

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6<sup>th</sup> May, 2009

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### QUESTION BY PRIVATE NOTICE

**Mr. Deputy Speaker:** Mr. Raphael Letimalo!

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, Mr. Letimalo is on his way coming!

**Mr. Deputy Speaker:** That is not an excuse! The Chair has been ruling on that!

#### SECURITY OPERATIONS IN SAMBURU EAST DISTRICT

**(Mr. Letimalo)** to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Could the Minister explain what informed the security operations in Samburu East District in February 2009, and why only members of one community were targeted?

(b) Could he state the number of persons killed in the operation, the circumstances of the deaths and the identities of the victims?

(c) Could he confirm that a chemical was sprayed on herdsmen and explain what chemical it was, as well as the effects on the victims?

(d) Could he further state the damage resulting from the operation and number of livestock confiscated during the operation, the owners thereof and when he will compensate the victims for the losses?

*(Question dropped)*

### ORAL ANSWER TO QUESTION

*Question No.008*

#### ANALYSIS OF TEACHERS HIRED /RETIRED IN MURANG'A SOUTH DISTRICT

**Mr. J.I. Kamau** asked the Minister for Education:-

(a) whether he could table an analysis of the teachers who retired in the years 2006, 2007 and 2008 *vis-à-vis* those who were hired for the same period in Murang'a South District;

(b) what he is doing to rectify the problem of serious shortage and inequitable distribution of teachers in the district, and to ensure that teachers who graduated in 2000 are absorbed by the TSC;

(c) when he will do away with the district-based recruitment of teachers, which is biased towards districts whose graduates per year far exceed retirees for the same year, thereby furthering unemployment in these districts; and,

(d) whether he could consider employing teachers centrally and posting them anywhere in the country so as to reduce unemployment in this important sector.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The annual distribution of retired teachers against those who were hired in Murang'a South District in the years 2006, 2007 and 2008 is as shown below. In the year 2006, the number of teachers recruited in secondary schools was 28, while those recruited in primary schools were 38. The total number of teachers recruited in that year was 66. Those who retired were 52.

In the year 2007, the number of teachers recruited in secondary schools was 31, while those recruited in primary schools were 60. The total number of teachers recruited in that year was 91. Those who retired were 256.

In the year 2008, the number of teachers recruited in secondary schools was 45, while those recruited in primary schools were 71. The total number of teachers recruited in that year was 116. Those who retired were 308.

(b) The teachers shortage is a national problem, and my Ministry is addressing it. District Education Officers have been directed to regularly balance teachers posting to ensure equitable distribution in all districts, including Murang'a South. In the Financial Years 2007/2008 and 2008/2009, the Ministry recruited a total of 10,000 new teachers. Plans are in place to recruit an additional 6,000 teachers in the Financial Year 2009/2010. Further, the annual replacement of teachers who leave the service will be continuously maintained.

(c) The Ministry has no plans to replace the current recruitment policy as it ensures fair recruitment and distribution of teachers, especially in under-staffed areas. The existing vacancies are demand-driven; they are openly advertised and are competitive countrywide. It will, therefore, not be possible to absorb all the graduates for the year 2000 from Murang'a South District.

(d) The Ministry cannot employ teachers centrally and post them nationally, because the current decentralized recruitment procedure was one of the reforms undertaken by the Ministry to address teacher recruitment anomalies and challenges. Accordingly, the District Education Boards and School Boards of Governors are involved in the identification and recruitment of teachers for their schools. Furthermore, there is a lot of shortage of trained teachers in the country, but funds to employ them are inadequate.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. J.I. Kamau:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his candid reply to the Question. However, I want the country and this House to note that in the year 2007, Murang'a South District recruited only 91 teachers while 256 teachers retired. In the year 2008, there was a total recruitment of 116 teachers, whereas 308 teachers retired. If we continue with this trend, it will mean that at the end of the day, there will be no teacher left in service in Murang'a South District. What is the Assistant Minister doing to ensure that in the next ten years, or so, we are going to have enough teachers, as a district?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, the concern raised by the hon. Member is genuine. As I have said, the Ministry will try all means possible to replace all the teachers who leave the service through retirement or otherwise. I agree with the hon. Member that it is the responsibility of the Ministry to ensure that teachers are replaced. We will definitely address that problem.

**Mr. Baiya:** Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has accepted that there is a scarcity of teachers in this country and yet he has said that the Government will try and replace the teachers who have retired. What is so difficult about the Government replacing teachers who retire? In addition, why is it difficult for the Government to increase the number of teachers required in schools, depending on their demand?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I said earlier on that the problem has mainly been due to unavailability of funds. I also said that it is possible to try and replace as many teachers as those who leave. However, the problem is due to budgetary constraints.

**Mr. Baiya:** On a point of order, Mr. Deputy Speaker, Sir. Could it be a question of budgetary constraints when all we are asking the Government to do is to replace a teacher who has retired? The salary the Government was paying to the retired teacher should be paid to the newly recruited teacher.

*(Applause)*

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, anybody who cares to look at the mathematical implication will realise that a teacher who retires does so at the top of the scale, while the one who is hired joins service at the bottom of the scale. So, you will always have a problem unless you have extra money to hire new teachers. If a teacher retires when he or she is earning Kshs20,000 and the one who is recruited earns Kshs10,000 definitely they are not earning the same salary.

**Mr. Mwangi:** Thank you, Mr. Deputy Speaker, Sir. Maybe the Assistant Minister needs to clarify the merits and demerits of recruitment of teachers. He has said that the country has adequate trained teachers who should take up the role of teaching. The performance of our schools, especially primary schools, is deteriorating. We are in an economic crisis. The parents in my constituency, like in any other area in Central Province, have employed teachers who should have been employed by the Government. This is the case and yet the Government comes up with papers that say that it will create employment.

Is it not ridiculous for the same community that has lost economic power through coffee and tea farming and other economic activities to be subjected by the same

Government to employ teachers? We know that the retired teachers have been earning more than those who are still at home. Could the Assistant Minister clarify the economy of scale that the Treasury and his Ministry are employing?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I do not work for the Treasury. I think that is a different Question.

**Mr. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is avoiding telling us how the teachers who have retired are as few as the vacancies that exist. He has said that the Government has trained enough teachers. Actually, there is something amiss. Could he clarify why he cannot recruit the trained teachers at home to replace those who have either died or retired?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, we have many teachers who are qualified in this country but are unemployed. This group graduated in the last six to seven years. They have not been employed due to unavailability of funds.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, the Assistant Minister in his reply has said that recruitment of teachers is district-based. Nine teachers from outside my district were recruited in my district by the Teachers Service Commission (TSC) in the current financial year and yet we have enough teachers in the district to recruit. Is the Assistant Minister aware that the rule of the district-based recruitment is being violated? This policy is not being followed.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, that should not have happened. If the hon. Member can bring the matter to my attention in detail, we will definitely investigate.

**Mr. Gunda:** Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister explain this point? We have retiring teachers who he has said earn about Kshs20,000, while the ones who are supposed to be employed will earn may be Kshs7,000. Why is it difficult for the Government to employ those teachers at the lower salary scale to replace those who have retired?

**Mr. Deputy Speaker:** Mr. Assistant Minister, I heard you right! You said that the new recruits would join at the bottom while the retiring ones will leave at the top. You should be able to recruit a few teachers for every retired teacher.

*(Applause)*

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, we will definitely try and replace the teachers who have retired.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the problem is financial. Could he tell us how much money he has sought from this House this financial year towards the recruitment of teachers in the country?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I may have to get those details from---

**Mr. Njuguna:** On a point of order, Mr. Deputy Speaker, Sir. What is the policy of the Ministry with regard to the teachers who are posted to schools and yet they decline to report to those schools? For instance, I have a case in my constituency where some teachers were posted to two different primary schools but they declined to report there. Those schools went without those teachers. What is the policy of the Ministry?

Secondly, it appears as if the Ministry is being very sympathetic. It is not being specific on remedial measures to correct understaffing in this nation. Hon. Members' contributions on this issue show that we are all concerned while the Ministry only shows

sympathy. When will the Ministry come up with specifics to correct the anomaly? This is because the quality of education in our schools is being affected.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, my Ministry's policy with regards to posting of teachers to a school is that they cannot refuse to report to the school. So, the hon. Member's case is a disciplinary matter.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. I think the House is being taken for a ride. The Assistant Minister is too casual: He says he does not have information and he does not even ask for time to go and get the correct information. Is it in order for the Assistant Minister to stand up and say that he does not have information and fail to tell us when he will provide that information? Should you not defer this Question to enable this Assistant Minister to do some homework and bring proper answers to the Question raised?

*(Applause)*

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, the information is in the Printed Estimates.

**Mr. Deputy Speaker:** Mr. Assistant Minister, can you be louder so that hon. Members can hear your answer?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, the information sought is in the Printed Estimates.

**Hon. Members:** No!

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, the Assistant Minister has not adequately answered Mr. Njuguna's question. It is very simple: It says that there are teachers who have preference to teach in certain areas than other regions. What the Ministry shies away from is to redistribute those teachers so that we have adequate staffing in all areas. What plans does the Ministry have, if they do not have sufficient money in the Budget, to move teachers from where there is overstaffing to understaffed areas?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I do not think the hon. Member is accurate because that would not solve the problem of understaffing. There are no areas in this country that are overstaffed so that we can move teachers from one area to another. It is true teachers are posted to certain areas and decline to take up those positions. I have said that that should not happen. It is a disciplinary matter and we are going to deal with it.

**Mr. J.M. Kamau:** Mr. Deputy Speaker, Sir, when I look at the answer the Assistant Minister has given, I reckon that in my district, teachers who graduated in 2000 have not been recruited by the Teachers Service Commission (TSC). This is, indeed, a very serious issue. If teachers will be going to school and wait for ten years to be recruited by the TSC, are we really, as a Government, serious, in eradicating unemployment?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, indeed, it is a serious matter and it ought not to have arisen in the first place, that one area had excessive trained teachers while other areas did not have the same opportunity. This is a problem that occurred in the past, that some areas got extra opportunity in training while other areas did not have. That is

why we have areas where we have recruited teachers who qualified in 2006 while in other areas like in my own district, we recruited those who graduated in 2002 and in Murang'a South in 2000. But, we are making efforts, as a Ministry, to increase the number of teachers that we recruit. Definitely, in due course, some of those will be hired.

