortable and I can see them giggling and fidgeting. But this is a history that we have to all face. Whether people like it or not, there are Kenyans who are suffering because they were displaced from their farms and others were killed. These are facts. These people who seem to be so uncomfortable have to address their emotions to that reality and then start dealing with it. That is a reality they have to face. Until they face that reality, they will never be comfortable. That is why we are saying, as a nation, we also have to face that reality.

We are not asking for anyone to be punished. God will punish them, and some of them are already being punished. We have to learn from history. When we were fighting for Independence, we had other victims. Many victims were in the forests, fighting for the Independence of this country. However, when they came back, there was no one to take care of them. That is why we are having all these problems. Let us not repeat this history. Those people who have suffered the injustice must be compensated and settled so that they can also start earning a living and take their children to school like everyone else. Then, Kenya will have a new history. It is important to guard against a future government also doing what the previous regime did.

Mr. Temporary Deputy Speaker, Sir, the victims of tribal clashes who fought one another had lived together for many years as friends, neighbours and some had even inter-married. It was bad politics to teach them that they were different from other Kenyans. For us to be able to reconcile, live a better life and guarantee a better future for all Kenyans, the Government must address the problem of land clashes. I am not saying that we should punish anyone. I am not a campaigner for hate. I am not

saying that anyone should be judged this way or the other. I am saying that the Government should set aside resources to settle the victims of land clashes. There were claims that some of them were living on water catchment areas. The Government has to seek alternative settlement areas for those people. Kenya is a multi-ethnic society and for us to live together, policies that are geared towards reconciliation and good relationship between different communities could create a better future for this country.

Mr. Temporary Deputy Speaker, Sir, the country also has to deal with war-mongers. We have many war-mongers in this country. We have some even sitting in this Parliament. The Government has to come up with policies to make sure that war-mongers are contained. What we need is a guaranteed future for all the citizens of this country, so that we can live in peace and prosperity.

With those few remarks, I second the Motion.

(Question proposed)

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. Tribal clashes displaced many Kenyans in this country. Most of them came to Nyandarua and they are languishing in poverty. This Motion could not have come at a better time than now.

We all know that the clashes were perpetrated by the governors in the last Government. I say that because every Government has a duty to protect and care for its citizens. The Government was grossly negligent by not protecting its citizens at that time. It is unfortunate that the NARC Government has to carry the burden of compensating victims of tribal clashes now when it was the KANU Government which was negligent in protecting its citizens. Many people died in the tribal clashes. I remember that my uncle left Chapakundi in Kuresoi Constituency with his two wives and many children and came to my house at night. It was a devastating state of affairs.

Mr. Temporary Deputy Speaker, Sir, I would like to say that Kenyans tend to forget very quickly. My father fought for the Independence of this country in 1952, when I was only one year old. The *Mau Mau* heroes have now been forgotten. My father died in a forest while fighting for the Independence of this country, and yet our family was forgotten. We settled in Nyandarua District because we had no piece of land to settle on in Othaya Constituency. I am saying this with a lot of pain. We want to forget the victims of tribal clashes the same way we forgot the *Mau Mau* heroes. These heroes fought for the Independence of this country, but the winner's trophy was given to collaborators by our colonial masters. I urge this Government to compensate the victims of tribal clashes experienced in Rift Valley and Coast Provinces and other parts of the country.

Mr. Temporary Deputy Speaker, Sir, as you are aware, Ndaragwa Constituency borders Laikipia West Constituency. Tribal clashes were also perpetrated in that constituency and their impact was felt throughout Laikipia District. It is very frustrating that some people in this country still own large pieces of land when others do not have even an inch of land. Some people are languishing on the road reserves and we are now saying that we will demolish the kiosks they have put up there. It is a shame that we are now saying that anybody who runs a small business on a road reserve must go. Where do we expect these people to go?

(Applause)

This is not fair. The circular issued by the Ministry of Roads, Public Works and Housing, and which is now being circulated all over the country, should be withdrawn. The Ministry of Local Government should wake up and protect the poor people of this country.