**Mr. Deputy Speaker:** We will now go to the Question by Private Notice by Mr. Letimalo. However, before you ask it, I want to draw the attention of hon. Members as well as the Ministers to Standing Order No.46. Under the new Standing Orders, No.46 says: -

“It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a Question listed on the Order Paper without the leave of the Speaker.”

Disorderly conduct, again, is described in Standing Order No.97. Hon. Members, since we have just implemented the Standing Orders, it is my prayer and plea to you that, please, let us understand how gross it is when you fail to ask a Question on time and when a Minister also fails to answer that Question on time. This is so because there is a censuring element in the Standing Order No.97 and the Chair will not hesitate to implement this to the letter in future.

Mr. Letimalo, ask your Question for now but in future, be careful!

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I wish to apologize for coming in late.

#### SECURITY OPERATIONS IN SAMBURU EAST DISTRICT

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Ministry explain what informed the security operations in Samburu East District in February 2009 and why only members of one community were targeted?

(b) Could he state the number of persons killed in the operation, the circumstances of the deaths and the identities of the victims?

(c) Could he confirm that a chemical was sprayed on herdsmen and explain what chemical it was as well as the effects on the victims?

(d) Could he further state the damage resulting from the operation and the number of livestock confiscated during the operation, the owners thereof, and when he will compensate the victims for the losses?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The operation was jointly executed by Rift Valley and Eastern provinces, provincial security intelligence committees. We had two objectives for the operation. One was to recover animals stolen from the Boranas and Merus by Samburus and also recover those stolen by Boranas from the other side of Samburu. The peace committees in the respective districts had failed in their recovery efforts, which necessitated the operation. It was also intended to recover illegal guns in the hands of Samburus and Boranas.

- (b) During the operation, no member of the public, whether Samburu or Borana, was killed. However, one Administration Police (AP) officer lost his life while three others were injured by suspected Samburu bandits.
- (c) There was no chemical used during the operation.
- (d) About 1,594 stolen heads of cattle were recovered from Samburus and handed over to their Borana and Meru owners after positive identification while 300 other herds of cattle were recovered from the Boranas and handed over to their Samburu owners. The issue of compensation, therefore, does not arise as there was no loss of life or property occasioned by the operation.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, it is really annoying when an Assistant Minister misleads the House. I seek your indulgence because I do not know how we can even interrogate him when he is giving contrary and different information. For one, one person was killed by the name Loitu Lenayasa. The body was taken to the police but they refused to take it. The community buried it. One person was injured and assisted by the British Army officers who are carrying out an exercise in that area. He has already recorded this case with the Isiolo Police Station. The Assistant Minister has told us that only 1,500 head of cattle were stolen but 4,115 livestock was stolen from the Samburu. I need your guidance because I do not know we can continue with this matter. If the Assistant Minister says that he cannot compensate for the animals taken by the Government, then I do not know how we can proceed with this matter. I need your guidance!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I want to be very categorical in this House. This is not the first time this kind of Question is coming into this House. It will not be possible for an ordinary person to know how many cattle have so far been stolen except if you have some people to do the physical counting, which was ably done by the Provincial Administration. I have said in this House that it is true that we lost one life and it was an AP officer. I have also said that three people were injured yet he is talking of one. Our statistics show that three people were injured during the raid. My friend and I have been to that place severally, not just once, and he is the one who has been assisting us to restore sanity in that place. The Government has tried and that is why we managed to recover the livestock. If you go to the ground, the Samburus will talk of 5,000 cattle stolen. They are not able to give out statistics because they have not put one of their own to do a research and know how many cattle have been stolen. I do not want to rely on rumours. This is a grave matter and they know that they have been assisting the Government. When we could not reach an agreement with the peace committee, we told the law enforcement officers to give us the number. What I am reading from here is the number given out by the Provincial Administration. The only thing he could have assisted us with is to get us his own statistics so that we compare with ours.

Mr. Deputy Speaker, Sir, it is true that there have been many cattle raids in this area and Mr. Lekuton said this. Mr. Lekuton himself lost over 400 head of cattle. As I speak, some head of cattle are still at the police station, awaiting identification. May be they belong to the people of Laisamis or to the people of Meru. However, I want to congratulate him for having supported us in identifying those who did the raids.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is talking about three Administration Police officers being injured. However, I am talking about a Samburu man who was killed by the security forces.

Mr. Deputy Speaker, Sir, what was the purpose, and under what law was the Government using 600 armed men and three military choppers to round up animals while grazing? Does that not translate to the Government raiding the people?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, when dealing with these issues, we should be sober. We should be sober! The reason I am saying this is because my friend knows that the reason we had to call an operation was for us to recover their own cattle, which had been stolen. They went to court and the operation was halted.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. You heard the Assistant Minister talk about the Questioner not being sober. As you can see, if there is anybody who is not sober, certainly it is not the Questioner but the Assistant Minister himself. He has given a list saying the cattle were returned to Merus and Samburus without laying on the Table of the House the names of the Meru, Samburu or Borana who were given the cattle. You do not get away by simply mentioning Meru, Borana and Samburu. Give names!

**Mr. Deputy Speaker:** Mr. Assistant Minister, there is no legal personality called Meru, Samburu or Borana for that matter. I think the House deserves answers that are in conformity with the law of the land. So, can you give specifics on the issues that are being raised?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, whenever we recover cattle, we request the complainants to come and identify the cattle---

**Mr. Deputy Speaker:** And they have names!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it not possible for me to have the names because it was not part of the Question. However, we gave out these cattle to the rightful owners on identification. They were given the cattle once they identified them.

Mr. Deputy Speaker, Sir, we have been assisted by the Members of Parliament from the affected areas. It has been going on very well because of the assistance, which has really helped us in identifying the owners of the cattle. I request that the same spirit continue in order for us to stop cattle rustling once and for all.

Mr. Deputy Speaker, Sir, on the issue of those who were injured, I said specifically that---

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

**Mr. Deputy Speaker:** Order, Mr. Letimalo! The Assistant Minister is responding to a point of order.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I said specifically that the three people who were injured were not Administration Police (AP) officers. They included members of the community from the affected areas and one AP was killed in the process. That is what I have been saying right from the beginning.

Mr. Deputy Speaker, Sir, I am very proud of the Members of Parliament who have been helping us.

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, I am very conversant with that operation which was done in a very barbaric way. Even the British colonialists never treated pastrolists like that. This issue of the Government rounding up every single cow they see in Samburu District and even Laisamis without knowing whom the cow belongs to, is barbaric and has left many people extremely poor.

Mr. Deputy Speaker, Sir, even Mr. Letimalo has asked the Assistant Minister to table the names of the beneficiaries who received those cows. He does not have the list!



If the Assistant Minister is saying that the Samburu raided the Borana, what have the people of Laisamis done for 600 heads of cattle to be taken by the Government in its operation? Give us names! Who took those cows? I am even wondering, who signed the order for that warrant of operation? It was very barbaric!

Mr. Deputy Speaker, Sir, what is the Assistant Minister going to do about the loss of cattle by the poor people who are not part of the raids by the Borana and the Meru? What is he going to do about the 600 cows from Laisamis Constituency that were taken by the Government yet Laisamis was not part of the operation and raid?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I sympathise with my friend. However, that is a different Question. If there were some losses by the people of Laisamis, the only thing we will do is to request those who are complaining to go and identify the remaining animals which are still awaiting identification. May be, those are the animals belonging to the people of Laisamis. I am not sure about this.

Mr. Deputy Speaker, Sir, on 9<sup>th</sup> March, we had a peace meeting which was attended by the Samburu Peace Committee, the Tigania/Igembe Peace Committee and the Isiolo Peace Committee. It was held at Nanyuki. During the meeting, the Samburu agreed to be holding 2,400 head of cattle, 1,350 goats and sheep and 385 camels, purported to belong to the Borana. They are also holding a further 2,525 head of cattle, 310 goats and seven donkeys belonging to the Meru.

Mr. Deputy Speaker, Sir, the people of Meru and Isiolo are still demanding for their animals. However, it will be very hard on my part to identify which animal belongs to the Laisamis people and which one belongs to the Meru. I would like to request that the Members of Parliament from the affected areas go with us and identify the animals belonging to the respective clans.

Thank you.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading us. If you look at part "d" of the Question, the Assistant Minister is further asked to state the damage resulting from the operation and the number of livestock confiscated during the operation and the owners thereof. Could the Assistant Minister give us the owners of the animals taken by the Government? That is what I am asking for.

You should not tell us about the conflict between the communities! We are talking about animals taken by the Government. This is a Government of murderers and thieves! You cannot go, kill people and then come to tell us about communities! Tell us about the names of the people whose animals were taken! You cannot kill people and then come to play about the issue here!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I sympathise with the situation of my colleague. I know what you feel when your animals are stolen. However, it would be very difficult for me to identify the animals myself.

I have said that we are still identifying animals to know whom they belong to. However, if the hon. Member---

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

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I am responding to his question. Why can he not wait? Hold your horse!

**Mr. Deputy Speaker:** He is responding to your point of order. Please, give him time.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, we have asked the Assistant Minister to give us the names of the families whose animals were taken. However, he is telling us that they are identifying animals. How can they hoard animals for three months with the police?

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

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. We are talking about a Government that has failed to solve our problems and it has gone ahead to murder people in the process of attempting to do something; and it is stealing livestock from people.

Mr. Deputy Speaker, Sir, you have allowed the Assistant Minister, my good friend, to come and mislead the House. He keeps telling us that he is sympathetic with Parliament. We do not need his sympathy. We want the Government to take action. If this Government has failed to identify the people, then it has no business being in place. They should resign and we move on to the other side.

**Eng. Maina:** On a point of order, Mr. Speaker, Sir. We are addressing the nation. Is it in order that the people of this nation should be hearing that we have a Government of murderous and thieves, which has failed to do this and that? Surely, what are we communicating to our nation? The issue of cattle that has been stolen, to me, is an issue that should be handled by the local administration, for example, the chiefs and the elders. We should not be hearing that you are hoarding animals that you do not know whom they belong to. You have chiefs and elders whom you should call to sort out this matter.

**Mr. Lekuton:** On a point of order, Mr. Speaker, Sir. This is a very serious issue. We are talking about families that have been left poor and they are not thieves. The Assistant Minister has not given us a single answer today. Could I beg you to defer this Question so that we can get proper answers? I beg you! I beg you!

**Mr. Thuo:** On point of order, Mr. Deputy Speaker, Sir. Would I be in order to not only associate myself with the remarks of Mr. Lekuton but to go further and ask that whatever date it comes back, we continue to observe the decorum of this House? It is not right that we use unparliamentary language; irrespective of our emotions. Being emotional does not address the issues. As the Question is being deferred, not only does the Assistant Minister need to bring the answers that are being sought, but the relevant hon. Members should have a chance to see them in advance, acquaint themselves and we remain, not emotional, but reasonable in our interjections in this House.

**Mr. J.I. Kamau:** Thank you, Mr. Deputy Speaker, Sir. As I agree with Mr. Lekuton, I want to ask whether it is honorable for Messrs. Letimalo and Ethuro to say that this is a Government of thieves and murderous without substantiating. Could they substantiate or withdraw immediately?

**Mr. Deputy Speaker:** What do you want them to substantiate? It is the Assistant Minister who should substantiate. Are you rising on a point of order?

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

**Mr. Ethuro:** I am rising on a point of order because I have been asked to substantiate this issue. The Assistant Minister told this House this morning, that they have recovered 1,594 animals and they do not know the owners. That can only mean one thing; that they stole them from somebody!

**Mr. Ojode:** Mr. Deputy Speaker Sir, I have listened to my colleagues. They are saying that I need to get the names of the beneficiaries. If you look at the Question itself, what part of it asks for the names of the beneficiaries, which has not been satisfactorily answered? Let us be honest with ourselves. Which part of the Question asked for the names of the beneficiaries? When one of my colleagues claimed that the Government is murdering its own citizens---

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, part "b" of the Question asks for the number of persons killed in the operation, the circumstances of the killings as well as the identity for the victims. It is there.

**Mr. Deputy Speaker:** Order! Order, hon. Members! Mr. Assistant Minister, your answer, given the sensitivity of the issue itself, falls far short of what can be considered an adequate answer.

*(Applause)*

To begin with, if you read Section 70 of the Constitution of Kenya, which has to do with the Protection of Fundamental Rights and the Freedoms of the Individual, you will see that it clearly says:

“Whereas every person in Kenya is entitled to fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, tribe, place of origin or residence or other local connections, political opinions, colour, creed or sex, but subject to the respect for the rights and freedoms of others and for the public interest to each and all of the following, namely: -

(a) Life, liberty, security and protection of the law;

(b) Freedom of conscience, expression and assembly and association; and,

(c) Protection for the privacy of his home and other property and from deprivation of property without compensation.”

The Question is very clear, as Mr. Imanyara has put it. You were supposed, in your answer to give names---There is no legal personality in our local Boran and for that matter Samburu or Meru. These are individuals who are aggrieved. From your answer, the impression is that there was a collective responsibility and a collective punishment. It is assumed that the individual rights of Kenyans have been trampled upon in this case. Mr. Assistant Minister, you owe this House an answer that is adequate, comprehensive and that takes into consideration every right of every Kenyan here. Could you go back and bring us a comprehensive answer next week on Tuesday?

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): On a point of order, Mr. Deputy Speaker. The cardinal responsibility of any Government is to protect the lives of every citizen and their property. Mr. J.I. Kamau demanded that Messrs. Ethuro and Letimalo substantiate or withdraw the allegation they made, that the Government of the Republic of Kenya is a murderer of its own citizens. We have to be responsible. We are the elected leaders of this Republic and, therefore, any utterances or message that we want to send to the Government that a Government, which is supposed to provide protection to its citizens is now turning out to be a murderous--- They better substantiate!

*(Applause)*

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.82, which requires somebody to either substantiate or to withdraw. My colleague, Maj-Gen. Nkaisserry, has referred to the comment that was made by both Messrs. Ethuro and Letimalo concerning the Government being murderous. Since we cannot allow that blank labeling of the whole Government, could they substantiate who the thieves and the murderer are in this incident?

**Mr. Deputy Speaker:** Order! The last question has been put to rest. Actually, the Chair takes note of the fact that that statement was made while I was consulting with the Clerks-At-The-Table. Indeed, if it is true that the hon. Member said that the Government is murdering people, Standing Order No.82 says that you have to take responsibility for the statement of fact. You have to prove not later than the next sitting day, failure to which you shall be considered to be disorderly. If you think you cannot prove that by the next sitting day, then you better withdraw now or else you substantiate and prove.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I am ready to substantiate. I was there and I pleaded with the security officers. It is the Government that carried out the security operation and they used military choppers to round up animals that were grazing. That is actually stealing because they did not have consent from the Samburu. They also killed Loitu Lenayasa and refused to bury him. Is that not murder? Yes, the Government is a murderer! I cannot withdraw!

**Mr. Ojode:** On a point of order, Mr. Deputy Speaker, Sir. Let us leave emotions behind. Mr. Letimalo asked me how many people were killed and I told him that there was none. I gave the name of the person who was killed by the Samburu. So, it is the Samburu who are murderers and not the Government. Let him give us the name of that person who was killed and his identification.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister, you are out of order! Mr. Letimalo is a Samburu and there are other Samburus in this House. Mr. Lesrima is also a Samburu. Are they murderers?

*(Loud consultations)*

Order, hon. Members! When Kenyans, regardless of their colour or origin commit crimes either by killing members of the security forces or robbing banks and killing other Kenyans, they are criminals and you deal with them that way. If a bank is robbed by one member of a community in this country, you cannot come out here and label the whole community murderers or bank robbers.

This is a law making body and this country has come out of a very sad history of ethnicity. The Constitution is very clear; when you commit a crime, you do not do that because you have an ethnic personality. Some of you are lawyers and know that a person commits crime in his or her own individual capacity. So, the Chair is not going to accept a situation in which Kenyans are collectively branded on the basis of their ethnicity on any crimes, whether it is cattle-rustling, banditry or robbery. They are going to be taken as criminals and that is the spirit.

**Mr. Thuo:** On a point of order, Mr. Deputy Speaker, Sir. If I heard you correctly, you said that you will not accept a situation where Kenyans are branded as a whole. That

presupposes that the Government is not Kenya. So, how does the same person stand up and brand the Government murderers and yet you have said that if a murder has occurred it is because an individual has made it happen. Let us have clarity.

**Mr. Deputy Speaker:** Order, Mr. Thuo! You are out of order. The Government is a legal personality that can be sued both for civil and criminal matters.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): On a point of order, Mr. Githae!

**Mr. Deputy Speaker:** Order, Mr. Githae! If it is on the same matter, then you should know that the matter has been disposed off by the Chair. Mr. Maina, you had a point of order! Please, proceed!

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 23

#### BRUTAL MURDER OF GATHAITHI VILLAGERS BY *MUNGIKI*

**Eng. Maina:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek leave of the House under Standing Order No.23, to move a Motion of Adjournment to discuss the incident that occurred in an area called Rathaithi in Mathira Constituency. In the wee hours of Monday, 20<sup>th</sup> April, 2009, 29 people were brutally killed and many others critically injured by an organized gang using crude weapons.

*(Several hon. Members stood  
up in their places)*

**Mr. Deputy Speaker:** Order hon. Members! Indeed, the Chair got notice of the Motion and approved it and you have the requisite support of 15 hon. Members, and there was also national mourning as a result of that. The Chair allocates today at 11.30 a.m. as the time for the hon. Member for Mathira to move the Motion of Adjournment.

Next Order!

**Mr. Deputy Speaker:** Order, hon. Members! The Motion of Adjournment by Mr. Maina will be for one hour.

### POINTS OF ORDER

#### LOSS OF CITIZENSHIP BY KENYAN ATHLETES IN FOREIGN COUNTRIES

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Youth and Sports regarding Kenyan athletes who have lost their citizenship as a result of being duped into running for foreign countries, including Qatar.

In the Ministerial Statement, the Minister should tell us how many Kenyan athletes are affected and what steps the Government has taken to restore their citizenship to allow them to participate in sporting activities in Kenya and other countries.

**The Assistant Minister for Youth and Sports** (Ms. Ndeti): Mr. Deputy Speaker, Sir, I can issue the Ministerial Statement on Tuesday next week.

SHOOTING OF DEMONSTRATORS  
BY POLICE IN KAKUMA

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. Yesterday afternoon in Kakuma, three people were shot dead by Government agents and five others were injured in a peaceful demonstration where Kenyans were agitating for their rights in terms of employment with the United Nations High Commission for Refugees (UNCHR) in Kakuma camp.

I would like the Minister to tell the House under what circumstances those people were killed and why the police used live bullets to disperse a peaceful demonstration that had assembled to be addressed by the police and other people. What measures is the Government putting in place to ensure that the police are not going to kill or injure any other person?

**An hon. Member:** Can you confirm?

**Mr. Ethuro:** Who wants more confirmation than that?

**An hon. Member:** He is on the wrong side!

**Mr. Deputy Speaker:** Mr. Ojode!

*(Mr. Ojode stood at the Dispatch Box  
on the Opposition side)*

Order, Mr. Assistant Minister! You do not address the House from that side!

*(Mr. Ojode bowed to the Chair and crossed  
to the Government side)*

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister is dissatisfied with sitting on that side and using the Dispatch Box, he should join hon. Martha Karua and come to this side!

*(Laughter)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I thought both sides were meant for the Government, except one person in the name of Jirongo!

**Mr. Deputy Speaker:** Proceed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): However, Mr. Deputy Speaker, Sir, I will be able to issue an elaborate Statement by Thursday next week.

Mr. Deputy Speaker, Sir, I also want to add that it is the duty of the Government to protect the lives and property of its citizens.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Are you satisfied with Thursday next week, hon. Ethuro?

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, given the inefficiency of the Ministry, Thursday is good. But if I was the Minister, I would do it on Tuesday.

**Mr. Deputy Speaker:** Order!

*(Laughter)*

Order, hon. Ethuro! This is not a laughing matter! Are you comfortable with Thursday next week?

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I said that I am not comfortable with Thursday next week. I would prefer an earlier date like Tuesday. I was very clear!

**Mr. Deputy Speaker:** Order! Order! Mr. Assistant Minister, it is the lives of Kenyans that we are talking about here and, indeed, the earlier the better!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I thought they wanted me to investigate thoroughly and bring to the House all the circumstances---

**Mr. Deputy Speaker:** Mr. Assistant Minister, it is a volatile area, if you understand your job well! It is my assumption that you would like to bring an answer to Kenyans very fast!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, can I do it on Wednesday afternoon then?