We know that every Kenyan has a right to live wherever he or she wants. We do not want to hear again, as we heard sometime back, that a title deed is just a mere piece of paper. I am an expert

on the issuance of title deeds. I would like to say that a title deed is a sacred document which nobody can take away from you unless you obtained it through fraud or mis-representation. The victims of tribal clashes had title deeds to the pieces of land they were chased from. They have now locked up those title deeds in their boxes as mere pieces of papers. If the Government cannot facilitate the resettlement of victims of tribal clashes on their farms, then it should look for land elsewhere and resettle them. It is as simple as that. The Government should buy land to resettle the victims of tribal clashes. Tribal clashes were a disaster in this country. If the Government has been assisting victims of other national disasters, then it should also look into the plight of tribal clashes victims. How many people died in the tribal clashes? Have we forgotten? Has this House forgotten that many people died in the tribal clashes, and yet nobody takes care of their families? Why do we want to protect people who can protect themselves?

Mr. Temporary Deputy Speakers, Sir, I would like to say that if we do not want a repeat of the tribal clashes we should demystify possession of guns. Let possession of guns not be the preserve of prominent people. Vulnerable people should be given guns to protect themselves. I am sure that if the tribal clashes victims had firearms, they would not have been tormented the way they were tormented. I would like to propose that the Office of the President demystifies possession of guns. The Government should issue licences to people who want guns so that they can protect themselves. People want guns to protect themselves.

I say that because my constituency neighbours Laikipia, where insecurity is a big problem. As we know, this country's Constitution protects private property. It does not matter where the property is located. Section 75 of the Constitution says that you cannot be removed from your private property, unless you are fully compensated to the full. It is not enough for us to walk away from the problem. We should protect those vulnerable people who were mistreated.

The issue of political utterances that were rampant before the clashes must be treated with severity. I know that we are politicians and when we talk, sometimes we have to ask God to help us not to betray our people. I want to call upon all politicians in this country to ensure that whenever they utter anything, it should not be something to incite people to fight against each other. Last time, we were very surprised when we heard some politicians saying: "If this and that happens, we are going to do this to the others!" Threats cannot run this country! Let us stay together and have a Kenya that Kenyatta left; a Kenya that we liberated from the colonial masters. This country is not ours! It is for our children! We want them to live in a better Kenya than we have today.

I want to make a humble request to my colleagues. Let us be very careful when we talk because utterances can cause havoc. For those who are christians, if you read the Book of James, Chapter Three, it says that a tongue is a very small part of the body, but can burn the whole world. Therefore, let us take care of our tongues. If we had tamed our tongues, no tribal clashes would have occurred. Why should I not own a farm in Chepakundi? Fortunately, I wanted to buy five acres there, but I did not buy. The Member of Parliament for Kuresoi is a good friend of mine but, until he resettles my uncle in Chepakundi, we are yet to reconcile.

With those few remarks, I beg to support.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I rise to contribute to this Motion. I would have supported the Motion had the Mover not introduced unrelated matters into it. But the Motion as it is, is not appropriate. It should have read:-

THAT, this House, urges the Government to assist the victims to resettle in their lands and their own properties.

That is precisely what the Government has been doing. To that extent, it is superfluous. But when he introduces extraneous---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members!

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead the House that the Motion does not include what he has proposed, while it is doing so? Probably, he does not understand it because he lacks the knowledge of Kiswahili!

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I am on record for having passed Kiswahili very well. I have also been exempted from the Kiswahili examination that is administered to Members of Parliament. I passed the subject very well. I am very clear about this Motion. The last part, is relevant and I support it. This is where it reads:-

"Bunge hili linahimiza serikali iwasaidie - that to me means that the Motion urges this Government to assist - Wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali."

That is absolutely correct. I would have supported that had the Motion ended there.

But prior to that, he introduced some extraneous issues, bordering on malice and he is drawing some people's names into the problem. If the hon. Member is genuine about his allegation that our rallies are the ones which sparked off the tribal clashes, he should have been a good citizen and offered evidence at the Akiwumi Commission of Inquiry into the Tribal Clashes. He should have assisted the Government and the United Nations Development Programme officials who went round to establish who the victims of the clashes were, so that they could be compensated.