**Mr. Deputy Speaker:** Is Wednesday afternoon okay, Mr. Ethuro?

**Mr. Ethuro:** That is fine, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** It is so directed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Very good, Mr. Deputy Speaker, Sir,

**Mr. Deputy Speaker:** Mr. Kazungu?

**Mr. Nyammo:** On a point of order, Mr. Deputy Speaker, Sir. I sought a Ministerial Statement from the Minister for Finance on the Stock Exchange, Capital Markets Authority, Nyagah Stockbrokers---

**Mr. Deputy Speaker:** Order! Order! Order, Mr. Nyammo! Hold your horse! Proceed, hon. Kazungu!

#### IMPORTATION OF GMO MAIZE

**Mr. Kambi:** Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Prime Minister's Office.

Mr. Deputy Speaker, Sir, I want the Prime Minister to confirm to this House whether he is aware that 90 per cent of the maize which was imported to this country was Genetically Modified Organism (GMO). I lay a document on the Table from the Kenya Plant Health Inspectorate Service (KEPHIS) clearly stating the time the ship arrived and the tests which were conducted.

*(Mr. Kazungu laid the document on the Table)*

Mr. Deputy Speaker, Sir, GMO maize has very dangerous side effects that include sterility, mutation, and alteration of body genetic make up and cancer among many others. Under which law did the Government import that maize?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order! Order! He is on a point of order.

**An hon. Member:** He is on a point of order. Read the Standing Orders!

**Mr. Kambi:** Mr. Deputy Speaker, Sir, with the approval of the Prime Minister, as the Chairman of the *Ad hoc* Committee on Food Security, poor Kenyans have been fed with GMO food without their knowledge or consent and are now, are just waiting for the side effects to kick in.

Mr. Deputy Speaker, Sir, what is the Government doing about that case? That is because that is a very, very critical case concerning the lives of Kenyans?

Mr. Deputy Speaker, Sir, white maize with a moisture level of 14.5 per cent---

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

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

**An hon. Member:** He is on a point of order. Read the Standing Orders!

**Mr. Deputy Speaker:** Proceed!

**Mr. Kambi:** Mr. Deputy Speaker, Sir, white maize with a moisture level of 14.5 per cent, which is above the 13.5 per cent allowed maximum, was imported even though it was known that it was not fit for human consumption. It develops aflatoxins, which have killed many Kenyans, especially the people from Ukambani. Why was that poisonous maize distributed by the Government to starving Kenyans?

Mr. Deputy Speaker, Sir, I can lay a document on the Table showing that the maize which was imported had a moisture content of above 14.5 per cent and it was poisonous to human beings and animals.

*(Mr. Kambi laid the document on the Table)*

Mr. Deputy Speaker, Sir, why should a whole Permanent Secretary authorize the importation of bad maize into this country, as per this letter? I wish to ask the Chair if I could read the contents of this letter.

**Hon. Members:** No! No!

**Mr. Deputy Speaker:** Order, hon. Members! Order! Proceed!

**Mr. Kambi:** Mr. Deputy Speaker, Sir, the letter is from the Permanent Secretary, Ministry of Agriculture and it is written to the Managing Director, National Cereals and Produce Board (NCPB):-

“Dear John,

SPECIFICATION OF IMPORTATION OF MAIZE  
FOR THE CURRENT EMERGENCY

This is further to our discussion this afternoon regarding the subject under reference. Please, be advised that currently, there is no law in Kenya governing GMO



standards. Furthermore, a moisture content of 14.5 per cent is acceptable for the importation of maize under the current emergency”.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, again, there is a letter I have laid on the Table which clearly states that anything above 13.5 per cent is poisonous and has adverse effects on both human and animals. I lay this document on the Table.

*(Mr. Kazungu laid the document on the Table)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir.

**An hon. Member:** He is on a point of order!

**Mr. Kambi:** Mr. Deputy Speaker, Sir, I beg you to protect me from these hon. Members.

**Mr. Deputy Speaker:** Order, hon. Members! Order, hon. Ojode!

**Mr. Kambi:** Mr. Deputy Speaker, Sir, there is, again, an authority that the specification of more than 14.5 per cent has been accepted by the Government. That authority comes from the Ministry of Industrialization. I lay the document on the Table.

*(Mr. Kambi laid the document on the Table)*

Mr. Deputy Speaker, Sir, Kenyans have been starving and because they created this crisis, they thought they could bring bad maize to Kenyans. We want Kenyans to be told the truth. If you go to a doctor and he tells you: “This is the dose”, and you do not go by the instructions, it is like killing that patient. Actually, with the maize that was brought, it is a matter of time before Kenyans started dying.

Mr. Deputy Speaker, Sir, I want those clarifications.

*(Applause)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. While I do concur with the hon. Member, he has brought in a very, very good point of order seeking clarification. But if you look at our Standing Orders which say---

**Mr. Imanyara:** Which one?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): It is there! I am giving you the number.

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order, hon. Ojode! Order!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): I am giving you the Standing Order number straight

away. The Standing Order says that if you know an answer to any kind of clarification or statement, you do not need to ask for the clarification.

Mr. Deputy Speaker, Sir, are you, as the Chair, satisfied that what the hon. Member is seeking is in line with our Standing Orders?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Order, hon. Members! That is for the Chair to rule on!

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, when the hon. Member stood up to request a statement, he directed it to the office of the Prime Minister. Under the Standing Orders, I think the rule is now very clear that if it is directly addressed to the Ministry of Agriculture, then it should be answered by the Minister for Agriculture. I am not sure that the Prime Minister would be the right person to answer this question given that it relates exclusively to the Ministry of Agriculture.

**Mr. Deputy Speaker:** Hon. Members, I have with me here three letters; one from the Ministry of Industrialization, another one from the Ministry of Agriculture and another one from the Kenya Bureau of Standards (KEBS). There is also another one from the Kenya Plant Health Inspectorate Services (KEPHIS). The letter from KEPHIS is not signed and does not conform to the requirements of the House. Consequently, it should be expunged from the HANSARD and records of the House.

As for the three other letters, they are all signed. One is from the Ministry of Agriculture, another one from the Ministry of Industrialization and the other one from the Ministry of Trade. I believe KEBS falls under the Ministry of Trade and the Ministry of Industrialization. It is fair to say this issue is cross cutting. Therefore, I think the Prime Minister will be able to deal with it. Any senior Minister who is here can give an undertaking.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, we will transmit the information to the Prime Minister's office. He can react to it on Wednesday, next week.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. You heard Assistant Minister Ojode referring to a Standing Order and promising to point it out. I am wondering whether you will allow him to refer to a non-existent Standing Order. Could he point out the Standing Order under which he stood up to say that I could not raise these issues?

**Mr. Deputy Speaker:** Hon. Ojode, any Member of Parliament has a right to seek a Ministerial Statement based on the Government's policy, whether he knows the information or he wants it to be known to the other MPs. These are all matters that essentially are neither here nor there. The Chair is satisfied that the Ministerial Statement is proper and that the Prime Minister will respond to it.

#### STATE OF THE ECONOMY AND EFFECTS OF GLOBAL RECESSION

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the state of the economy and the effects of the global recession.

I would like the Minister to tell us how many jobs have been lost by Kenyans since the beginning of this year. Secondly, what is the unemployment rate as I speak

now? We have heard of downsizing by Zain and Telkom. We have seen Panpaper Company closing down. How many more companies have been closed down? What is the mortgage default rate in the country as it stands today? What is the default rate on credit card holders in Kenya today? He should relate this to the below par performance of the stock market today and explain the inflationary rate that is standing very high today.

Mr. Deputy Speaker, Sir, most importantly, I would want him to tell Kenyans what economic stimulus package he is planning for this country. I would want him to come and explain to Kenyans because it has happened in other countries. We have seen other countries taking the right direction after the global recession. We would like to see what direction he is taking.

**The Minister for Education** (Prof. Ongeru): Mr. Deputy Speaker, Sir, I appreciate Mr. Mungatana's query. Would I be in order to request that he waits patiently because this substantially forms the basis upon which the Budget is predicated and the Budget is only a few weeks away? That would be a major policy pronouncement within the Budget. This House has a Budget Office, which will also assist in dealing with these very critical issues that affect Kenyans. I do not know whether this piecemeal information will be important, other than during the Budget day when it will be comprehensively dealt with.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, people are losing jobs. Companies are closing down. You cannot ask Kenyans to be more patient than they are. The Government is becoming completely insensitive. We need the Minister to sit down with these bureaucrats and bring to this House the economic stimulus package that we require. We cannot wait for the Budget. People are losing jobs. Something must be done. The country is now feeling the direct effects of the global economic recession. They cannot wait. I saw this being done in Tanzania. Other international countries are doing it. Why can Kenya not do it? We cannot wait for the Budget.

**The Minister for Education** (Prof. Ongeru): Mr. Deputy Speaker, Sir, he will be too happy to state. I was saying that two or three weeks is not too long. Understandably, I will request him to do so, but there was another query yesterday which he is supposed to respond to this afternoon. I think it is only fair that the Chair give him another week, so that he can respond to it on Thursday, next week. This requires a very comprehensive response.

#### TRIAL OF SOMALI PIRATES IN KENYAN COURTS

**Mr. Baiya:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Justice and Constitutional Affairs. Could he explain why pirates from Somalia captured in the high seas while targeting foreign ships are being brought for trial in the Kenyan courts? Could he further explain in the Statement what arrangements exist between Kenya, the EU, United Kingdom as well as the USA on these arrangements and table the documents before this House?

Further, in view of the circumstances prevailing in Somalia, is the Government cognizant of the security implication posed through those arrangements to the country and its citizens? What measures have been taken to deal with any retaliatory threats from Somalia?

Mr. Deputy Speaker, Sir, we know very well about the situation in Somali and how the water and fish resources within the Somali coastline are being invaded by various countries taking advantage of the situation in Somali; which is a failed government. They are also dumping toxic waste along Somali and within the coastlines. There is clear interference with the effort by the Somalia people to form a Government. That is clearly interfering with the efforts of the people of Somalia to form a stable Government. In such circumstances, where does the Government arrangement fit with those problems in Somalia?

**Mr. Deputy Speaker:** Mr. Thuo, what do you want to clarify?

**Mr. Thuo:** Mr. Deputy Speaker, Sir, while I defend the right of my colleague to ask any question, towards the end, he seems to be interrogating the Minister responsible in Somalia. He has raised the issue for Somalia---

**Mr. Deputy Speaker:** Order, hon. Thuo! Unfortunately, when you try to become an expert in everything, you make a mistake. That is not what the Member is saying. You should listen very well.

**Mr. Thuo:** Mr. Deputy Speaker, Sir, that is---

**Mr. Deputy Speaker:** Order! Give an undertaking on behalf of the Minister.  
Hon. Githae!

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, in view of the tremendous research required to find out who exactly is responsible for the Somalia territorial waters, I would request that this Statement be issued by the Minister for Justice, Constitutional Affairs and National Cohesion on Thursday.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member for Juja, my good friend Mr. Thuo, to purport to speak for the Government when, even during the latest reshuffle, I did not hear of his elevation?

**Mr. Deputy Speaker:** He is the Government Chief Whip! Mr. Baiya, are you happy with the response?

**Mr. Baiya:** Mr. Deputy Speaker, Sir, I am happy, but I had not finished.

#### SALE OF MBOI KAMITI COFFEE FARMS BY NBK

Mr. Deputy Speaker, Sir, I also rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance to clarify whether he is aware that the National Bank of Kenya has earmarked for sale, large coffee estates belonging to the once giant Mboi Kamiti Farmers Company Limited, purportedly to recover bad loan arrears accumulated through interest on interest.

Mr. Deputy Speaker, Sir, could he further explain why the Government has chosen to allow the sale of the company properties at a time when the company does not even have a legitimate Board of Directors in office, a situation that has arisen precisely because of undue interference by Government agents in cohorts with powerful individuals with vested interests? Further, I would like the Minister to explain what action the Government proposes to take to save the company properties and safeguard the interests of small shareholders who have suffered sustained losses over the years due to mismanagement of their properties.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, I am just wondering whether the Ministry of Finance is the correct Ministry because there are issues to do with co-operatives, National Bank of Kenya and land. I am just wondering whether that is the right Ministry.

**Mr. Deputy Speaker:** Given the substance of the Ministerial Statement that the hon. Member is seeking, which has to do with the interests and interests on interests, it fairly falls under the Deputy Prime Minister and Minister for Finance. I presume you can make an undertaking on that behalf.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, I will transmit that information and I think he can do it on Thursday next week, when he will be issuing the other Statement.

**Mr. Deputy Speaker:** Are you happy with that, hon. Baiya?

**Mr. Baiya:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Next week on Thursday. It is so directed.

Next Order!

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

**Mr. Deputy Speaker:** Order! Hon. Nyammo has sought a Ministerial Statement!

**Mr. Nyammo:** Mr. Deputy Speaker, Sir, I had sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the Stock Exchange, Capital Market Authority and Nyagah Stock Brokers and you told me to hold my horse. I do not know how much longer.

**Mr. Deputy Speaker:** It is fair now. You can let your horse go now. Hon. Minister, where is the Ministerial Statement that you were supposed to deliver today. Am I right, hon. Nyammo?

**Mr. Nyammo:** Yes, Mr. Deputy Speaker, Sir.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, in view of the tremendous research required, and I think that is the reason why the Statement has delayed, could I also request that the Statement be issued on Thursday next week, since the Deputy Prime Minister and Minister for Finance will be here?

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. The Government needs to start taking more seriously, the issues that are being raised in this House. Over Kshs2.7 billion of ordinary shareholders was lost. When we talk about the Stock Exchange, the Nyagah Stock Brokers and Discount Securities, it is not something that needs a lot of research. We need answers to these issues. We do not want to wait until Thursday next week. Could that Statement be issued? It is two weeks ago since hon. Nyammo raised that issue. The Government needs to be more serious with Kenyans. It is not!

**Mr. Deputy Speaker:** Hon. Minister, the Government gave an undertaking and, when it gives an undertaking, it must stick to that undertaking. Under the circumstances, since the Deputy Prime Minister and Minister for Finance was supposed to have issued this Statement way before, the Chair directs that we have that Statement ready tomorrow morning!

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, I will transmit that information.

**Mr. Mbau:** On a point of order, Mr. Deputy Speaker, Sir. There will be no sitting tomorrow morning!

**Mr. Deputy Speaker:** Sorry! Tomorrow afternoon! The House will be sitting tomorrow afternoon. So, the direction of the Chair is that we have that statement tomorrow afternoon. Thank you for reminding the Chair.

### PROCEDURAL MOTION

#### EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O 38(1)

**Mr. Thuo:** Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House orders that the business appearing in today's Order Paper be exempted from the provisions of Standing Order No.38(1), being a Wednesday morning, a day allotted for Private Members' Bills and Motions.

Mr. Deputy Speaker, Sir, I do that recognizing that, as a tradition, we have had uninterrupted debate on the Presidential Speech. I believe this will be the Third Session and, therefore, we will resume normal Private Members' business next week on Wednesday. It is also true that Members have made very useful contributions. They have made very interesting remarks. They have made comments and contributions that are generally pointing to the fact that Members are serious about the welfare and the state of this economy.

With those few remarks, I beg to move.

**The Minister for Education** (Prof. Onger): Mr. Deputy Speaker, Sir, considering the enormity of issues raised in the Presidential Speech, and realizing that the Government is not a monopoly of all the answers, this provides a very favourable climate and opportunity for hon. Members to contribute to the debate on the Presidential Speech and give us an opportunity to sample and aggregate the various issues raised in the Presidential Speech. There could never have been a better time. For the sake of saving time so that we could go on straight to business of the day, I second this Motion that the business appearing on today's Order Paper as Private Members' business be deferred until next week, so that we can continue with the Third Day of the Presidential Speech. That way, we will be able to get the useful points, suggestions, criticisms and additions on the Presidential Speech.

Thank you.

*(Question proposed)*

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, from this side of the House, this being a Procedural Motion, I would like to support it. We should not have debate about it.

I beg to support.

*(Question put and agreed to)*

## MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

*(The Vice-President and Minister for Home Affairs  
on 21.4.2009)*

*(Resumption of Debate interrupted on 5.5.2009)*

**Mr. Deputy Speaker:** Eng. Gumbo was on the Floor. You have ten more minutes.

**Eng. Gumbo:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on the Presidential Address.

Allow me to, first, send my personal condolences and those of the people of Rarieda Constituency to my fallen colleague and friend, Mr. Lilechi, to his family.

Mr. Deputy Speaker, Sir, the Presidential Address touched on a number of issues. I hope that the way he went through them was not in order of priority. If you look at the Presidential Address, you will see that the issue of territorial integrity was actually the second-last item on his agenda. I hope this does not reflect how he regards the territorial integrity of this great country of ours.

As you know, as we speak, our country is threatened from so many corners. We have the issue of Migingo Island, which has not been resolved. We have the issue of the tampered with boundary beacons at Kenyarus in North Pokot District. There is always the looming problem of *Al Shabaab* in Somalia with regard to our border with Somalia. So, I would want to hope that this country takes the issue of territorial integrity very seriously.

Mr. Deputy Speaker, Sir, in particular, regarding the issue of Migingo Island, we understand that a survey has already been commissioned, and that very soon we will get to know the position on the matter. However, I would want to say that the border between Kenya and Uganda is known. Several surveys have been done. In fact, as we speak, I have come across a very authentic survey, which was done about 26 years ago, which clearly spells out which country takes which side of the border. So, I hope that the survey will just be commissioned to confirm what we know – that Migingo Island belongs to Kenya.

As you are aware, on 1<sup>st</sup> May, 2009, we celebrated Labour Day. Those of us who watched the goings-on at Uhuru Park were actually left wondering what had become of our country. The impression that one got when we heard the statements that were being made--- One would ask: Do ordinary Kenyans, really, have the best prices in this country? Food is a basic right. As we speak, the cost of a two-kilogramme packet of maize meal is over Kshs100 in most of our supermarkets.

I heard the Minister for Labour say the basic pay wage for our workers will be around Kshs3,000. Is this Government, really, serious about the plight of the poor in this country? On the same day, I also got to know about the Labour Day speech as read in Harare, Zimbabwe. That country, which has had a lot more problems than Kenya, was able to guarantee her workers a basic salary of US\$100, which is the equivalent of about Kshs8,000.

Mr. Deputy Speaker, Sir, if Zimbabwe can guarantee her workers Kshs8,000 per month, why can the Kenyan Government not guarantee our workers, at least, Kshs10,000 per month? Workers in this country live in conditions of abject slavery and servitude. I have in mind those who work in flower farmers and Export Processing Zones (EPZ) outlets in the country. These workers are subjected to chemicals and long working hours. It is important that the Government takes note that these conditions are not acceptable. Kenyans cannot be continually subjected to conditions such as these.

Time has also come when we must ask ourselves: Do Kenyans living in this country have more rights than foreigners? Many of us have been watching a development that looks like a circus between a Kenyan lady and foreigner, who by all accounts is someone with a very questionable character. One would have expected that the Kenyan lady, irrespective of who she is or what public opinion thinks of her, should have certain rights above this foreigner. However, it appears that Kenyans do not have any rights above foreigners.

Mr. Deputy Speaker, Sir, it is disturbing to note that we are now living in a country where any foreigner with money can buy anything in this country. This is worrying. There has to be certain limitations on how much foreigners can acquire in this country. In this regard, I want to call upon the patriotism of Kenyans. I know that there are thousands of Kenyans who are working in other countries, and it will be wrong for us to say that foreigners should not work in Kenya. However, it is disturbing to see foreigners doing work that can be done by Kenyans. There are foreign shopkeepers and cooks in this country. Why do we allow these people to take up jobs that can be done by Kenyans at a time when Kenyans are suffering so much?

*(Applause)*

We need an account of how many foreigners are working in this country, and be told whether or not the work they are doing cannot actually be done by Kenyans. God forbid that we suggest we do not want foreigners! What we are saying is that foreigners should not take up jobs that should be taken up by Kenyans.

Mr. Deputy Speaker, Sir, we are one and part of the same thing called “the world order”. We are part of this world, and we cannot divorce ourselves from the events that are happening in the world. We know that Kenya, as a country, is host to the only United Nations (UN) outpost in Africa. It is wrong for us to pretend that what goes on in Gigiri, especially when it affects Kenyans, East Africans and Africans generally, is none of our business. It is our business, and we must talk about it.