Mr. Temporary Deputy Speaker, sir, this country has a Constitution which respects civil rights. It observes civil rights. Indeed, I am one of those people who support civil and human rights to the letter. Because the Mover has introduced this other element without being co-operative at all, he has let himself down. He has cooked his meal and added into it the wrong components. The food is salty and, therefore, it cannot be eaten. That is the biggest problem with this Motion.

Otherwise, the good Government that ran this country for 24 years in peace, had already undertaken the programme of trying to identify the victims of tribal clashes, re-settling and even compensating them. Needless to say, there was also an error in that exercise in that members of the Kalenjin community were not properly catered for although they also suffered immensely in the clashes. So, I hope that as the Office of the President continues with the scheme--

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to mislead this House that some people were named erroneously when, in fact, I have a copy of the Kiliku Report here, which names Mr. Biwott as having said: "Ford Members should be crashed"? He added that KANU and *wananchi* were ready to fight to the last person to protect the Government of President Moi. He said that the Kalenjin were not cowards, and that they were ready to counter attempts to relegate them from leadership. This is a Report by a Committee formed by this House.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I am glad that the hon. Member has taken the liberty to quote statements which were expunged from the record of this House, because they were malicious. He should go back to the record of the HANSARD--

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Biwott! Mr. Sungu, that Report was not actually adopted by this House. So, it is not authoritative.

Continue, Mr. Biwott.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, hon. Members should not make reference to issues on which they do not have first hand knowledge. They should let those who have first hand knowledge speak about them.

Mr. Temporary Deputy Speaker, Sir, I now want to speak about the *ziaras* during which the said rallies took place. I would like to confirm to the House that, indeed, the said rallies took place. They took place after KANU had conducted a review to see how it could revitalise itself and promote democracy. Some Members of the committee that undertook the review exercise are, in fact, senior people in the current Government.

We merely held the rallies to publicise the recommendations of that committee. It was actually an exercise aimed at promoting democracy and creating political room, so that people could participate fully in the management of their own country. For instance, we scrapped from the party's constitution, the provision for expulsion of party members for whatever reason. The rallies did not take place when we were at Kapkatet, which the Mover has singled out. We started having the rallies in Kapsabet, from where we proceeded to Kapkatet, Narok, Machakos and concluded the drive in Mombasa. That was after the Saba Saba rallies that were being conducted by the Opposition during that time.

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

The Temporary Deputy Speaker (Mr. Ethuro): What is it?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to tell us what happened once upon a time?

Hon. Members: Yes!

The Temporary Deputy Speaker (Mr. Ethuro): Order! Let him finish.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, the hon. Member should just confine himself to the Motion.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I am quite sure that the hon. Member has just woken up.

(Laughter)

That is why he is jeering at us and wasting my time.

The Motion talks about Kapkatet rallies, but only one rally was held there. I am taking the liberty to inform this House that there was not one KANU rally but many rallies all over this country. These rallies were used to explain how KANU was going to improve its own image and serve the country. They had nothing to do whatsoever with the clashes. It is pointless for somebody to try and drag people's names into this debate. I am told that earlier on, the Mover of this Motion even dragged my name into this debate. Those names cannot be connected to the tribal clashes. The hon. Member would have been most useful to our society during the Akiwumi Commission.

Let me now speak on the positive side. I support entirely the need to ensure that the rights of the people are restored. This means that anybody with a title deed - I am really pleased that for the first time the other side now seems to be respecting title deeds - should be given his land.

(Applause)

If he does not have one and can establish the right to his land, he must be given the land. Where there is need for compensation, the Government should look into the matter and pay compensation. It should compensate people without discrimination, or complicating things by introducing extraneous issues which do not have any relevance. Moreover, if people have sold land they should honour their obligations or their sale agreements. There are also some people who exchanged land for other assets. What happened should be established so that proper rights are determined. This is because in this country we have a Constitution that we must respect and stand by at all costs. We have human and civil rights, which must be observed and must not be allowed to be tampered with whatsoever. We also have title deeds, which we must respect.

With these few remarks, and because of what I have said before, I beg to oppose.