To assume inanimate passivity on matters that are obtaining right outside our doorsteps is being irresponsible. At many times, when there have been attempts to move the UN station out of Kenya, we have resisted it. Why? Because it confers advantages on Kenyans. It confers advantages on Africans. It confers advantages on East Africans. That is why I say that on the senior staff changes that happened at the UN offices in Gigiri, we, as Kenyans and Africans, must express our displeasure with those changes.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker]*



*(Prof. Kamar) took the Chair]*

Why do I say this? An African woman – the senior-most officer at the UN office in Gigiri – was demoted with only two years remaining in her contract. Her replacement was a junior European, who has not worked in the UN system for more than six years.

**Hon. Members:** Shame! Shame!

**Eng. Gumbo:** Do we have to say that if a European was demoted in Europe and replaced with an African, it would be business as usual? Why do we accept the demotion of Anna Kajumulo Tibaijuka as business as usual? This is a shame and time has come when we have to call the attitude of the UN what it is. I want to say that the sacking of Mrs. Anna Kajumulo Tibaijuka must be called by its proper name. It is nothing but plain, old shameless, antediluvian racism!

Madam Temporary Deputy Speaker, as I conclude, I would like to call upon the Minister for Foreign Affairs to tell this House: Do the ambassadors and envoys working in this country have a code of conduct? I have not been an envoy myself, but I know that if you are posted as an ambassador in a foreign country, you must respect the culture of its people. You must respect its people. Above all, you must respect the elected representatives of that country.

The behaviour of some ambassadors in this country is not acceptable. There is no way a foreigner, with no voting rights in this country, can come here and tell an elected Member of Parliament not to speak in his own constituency. This is not disrespect shown to the Member of Parliament only. It is disrespect shown to all of us, as Members of Parliament. It is disrespect shown to the whole country. We are the elected leaders of this country. There is no way, I believe, a Kenyan ambassador in Europe or in the USA can go to an elected representative in those continents and tell them when and how to speak in their constituencies. Why do we allow this to happen in our country? This is unacceptable, ladies and gentlemen. We must say “no”!

This business of being told that some people are peace messengers must stop. They are peace messengers from where? We know the history of their country. We must say no to them. If we do not do that, what will these people tell us next? Will they tell us how to live in our houses next time? I would like to tell the Ministry of Foreign Affairs that these people must be told to respect us. If they do not, I intend to move a Motion to discuss these people under Standing Order No.79 so that they can know that this country has proud leaders who are here by right and not by mistake.

Madam Temporary Deputy Speaker, no ambassador, no matter what they think of themselves, has any right to tell an elected Member of Parliament what he or she should do in his or her constituency. As a matter of fact, I would expect an ambassador with decorum to inform an elected Member of Parliament whenever he or she feels he or she has business in the Member’s constituency. This is something we cannot accept from any envoy accredited to this country. If we accept it, we are accepting to be misused and allowing colonialism to creep back into the country. That is not acceptable.

Madam Temporary Deputy Speaker, with those few remarks, I beg to support this Motion.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity

to contribute on the Presidential Address. I would like to talk about the Independent Interim Electoral Commission (IIEC) which the President did not touch on.

I am delighted like most Kenyans, that we now have a lean independent electoral body. In spite of that, that body will not get so far if it is possible for persons of questionable credentials to qualify to be Members of Parliament or leaders at any level. Therefore, I urge the IIEC to begin thinking in the very early stage of a vetting mechanism that would discriminate against and make decisions about a person who is qualified to compete for electoral and leadership position in this country. There must be qualities to look for, including personal traits, issues of honesty, humility, discipline, moral uprightness and respect for democratic values. It does not make sense for a person who has been associated with scandals or tribal animosity to be cleared to contest for a political office. If you have been associated with criminal activities or you are a subject for investigation, you should not be cleared to contest a leadership position in the country. This is because such people are likely to continue with their bad behaviour once they are elected. To me, the real test is whether or not we can bar the people who do not really represent the values that we would like to see in this country.

We should also ask questions whether the people who are seeking political office are pro-people in terms of their history or not. What did these people do when this country was led by corrupt leaders and dictatorship was rife? We keep on talking about the second liberation, but one of the biggest problems in this country is that we continue to recycle the same people. These are people who have been servants of both the colonial regime and the KANU regime. These people are able to find their way up because we cannot draw a line between the person we need and the one we do not need.

Madam Temporary Deputy Speaker, on the same note, we have been talking about pro-poor people. If there are people who have been looking for leadership positions but have been associated with stealing from the poor or grabbing pieces of land from the poor, at what stage do you expect them to be the best managers of resources, including bursaries and the Constituency Development Fund (CDF) money? These resources are supposed to be distributed to the poor.

It has been said many times that the reason many African countries are poor is because they have leaders who get into those positions to loot those countries. It will be impossible to make any difference, unless we ensure that we bar such people from contesting for political office. So, vetting must be both at the national and local level. Of course, it will be difficult to come up with a vetting committee, but I think one of the challenges of this body is to come up with ways of identifying the people who will be better placed to make those decisions.

Madam Temporary Deputy Speaker, part of the criteria should be the ability for those who seek political office to appreciate important issues such as globalisation, regional integration, environmental conservation and donor relations. This is because there is no way we can talk about global issues if the people who seek leadership positions are limited in terms of their thinking. It is impossible to talk about regional integration when they are the people who are calling upon us to go to war with our neighboring country. It is impossible to talk about conservation in this country if there are some Members of Parliament who were allocated land in the Mau Forest. This is because they will defend the exercise. They cannot appreciate the environmental concerns raised because they are happy to build in water catchment areas.

In this connection, another criteria should be an all round education. This will enable one have some confidence and respect merit considerations as opposed to tribalism. In this regard, we should ask for the minimum qualification for a parliamentary candidate to be university education. This will expose a Member to appreciate the many issues that are discussed in Parliament.

Madam Temporary Deputy Speaker, Sir, I hope we will address issues related to how much value we place on money. Already, it is good that political parties will be funded. However, it is also important to put a ceiling on the resources that are put on political campaigns. The people who want to contest should first declare their wealth. Before a person contests, we should know what he or she has and how he or her got it. We should also know how much a person has made since being elected to Parliament. We should also outlaw fund-raising campaigns during political campaigns.

Similarly, we need to be careful that the Government of the day does not take campaigns as an opportunity to dish out goodies, for example, districts, constituencies and medical facilities such as hospitals. The campaign period is not a time to use Government resources. That is another area where we need to reduce Government expenditure.

Another area the IIEC needs to look into is the nomination of candidates for various political parties. I think the greatest abuse in the electoral process of this country is at the nomination stage. It is surprising that as people were quarrelling about how terrible the Presidential vote was flawed, we did not ask questions about how many people gave out a lot of money to be nominated as parliamentary candidates in the first place. In other words, we had many cases of the pot calling the kettle black. We had Members of Parliament who had been rigged in at the nomination stage making the loudest noise about how the Presidential vote was rigged. It is, therefore, important that the IIEC also looks into the nomination and supervises the exercise so that we do not leave it to a few people or political leaders to determine who the candidates of their respective political parties will be.

Madam Temporary Deputy Speaker, I also hope that the IIEC will be more direct with civic education and not to look at the surface. They should come out strongly and talk about the effects of tribalism and corruption. They should even identify corrupt candidates and name them. They should also identify the candidates who have been associated with tribalism and tell voters not to vote for them. They should also talk about poverty, class structure in this society and marginalised candidates like women and others who do not have resources. The IIEC should tell the electorate not to continue with the terrible habit of glorifying thieves and eventually electing them to Parliament.

Professionalism at the IIEC has been highlighted by hon. Members. Efficiency, the secretariat and competitiveness have also been talked about.

Madam Temporary Deputy Speaker, the efficiency of the Electoral Commission of Kenya (ECK) – with regard to a particular exam, we spent too much time during the nomination stage at the ECK offices clearing people because they need to have a Kiswahili or English certificate. You just wonder why this process cannot be done way in advance, if it is necessary at all. But if we argue for minimum qualifications, if you have a university degree, anyway, the issue of Kiswahili or English certificate is irrelevant. So, it is important that we do away with some unnecessary baggage that has been there because it is a tradition.

I would like to conclude by saying that part of this efficiency should include inputting or using computerization as a mechanism to make efficiency possible. I think the point was made clearly that if we had computerized in the last elections, the results would have got to the ECK much earlier than they got and we would not have been counting votes two or three days after. There would also have been fewer disputes. But part of this professionalisation must also involve identifying qualified people to be the ones who are returning officers. There were cases of returning officers who were compromised, who would announce one victor and after a few hours decide that somebody else won the election. There were cases of returning officers that could not cope because we have a tendency of identifying or employing returning officers who are retired officials of the Government. I think at the district level, we need to have younger people who are vibrant, computer literate and who appreciate much more, the issues of democratic values and can live up to the expectations of Kenyans as opposed to advertising those positions and filling them with retired officers.

Madam Temporary Deputy Speaker, I also hope that other issues we will consider will be those related to age. It is important that we have a much younger Parliament so that the people who called the younger people future leaders at Independence are not still part of the political class in this country. I would like to recommend that to be a Member of Parliament, 60 years must be the limit.

With those few remarks, I beg to support.

**Mr. Mbugua:** Thank you, Madam Temporary Deputy Speaker. I rise to support the Speech by His Excellency the President and indicate that Kenyans have lost faith in the Government. One year down the line, we still have internally displaced persons (IDPs) in this country. That is a shame for this Government. The only mistake the IDPs made was to elect us, as leaders, in this Parliament. So, it is high time that the Government ensures that the IDPs are settled and make sure that in the coming Budget, we allocate enough funds for them. This will ensure that we settle them. We should make sure that those people are comfortable like other ordinary Kenyans.

It is worthy to note that in the President's Speech, he talked about the youth. The youth of this country are desperate for jobs and, at least, earning a living. The Kazi kwa Vijana initiative is very good but it has not yet trickled down to the district and constituency levels. So, it is a very good initiative, although it has some teething problems. Currently, it is good that we sandpaper and fine-tune it so that our youth can get employment. That element of increasing the retirement age from 55 to 60 is a pity for this Government. It is a shame for this Government because there is no way we are going to retain people who have been in employment in the last 55 years for another five years. That means that the Civil Service will not recruit about 20,000 this year. This means that we will not replace the officers who have been retained for the next five years and that means a lot for the youth. I would recommend that we reduce the retirement age to 50 years so that, at least, the youth of this country can benefit from the Civil Service as well.

About 10,000 people have lost jobs in Mombasa because 25 hotels have been closed as a result of people not having faith in this Government. It is high time that the Government restores that lost hope. Our leaders are wrangling and fighting. There is no clear leadership in this country. It is a pity that we do not have clear leadership. I want to thank the Speaker for giving direction to this House. It is high time that we stopped wrangling because Kenyans are tired. Kenyans do not want to know who wants a carpet.

Kenyans do not want to know who wants what. Kenyans want to be provided with services.

Madam Temporary Deputy Speaker, we have been reactionary. Every time something happens, we go there with our choppers and cars and address the situation. We had the fire in Nakuru and the other time we had the killings in Mathira. We do not address the problem. We just go there to show off. We go and talk to the people down there without addressing the problem and then we get into our choppers and cars and come back to Nairobi without addressing the problems facing the people down there. Like the Mathira issue, the Minister of State for Provincial Administration and Internal Security did not even want to know what happened. He just went there, addressed people, got into his chopper and flew back to Nairobi. Has that problem been solved? It has not! So, we do not want reactionary leaders. We want leaders who are going to govern this country and develop it.

I want to thank the Minister for Water and Irrigation for being able to, at least, develop the water sector, especially dams. It is a pity that this country, after 40 years of independence, we cannot provide water to our people. We cannot even have desalination plants in a place like Mombasa and yet we have an ocean. A country like Dubai can provide her citizens with water. Why not us? We have arable land but it has been very difficult for us to provide our people with food. It is high time that we devise ways of harvesting rain water and put up desalination projects which will help this country to be self-sufficient in terms of food production.

Madam Temporary Deputy Speaker, infrastructure is very important for this country. Where I come from, the businesses have not been supported, yet they have been paying a lot of taxes to this country. It is important that we support our business people so that they can be more productive. Infrastructure in this country has gone down. It is high time that the Minister for Finance provided money for the roads so that we can develop this country.

Madam Temporary Deputy Speaker, with regard to the reforms that are talked, it is very important that we talk about reformers. Are these people reformists? We have pretenders than reformists! I want to thank the previous speaker who said that there are people who have been in this Parliament for 40 years. They have not done anything. It is high time that we talked to our voters so that they can bring a new crop of leaders to this Parliament so that we can develop this country.

This country is greater than parliamentarians. This country is greater than the President, Prime Minister and all of us. The 38 million Kenyans are bigger than the leadership of this country.

Madam Temporary Deputy Speaker, the Judiciary should be reformed. The President in his Speech said that. It is good to reform the Judiciary. How are we reforming the Judiciary? Are we bringing the right people into the Judiciary? There is a case of one man who was working at the National Hospital Insurance Fund (NHIF) who has been appointed a judge, yet he was involved in cases of corruption. It is a pity that we keep recycling people who have been in this system instead of replacing them with people who are going to bring about reforms in this country.

**Mr. Imanyara:** On a point of order, Madam Temporary Deputy Speaker. The hon. Member has talked about a person who was involved in corruption being appointed a judge. You know that the Standing Orders require that he substantiates that matter or he

brings a substantive Motion against a sitting judge to be able to discuss him. Could the hon. Member point out who this judge is and the nature of corruption charges he faces while he was appointed a judge?

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Mbugua, were you specific or you are talking of an example?

**Mr. Mbugua:** Madam Temporary Deputy Speaker, I just gave an example. I did not give a specific case.

**Mr. Imanyara:** On a point of order, Madam Temporary Deputy Speaker. He said the man was working at the NHIF and was involved in corruption.

**Mr. Mbugua:** He has not been sworn in, but he has been appointed a judge.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Mbugua, avoid rumours. Please, go ahead with the debate but avoid rumours! If someone has not been sworn in, then it means he is not a judge of this country.

**Mr. Mbugua:** Madam Temporary Deputy Speaker, what I am saying is true and I will bring a substantive Motion on that.

Madam Temporary Deputy Speaker, we need leaders who are credible and are going to development this country and develop investor confidence. Investors have run away from this country because of lack of credible people in the Judiciary.

Madam Temporary Deputy Speaker, I want to mention that the President also talked about new districts. It is important that we have new districts so as to take services closer to *wananchi* down there. We also need these new districts not just by name. The Minister for Finance should allocate money so that we have proper-running districts, which will render services to the people of this country.

With those few remarks, I beg to support.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, I rise to contribute to this Motion. However, while doing so, I would like to make a very pertinent point.

Madam Temporary Deputy Speaker, the pertinent point is that, complex problems do not require simple solutions. There has been a chorus in this country. This chorus has also been picked-up by diplomats and journalists. This chorus has been about wrangling in Government.

Madam Temporary Deputy Speaker, if anybody is aware of the history of this country, this country has gone through many trials and tribulations since Independence. Much more important are the trials and tribulations of this nation since the dawn of the second liberation. In front of me, I can notice Mr. Imanyara and many others who were involved in getting this country out of the one-party system into the multi-party system as a first step towards dismantling the authoritarian Presidential State in this nation. That accomplishment was not easy. Many people paid for it by their lives. Many of us spent days in police cells, detention camps and the Nyayo torture chambers. However, those sacrifices led to the systematic dismantling of the Presidential authoritarian regime which could have been dealt a substantial blow in 2007, had it not been for the stolen elections.

Madam Temporary Deputy Speaker, that stolen Presidential election created a tremendous crisis in this country. The people of Kenya rose up spontaneously against the authoritarian regime and its attempt to stay in power by armed might. What saved this nation was a compromise under the National Accord to give political space for reforms so that next time there is election in this country, it should be followed by a legitimate

Government, popularly brought into office by the Kenyan people and accepted as legitimate. Next time there is an election in this country, while the winners will be celebrating their victory, the losers will accept the results as legitimate.

Madam Temporary Deputy Speaker, the process we are involved in at the moment is a transition process from an authoritarian Presidential regime to a parliamentary democracy. It is a process that is not very easily discerned or understood by many people, least of all some of the envoys. I think it is important for the developed countries, to post envoys to this nation with intellectual capacity to analyse difficult situations and not to simplify complex problems.

Madam Temporary Deputy Speaker, I say this very earnestly because I know that transitional processes are always very difficult to discern and understand. The outcome of a transition is never known or determined beforehand. It is a product of a very convoluted process, which may make two steps forwards and one step backwards at certain times. When that one-step backwards is made, it does not mean that we are not advancing. We are advancing but having to overcome and deal with various contradictions that are characteristic of such transitional processes.

Madam Temporary Deputy Speaker, those of us who have had the advantage of being elected to this House by the people of Kenya, should rise above the common rafts of popular faces which do not analyse or describe complex situations carefully but tend to whitewash them with simple phrases that may be emotionally pregnant but intellectually very empty.

Madam Temporary Deputy Speaker, I take it that the kind of discourses, discussions and struggles that are going on in this nation through this transitional process are very important. The National Accord is not an easy formula to implement for those who have authoritarian tendencies. Those who have authoritarian tendencies tend to view reality from the prison of a one-party system where things are easy to deal with, authority is easy to discern and decisions are simply made from one center. This nation, for many decades, was conditioned to one-party mentality where one person thinks for a whole nation, complex problems are reduced to simple solutions and therefore, where the nation is turned to a mass choir that sings for the one man who makes the decisions.

Madam Temporary Deputy Speaker, we have entered into an era where every simple voice must be listened. The opinion of that voice is as important as the opinion of 1,000 other voices. Therefore, as we try to implement the National Accord and Reconciliation Accord, we should make it necessary for the authoritarian presidential system to be reduced of its powers. Many people will feel the lack of an authority above them and will think that the reduction of the powers of the presidency is leading to some kind of instability.

I beg to submit that it is important that we hit at the core root cause of under-development in this nation. The core root of under-development in this nation is the authoritarian presidential system which has led to less discourse in this nation, tremendous waste of resources and talents; inefficiency in making decisions and, therefore, continued under-development of our nation. The so-called investors are not people who are averse to risks. Investors or entrepreneurs are people who can take risks but must be able to predict the outcome of their risks. The only way that investors can predict the outcome of their risks is if there is a rule of law. The rule of law is independent of individual decisions and subjective feelings and lays down a template

over which people can make decisions and take risks. What we need, in this nation is not an end to wrangles. That is a very superficial analysis of the problems of this nation. What we need in this nation is the working of the rule of law. We cannot have the working of the rule of law under the present circumstances of the Grand Coalition Government if the National Accord and Reconciliation Act is not implemented. The National Accord and Reconciliation Act lays down the parameters and benchmarks of establishing the rule of law that will make the transition from an authoritarian presidency to parliamentary democracy possible.

The National Accord and Reconciliation Act tells us what to do with presidential powers during this period of transition. The National Accord tells us how to undertake the reforms in Agenda No.4 during this time of transition. Therefore, if people are disagreeing and discussing the National Accord and Reconciliation Act and expressing very strong feelings about it, that is good for democracy. It is not unhealthy. It is not tantamount to the so-called wrangling. I think the language of wrangling is negative and unproductive, escapist and utterly intellectually bereft of any reason. We need to lay on the table what the requisites of implementing the National Accord are. We need to address the presidential authority and presidential authoritarian style must end with the transition. We need to make sure that as parliamentarians, we need to take the responsibilities of understanding the process and explain to the people of Kenya, rather than cowing to the so-called wrangling that is making people shy to discuss important issues in our nation. I, therefore, appeal to such authors as those who wrote the current issue of the *Economist* to discuss with Kenyans who have been through the process of liberation and Kenyans who know what the burdens are in this nation, of establishing the democracy of this nation. They need to discuss with Kenyans who understand the contradictions of the transition and not to begin picking up rumours and half-baked ideas in the streets and put them in a national magazine as a way of explaining the Kenyan reality.

I do not believe that I am a part of a cabal, which is only united by their greed. I never entered politics or participated in the political process to bring the second liberation of this country because of greed. If there is greed in the Government, that is part of the contradiction of the transition. Those who are greedy must be identified as such. However, a whole Government and a whole movement for the second liberation cannot be characterised by anyone who is intellectually competent as a bunch of greedy people. That, I object to and will resist and speak against. I would like a Kenyan problem to be understood for what it is and not from a point of view of appearances but from a point of view of reality. If appearances coincide with realities, science would be superfluous. Therefore, I think that the scientific way of understanding the Kenya problem is to understand the nature of the transition and to know that the people of Kenya are committed to dismantling and doing away with the authoritarian presidential regime and to establish parliamentary democracy which is the only political form that will usher in great development in our nation.