Mr. Ndile: Ahsante sana, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii. Ninaanza kwa kusema kuwa ninaunga mkono Hoja hii. Kama kuna Hoja ya maana katika Bunge hili kwa sasa, ni hii. Hii ni kwa sababu ukienda sehemu nyingi nchini utakuta kuwa watu wetu wanaishi kama watumwa kwa sababu hawana mashamba. Utapata pia katika sehemu nyingine nchini kwamba watu wengi wana mashamba makubwa ambayo hawayatumii kufanyia chochote.

Mwenzangu amezungumzia vita vya kikabila. Watu wengine hawakujua kwamba vita hivyo, ambavyo vilisababisha watu kukosa mashamba, havikuwa tu katika Bonde la Ufa na Mombasa pekee, bali hata Ukambani vilikuwako. Lakini kwa sababu hatukuwa na majirani wa kupiganishwa nao, mashamba yetu yalichukuliwa na kupewa wanyama. Mwaka wa 1997, wakati Wakamba wa Kibwezi walipokipigia kura chama cha DP, Serikali ya KANU iliamua kuwa ingewafunza adabu. Njia iliyotumiwa kuwafunza Wakamba wa Kibwezi adabu ni kuchukua mashamba yao na kuyapa wanyama kama vile fisi. Sisi kama viongozi wa Kenya ni lazima tutafute suluhisho kwa tatizo la mashamba.

Mr. Poghiso: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Member on the Floor misleading this House that the Government allocated land to hyenas. How does that happen?

Mr. Ndile: Ni kweli kwamba mashamba yetu yalichukuliwa, yakachomwa na yakapewa wanyama. Fisi ni mnyama pia! Kwa hivyo, ningependa kusema kwamba shamba ni muhimu, na ni lazima Bunge hili litafute suluhisho. Shamba ni uhai, maji na kila kitu. Mimi mwenyewe nimekuwa katika harakati za kujaribu kupigania watu ili warudishwe kwenye mashamba yao, lakini uwezo wangu ni mdogo. Ninakumbuka nikikutana na Rais mstaafu Moi katika mazishi ya aliyekuwa Mbunge, Prof. Sumbi na nikamweleza wazi kwamba kulikuwa na shida ya mashamba. Na alifanya---

(Loud consultations)

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for these five gentlemen to disturb the Member when he is contributing? Can they shut up and stop heckling in the House?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! Let us respect every Member who is contributing.

Mr. Ndile: Asante sana, Bw. Naibu Spika wa Muda kwa kunitetea. Wakati mwingine ninafikiria kwamba Wabunge wengine hawakuchaguliwa kuja kuwatetea wananchi wao, bali watu fulani.

Bw. Naibu Spika wa Muda, mnamo mwaka wa 1998, nilikutana na Rais katika mazishi ya Prof. Paul Sumbi na nikamweleza shida tuliokuwa nayo ya mashamba katika sehemu yetu. Baada ya mkutano huo, nilishikwa, nikawekwa ndani na kushtakiwa. Kutoka mwaka wa 1998 nilikuwa na kesi tisa kwa sababu ya kusema watu wetu warudishiwe mashamba yao. Kwa hivyo, yale ninayosema ni kwamba---

(Loud consultations)

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas our colleagues in the Opposition claim to be consulting, they are too loud and we cannot follow the proceedings from the Floor. Is it in order for them to continue that way?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! If you do not understand, then try to listen even more. So, let us respect other hon. Members.

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

The Temporary Deputy Speaker (Mr. Ethuro): Overruled!

Mr. Ndile: Asante sana, Bw. Naibu Spika wa Muda kwa kunisaidia. Kama hawataki kusikia ni afadhali wanyamaze ili Wabunge wengine wasikize ninayoyasema.

Wakati Mungu alipomuumba binadamu, alimpa shamba na akamwambia kuwa ana uwezo wa kulitumia vyema. Alimwambia kuwa ana uwezo kuliko viumbe vyote vya ulimwengu. Kwa hivyo, Mungu aliona kuwa hawezi kumuumba binadamu bila kumpatia shamba, na ndiyo sababu siku ya kwanza alimpa binadamu shamba. Hilo ni jambo muhimu sana linalofaa kuangaliwa, hasa upande wa Ukambani ambako tumepata shida nyingi karibu miaka sita iliyopita.

Mr. Poghiso: On a point of order, Mr. Temporary Deputy Speaker, Sir. Our Standing Orders

also allow for relevancies when contributing to debates. As I look at this Motion and listen to what the Member on the Floor is saying, is the Chair satisfied that he is clearly relevant to this Motion?

The Temporary Deputy Speaker (Mr. Ethuro): The Chair is satisfied that he is relevant because he is talking about *mashamba* and the Motion is addressing the issue of *mashamba*!

(Applause)

Mr. Ndile: Bw. Naibu Spika wa Muda, tunapochangia Hoja hii, ni lazima tuichunguze sana ili tuweze kujua vile mambo yalivyoendelea. Kwa hivyo, mimi nasema kwamba mashamba yetu ambayoyalipewa wanyama kama ndovu, yarudishiwe watu. Pia ni lazima tufanye juhudi hawa watu waishi vizuri kama binadamu kwa sababu mtu bila shamba si binadamu tena. Hata kama tunapenda wanyama--- Kwa mfano, ninajua kwamba kuna Wabunge hapa ambao wanapenda mambo ya wanyama sana. Kwa hivyo, ni vizuri pengine tupendekeze kwamba kila wilaya ipewe nafasi ya kuchunga wanyama wa pori. Hii ni kwa sababu hatuwezi kukubali sehemu kama Ukambani itengwe iwe pori la wanyama na watu wetu wakose mahali pa kulima. Kuna njaa Ukambani sio eti kwa sababu hatuwezi kulima ama hatuna mvua. Kuna njaa kwa sababu hatuna mashamba.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Ndile, although the Chair has supported you, you have now become too repetitive.

Mr. Ndile: Bw. Naibu Spika wa Muda, kwa hivyo, naunga mkono Hoja hii.

Mr. Moroto: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa hii nafasi ili nipate kuchangia Hoja hii. Nasimama kupinga Hoja hii. Naona kwamba hii ni njia nyingine ya kuamsha mambo ambayo Wakenya walikuwa wamesahau. Wakati watu wanapozungumza juu ya vita vya kikabila, ni lazima ujulize ni kitu gani kilichosababisha vita hiyo. Wakati Mungu alitupatia nafasi kuishi katika Kenya, utapata kwamba kila mtu alipewa sehemu yake ya kuishi lakini sehemu fulani ndizo zilivutia watu wengi sana na kuna sababu ambazo zilifanya jambo hilo lifanyike. Nitaeleza zaidi sasa.

Bw. Naibu Spika wa Muda, wakati wa ukoloni kuna sehemu ambamo Wazungu walinyakua mashamba na wenye mashamba hayo wakahamishwa kutoka mashamba yao. Baada ya Wazungu kuondoka, baada ya sisi kupigania Uhuru wetu, badala ya wale watu kurudishiwa mashamba yao, watu wengine walileta watu wao na wakaishi hapo kwa sababu waliona kwamba wale wenye mashamba hayo wako na unyonge mkubwa sana. Kama vile mhe. Mbunge mmoja alivyosema hapa, kulingana na Bibilia, Wayahudi walikaa wakingoja haki zao lakini ulifika wakati Mungu aliwaambia kwamba atawapigania mpaka warudi katika nchi yao. Kwa hivyo, sisi wengine tunasema kwamba Mungu alikuwa na sababu ndio akayaleta mambo ya vita vya kikabila ili watu wengine waondoke na wengine wapate mashamba yao.

Bw. Naibu Spika wa Muda, Wakenya wameishi katika Wilaya ya Trans Nzoia kwa miaka mingi sana. Sisi Wapokot tulikuwa tukiishi katika sehemu hiyo kuanzia mwaka wa 1913 mpaka 1939, wakati Wazungu walipokuja kutuondoa. Ulipofika mwaka wa 1940, tulilalamika lakini mambo yetu hayakusikilizwa. Ulipofika wakati tuliponyakua Uhuru, yule Rais mwanzilishaji wa taifa hili, hayati Mzee Jomo Kenyatta, alikuja na akasema kwamba kila mtu atarudi katika shamba lake. Sisi kama wakaazi wa huko tulishukuru na tukasema kwamba tumepata kiongozi mweusi ambaye amekuja kusikiliza shida zetu. Lakini badala ya jambo hilo kufanyika kukatokea watu wengine ambao walikuwa wakiitwa Nyakinyua Dancers ambao walikuja kunyakua ardhi yetu. Tuliendelea kufinywa mpaka leo. Walipokwenda kuimba mahali fulani walikuwa wanaambiwa; chukua ardhi; chukua ardhi hapa".

Ikiwa kuna ardhi ambayo imebaki ni lazima tugawiwe. Hatutaki kuwasumbua wale wanaoishi huko kwa sababu Wakenya ni sawa. Lakini tungetaka yale mashamba yanabaki hasa yale ya ADC, yapewe Wapokot waishi ndani yake. Kuna majirani wetu kama Waturkana ambao wanahangaika katika nchi hii. Kama wangepewa mashamba hayo, tunganasema sawa sawa. Tungegawanya mashamba na ng'ombe kati yetu na hao. Lakini hatuwezi kugawanya mali yetu na watu wote. Hebu angalia vile mambo yanavyofanyika katika sehemu hii. Ni kwa nini wakati tunapozungumza juu ya vita vya kikabila, hatujulizi ni kwa nini ukienda katika Mkoa wa Kati, hakuna vitaka kama hivyo? Mbona ni

kwa nini vita hivi vilitokea Pwani na katika Bonde la Ufa? Lazima kuna kiini cha vita hivi. Ikiwa Hoja hii itapitishwa, basi hilo litakuwa ni dhahirisho kuwa kuna tatizo na ni lazima tulisuluhishe. Lakini, tukitaka Wakenya wafurahie kuishi katika nchi yao basi ni lazima Serikali iwachukulie Wakenya wote kuwa sawa. Ikiwa kuna sehemu ya ardhi huko Mlima Kenya ambayo imetolewa basi wale wanaoishi mijini na wanatoka huko, wapatiwe ardhi huko. Ikiwa wanatoka sehemu nyingine nchini, wapelekwe katika sehemu zao za asili.

Bw. Naibu Spika wa Muda, ningependa ile Ripoti ya Tume ya Njonjo, kuhusu ardhi humu nchini, itolewe hadharani ili tupate kujua wachokozi ni akina nani. Hivyo, tutazuia mivurugano miongoni mwetu.

Tukiwa viongozi, kama mwenzangu mhe. Mbunge alivyosema, tuchunge ndimi zetu. Si vema wakati tunapofanya mikutano, kuelekezea wenzetu vidole. Hivyo vidole tutavivunja! Sisi sote tunataka tufurahie uongozi wa Serikali ya NARC. Serikali ya NARC haikuchaguliwa na kabila moja bali ilichaguliwa na Wakenya wote na sauti yao lazima iheshimike. Mtu asiidunisha heshima ya Wakenya kwa kusema kuwa yeye ndiye ataweza kufanya mambo yote. Hapo namwambia, "Ng'o hutaweza!"

Bw. Naibu Spika wa Muda, kwa hayo machache, naunga mkono Hoja hii.

Mr. G.G. Kariuki: Thank you very much Mr. Temporary Deputy Speaker, Sir. First, I would like to thank hon. Wamwere for introducing this Motion before the House. I would like to tell hon. Members that this Motion can be very, very sensitive if hon. Members want it to be so, but I think the intention of the hon. Member who moved this Motion, was not to introduce a situation which can bring disharmony to this country. The whole idea was to make sure that people who were displaced during the tribal clashes are resettled. I do not think the Motion demands anything beyond that. In fact, it is only urging the Government to make sure that the displaced people are resettled.

This Motion should be considered as the property of both sides of this House because it is not fighting anyone. It is not intended to intimidate any group of people in this country. The Motion is just dealing with the historical issues. Some people were displaced during the tribal clashes and they need to be compensated and be resettled.

Mr. Sambu: What about Nandi's?

Mr. G.G. Kariuki: Nandi's and any other tribes which were displaced during the tribal clashes need to be resettled because all we are required to do by Kenyans is to resolve the problems that have been there before. The mistakes done by the past Government, need to be resolved. We need to sort out all the issues that were not palatable to Kenyans.

Therefore, this Motion should be treated as the property of both sides of the House. It should not be seen as a NARC Motion and, therefore, the Kanu side should not defend itself. There is nothing to defend because the past is known. We all know how tribal clashes started. We even know the extent of the clashes. It is no longer a secret. The intention of all the tribal clashes was very well known. For instance, we know that the clashes were politically motivated and supported by the previous Government and there is no question about that.

Mr. Temporary Deputy Speaker, Sir, there are issues hon. Members tried to solve through the Kiliku Report, but the previous Government did not accept that Report. The Report was actually dismissed. The Akiwumi Report, which went into depth to uncover what happened during the tribal clashes, was also never made public. Indeed, it has never been laid on the Table of this House. That is vindication that there was something the previous Government was hiding.

Mr. Temporary Deputy Speaker, Sir, we should ensure that things like the tribal clashes will never be repeated. Security should be provided to every citizen of this country. It is not only tribal clashes that people politicise. For example, the Pokots have problems with their neighbours and have been displaced. There are other people who have also been displaced. We want everybody to be provided with security to ensure that he lives where he wants to live in this country without fear. People should feel that they are protected by the Government. That is what we should aim at. Africans have tried many things, which have not worked. Africans have tried several ways of governing. They tried dictatorship, *coup de tat* and genocide but all these things have failed. Let us

now go back to our originality as Africans, who never believed in displacing each other. Let us go back to where we can rule ourselves without war. We should not have situations like the one we have today, where hon. Members make speeches which do not promote peace in this nation.

Mr. Sambu: (Inaudible)

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I wish the hon. Member could be mature enough and understand that we are in the House.

Mr. Sasura: On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek your indulgence to protect Mr. G.G. Kariuki from Mr. Sambu.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Sambu!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, there are some hon. Members who can never be responsible.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Sambu! You are out of order! You are now disorderly and I give you the last warning before I throw you out.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I wish to sincerely apologise to my friend if I offended him. I am saying that I wish the speech which has been made by Mr. Biwott was made during Mr. Moi's time. These are the kind of speeches we expect hon. Members from both the Opposition and the Government to be making, so that we can promote peace in this nation. If we start any trouble in this country today, both Mr. Sambu and Mr. G.G. Kariuki will not have peace. We will all be in problems. It is high time that we all realise and accept the fact that no one is more important than the other in this country. Everybody needs peace.

There are some hon. Members who have been taking the Rift Valley Province as their own property. The Rift Valley Province belongs to Kenyans. No Government will settle people in Nandi or Kipsigis. Four districts of the Province were created by the previous Government and we are there by right. I want to remind hon. Members that the Rift Valley belongs to all of us. There are 24 KANU hon. Members and 20 NARC hon. Members. KANU only got 700,000 votes while NARC got 680,000 votes. Therefore, this is a matter that everybody needs to take very seriously.

We all belong there. We should all understand that nobody will be moved from where he stays.

Whether there is war or peace, we want people to live where they are. Pastoralists need to be given more security than anyone else because they were destabilised by the negligence of the previous Government. This was for the purpose of sustaining that Government. That was a Government which survived because of continued bloodshed. I feel greatly offended when I see an hon. Member trying to think that we are here to defend a particular tribe.

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

Mr. Kones: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. First of all, it is so painful that I have to oppose this Motion because of the way it was moved by Mr. Wamwere. I would like to correct the impression that Rift Valley Province is a KANU zone. Mr. G.G. Kariuki implies that since that province has 21 hon. Members of NARC and other parties, and 20 hon. Members of KANU, it belongs to all people, irrespective of their political affiliation. In that province, we have people who vote for KANU and others who do not vote for KANU. However, that does not mean that Rift Valley Province belongs to every tribe that wants to live there.

Mr. Temporary Deputy Speaker, Sir, the clashes that took place in Rift Valley Province were very unfortunate. It is wrong to imply that the previous Government did nothing to re-settle those who were affected by tribal clashes. I was the Minister of State, Office of the President. Personally, I took part in the re-settlement exercise and we resettled those clash victims, regardless of their tribe.

Mr. Temporary Deputy Speaker, Sir, it is wrong also to imply that those victims who fled that province were necessarily owning land there. Some of them never owned any land there. They were squatters and they were trying to take land by force. When they were thrown out--

Mr. Onyancha: On a point of order!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kones! There is someone with a

point of order.

Mr. Onyancha: On a point of order, Mr. Temporary Deputy Speaker, Sir, did you hear the hon. Member who is also my friend say that Rift Valley Province belongs to the people of Rift Valley only? The Constitution is very clear that any person can own land in any part of this country.

Mr. Kones: Mr. Temporary Deputy Speaker, Sir, all I am saying is that all the landless people may not necessary be settled in Rift Valley Province. There are those who own that province. If there are people to be settled in that province, there has to be a proper way of doing it. We do not just settle landless people in Rift Valley Province. Things do not work that way!

(Applause)

Mr. Temporary Deputy Speaker, Sir, there are some clash victims who claim to have owned land in Rift Valley, for example, around Chepakundi. There is no land in Chepakundi for anybody to settle there. Those who owned land in Rift Valley Province; whether they were Kikuyus, Kisis, Luhyas or any other tribe, have gone back to their ancestral land. Some of them sold their land and left for Central Province. Now, they claim that their land was taken away by Kalenjins. I would like to be shown somebody who claims to own land in Chepakundi and he has been denied to resettle there.

Mr. Temporary Deputy Speaker, Sir, it is wrong for a certain community to imply that there is another community in this country which is against them. As much as we would like to live together, some people always try to nag us by implying that we are aggressive and we do not want to live with other communities. Which other tribe in Rift Valley Province was chased away because they are not Kalenjins? It is not true. We have been generous enough. It is wrong for some people not to appreciate our generosity. I would like the hon. Member to Table a list to show that there are certain people who owned land in Rift Valley Province, but they have not been allowed to go back.

The previous Government did a lot of bad things. However, in terms of re-settling victims, they actually did a commendable job. In fact, at one stage, we had special DOs who were responsible for re-settling tribal clashes victims. Although the previous Government did a lot of disservice to the people of this country, it was responsible for settling a lot of victims in Elburgon area. Why is that not being said? I think the Motion should have urged the Government to continue the process of settling clash victims.

Mr. Temporary Deputy Speaker, Sir, the landless in this country are not just tribal clashes victims. There are people who have been displaced by other causes, for example, drought. When I was a Minister, I went to North Eastern Province and I saw a lot of people living in Garissa and Wajir towns because they had been permanently displaced by drought and, they could not go back to their land because they had lost everything. Those people have to be settled. They need land, a new life and restocking. You cannot attribute every landless person to have been displaced from the Rift-Valley as a result of tribal clashes. There is an impression which has been created that clashes were started by the Kalenjins. This is totally untrue. It is only that there was unfair Press reporting. Issues touching on the Kalenjins have been reported negatively. This is because the Kalenjins have no people in the media houses to represent their interests.

We are human beings and our people were also displaced. They also went and lived in churches, although we have not been moving around to talk to NGOs like other communities, because we think it is an issue that we can settle by ourselves. It is wrong for a certain community to start imagining that they can go against another community. This is wrong! We should unite. I would like to support the sentiments expressed by an hon. Member that we should watch out what we say because it can actually cause problems.

When certain hon. Members talk about hon. Members from the Rift Valley who were in KANU having gone around the country talking about *majimbo*, and as such causing tribal clashes, it is not true. When we were at the Bomas of Kenya just a month ago, delegates talked about devolution of power. They were advocating for *majimbo*. Why is it that when it was mentioned that time, it became

so poisonous? We should develop another system of Government. There is nothing wrong with that. This country got Independence with the *majimbo* system of Government, and there was nothing wrong with it. We should develop a system that will actually take care of everybody's life. I think it is not right for one community to start talking ill of another community.

Mr. Temporary Deputy Speaker, Sir, some people went and settled in water catchment areas and imagined that nothing would happen, whereas the Maasai animals were suffering down the stream. When the Maasai leaders talked about them being resettled in certain areas, it was referred to as war mongering. How can one become a war monger when he is defending the rights of his community?

With those few remarks, I beg to oppose.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): 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.