I support.

**Mr. Pesa:** Thank you, Madam Temporary Deputy Speaker for giving me time to contribute to this important subject; the Speech of the President. First, allow me to thank the Speaker for the job he did when he remained very impartial in deciding for Kenyans what they did not expect but what they have accepted. I thank him for making this



country become better than it was before his decision. If you go round the country, you will see that people are very happy with the ruling that the Speaker made. They feel it was very important, impartial and it is serving to bring more peace in this country than it has been before. For the rest of that day, in my home area, there was a lot of tension and some people did not even open their business premises. However, after that ruling, I think the country went back to normal and work is going on. So, we need to thank him for that good gesture and decision he took on that day.

On the Speech of the President, I stand here to support it. However, there are areas where we have reservations. As we heard during his Speech--- of course, he talked about reforms. However, what he mentioned about reforms was to give more money to the Judiciary and increasing the personnel. I do not think these are the only reforms we need in the Judiciary. After the last General Election, things became very difficult for this country; there were schools of thought that felt that if one party was aggrieved, then they needed to have addressed their issues in a court of law. If you were here, you heard what these parties were talking about. The Judiciary, as Kenyans take it today, is not well constituted and not ready to do the work that Kenyans expect it to do. Therefore, the reforms in the Judiciary are overdue. There are a lot of measures, which must be put in place to accept that there are reforms in the Judiciary. The same applies with the police.

It is very difficult to comprehend the way the police work in this country. On Thursday, after the State Opening, I had a problem in my constituency where the neighbouring communities fought each other. Part of this was because of the Government's delay to make a decision. Nevertheless, when I went there, I met the elders from both sides and we agreed to address the problems. I was accompanied by the two District Commissioners from Migori and Trans Mara. After three days, we had to go to the same area because some houses had been burnt. It appears as if the police need to have some command from a certain centre to give services to certain areas. For example, when I went to Migori in the Ogwedhi area where we have problems up to now, the police from Migori were there. However, the youth from Trans Mara could not be controlled because the police from their side were not there. It took us time to talk to Nyanza Provincial Commissioner who later consulted the Provincial Commissioner, Rift Valley, so that the police from the other side could come and assist to resolve the issue.

Madam Temporary Deputy Speaker, that actually shows that we need the police to be guided in the reforms so that they can know who the commander is in the police and to whom they should pay their loyalty. At the moment, they are not impartial and they are not carrying out the duty they are supposed to, when we go by their motto: "Service to all Kenyans". They are paying their loyalty to certain quarters and ignoring other Kenyans.

We all know that we were elected by Kenyans. This House has been blamed because we, as parliamentarians, may not have lived up to the expectations of the electorate. That is why they are becoming so wild against us. Kenyans elected us with an aim. The other time they sent some of us to Bomas of Kenya, we did not succeed in giving them a new Constitution. They have been waiting to see a new Constitution put in place. It is actually the new Constitution that this Tenth Parliament will count itself lucky, if we get it as early as possible. We expect the current Minister for Justice, National Cohesion and Constitutional Affairs to live to his word; that we shall get the Constitution by next year, August. It will not be late. What Kenyans want is a new Constitution.

Without a new Constitution, I do not think we shall correct the mistakes that have been made by past regimes in Kenya.

Madam Temporary Deputy Speaker, we have employment problems. This has been repetitively mentioned this morning and I do not want to belabor the point. Youth in our constituencies have a problem. There are no employment opportunities for them. Where they try to get employed, they are harassed by the police. It would be better if the police could be human enough to support the youth. For example, they are now trying out the *boda boda* business but you find that for a small mistake that the youth make, like not registering the motorcycle in time, they are arrested and the motorcycles are confiscated.

**The Assistant Minister for Foreign Affairs (Mr. Onyonka):** On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to insinuate that it is not right for the police to ask the *boda boda* operators who do not have a licence for their motorcycles to get one? Should they be allowed to break the law or should they observe the law?

**Mr. Pesa:** Madam Temporary Deputy Speaker, I am not insinuating that they should not keep law and order but what I am saying is that they should be humane enough so that they can give those people a time limit within which to get the licence. Sorry, Mr. Assistant Minister!

Madam Temporary Deputy Speaker, I am talking about employment in this country. It is not only the youth but most Kenyans have that problem. Without the expansion of our economy, we shall not go over those problems. So, the Government must make sure that they do a lot to improve the economy. We expect Ministers not to be locational Ministers but Government Ministers. By that I mean that the Ministers should actually move around the country and inspect what goes on in all corners of Kenya. I want to thank the Minister for Agriculture, Mr. Samoei for what he started doing during the last Session. He visited quite a number of places in Kenya. We heard reports about that. He also came to Migori and I can assure this House that there is a lot of change after he talked to farmers in that area. So, we expect other Ministers to move around and see for themselves the problems that Kenyans are facing.

Madam Temporary Deputy Speaker, our education system has a lot of problems. We know that education is the pillar for development. Everybody here has gone through school. We are being told here that there is no money to enable the Ministry staff our schools adequately. That is a problem. Since I came to this House, I have never heard the Minister for Finance asking for funds even from outside the country to ensure that employment of teachers is done properly. In fact, in most areas, like my area, a primary school has about four or five teachers. So, how do you expect four or five teachers to serve a population of about 300 pupils or more?

The Ministries of Education and Finance should do their best to make sure that we get funds. Usually those funds are approved in this Parliament but they have not been serious enough to come to this Parliament with proposals which Members can debate, so that our schools are properly equipped and staffed. Our educational standards are going down and if we cannot do much now, then we are not going to develop this country because without proper training of manpower and education we cannot go far. That is an area that the Government should take action upon, urgently.

Madam Temporary Deputy Speaker, there are many things which we can talk about that need improvement in Kenya. We have done our best. We are now in a coalition Government. So, I want to appeal to all of us to understand. The Minister who has just spoken said a lot about the coalition Government. It is a Government which neither of the parties was prepared to come and join but we were forced to join.

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up! Mr. Kamau, you have a few minutes but you will continue when the Motion appears next.

**Mr. Jamleck Kamau:** Madam Temporary Deputy Speaker, I would like to convey my condolences to Mr. Lugano's family and his constituents. He was a good friend of mine. I am proud to have served the same country with him.

I was impressed when the President gave his Speech, but unfortunately, there are areas that he did not touch on, especially security. That is what I would like to talk about. Before the Speech was read by the President, there was killing madness in parts of Kirinyaga and Karatina and that issue was not touched by the President. We are scaring away investors from this country. For investors to come to a country, the first thing that they look at is security then availability of energy and labour. This country is suffering in a big way in terms of security. When something is not working, there are two options; either changing it or forgetting about it completely.

On this particular issue, I would like to put blame on two gentlemen that are serving in the Government. First is the Director of the National Security Intelligence Service (NSIS) and the Commissioner of Police. The two holders of these offices have to be blamed. I would like to say that if you check the background of these two persons, you will find that both of them served in the armed forces. One of them was a jet fighter pilot and the other one is trained in the armoury. So, they were not trained to do police work. What is important in police work is public relations. Nobody can convince me that police work and army work is the same. In my opinion, those are like day and night. I would like the Government to give that work to people trained to do police work. We know our police officers have international repute and I do not see why the Government does not find it necessary to get one of them to take the lead.

Madam Temporary Deputy Speaker, the other issue is transportation. That issue was not adequately covered. In most developed countries, they rely on rail transport. In this country, we are still using *matatus*, and I do not think we are going anywhere with such transport system in this country. For us to have economic growth, we need to focus further and try to do something on improving our transportation. With a modern rail transport, one would comfortably live in a place like Nanyuki, Nakuru or Machakos because one would be sure of getting to Nairobi and going back in the evening. Forty-five years after Independence, we should be thinking outside the box. That is where the modern world is moving; towards fast-moving trains. It is not expensive. If we get some money from our development partners, we can do it.

**The Temporary Deputy Speaker** (Prof. Kamar): Order, Mr. J.I. Kamau! We are now going to interrupt your speech. You have a right to continue for another five minutes when the Motion resumes.

We would now like to go to the Motion for Adjournment that was requested by hon. Maina this morning.

Proceed, Mr. Maina!

**Eng. Maina:** Thank you very much, Madam Temporary Deputy Speaker. But before I continue, I will, with your permission, beg this House to observe a one-minute silence for the 29 victims who were brutally murdered.

**The Temporary Deputy Speaker** (Prof. Kamar): Before you move your Motion?

**Eng. Maina:** Yes, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): That might not be in order. Move your Motion first and we will come to that at the end of your Motion.

**Eng. Maina:** Thank you, Madam Temporary Deputy Speaker.

### MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23

#### BRUTAL MURDER OF GATHAITHI VILLAGERS BY *MUNGIKI*

**Eng. Maina:** Madam Temporary Deputy Speaker, I beg to move that this House do now adjourn.

Madam Temporary Deputy Speaker, first of all, I want to start by thanking hon. Members of this House who took their time to come and grieve with us during the first visit after the murder and during the day of the funerals in Kirinyaga and Mathira last week.

Madam Temporary Deputy Speaker, I speak with a heavy heart as a Kenyan. On the night of 24<sup>th</sup> April, 2009, 29 people were brutally murdered in a manner that has not been witnessed in this country in the most recent times. I wish to give, briefly, the events that had happened in that area before those murders occurred. During the day on Monday 20<sup>th</sup>, a gang of people came to Karatina Town - there were about 300 of them – on motor bikes waving *pangas* and all manner of weapons. That happened in broad daylight at 4.00 p.m. in a country that is, supposedly, democratic; in a country that, supposedly, has the rule of law.

Madam Temporary Deputy Speaker, I need not mention the uncivilized act that, that portrayed. Those people passed through a road-block and entered Karatina Town. People were in the shops. They closed the shops. Two young men were cruelly cut on their necks and heads after being robbed of their mobile phones and any money that they had on them.

Madam Temporary Deputy Speaker, when I got the news, I contacted the security agents and I must say their response was positive. Those people were supposedly driven out of Karatina town. They were not people from that area and I requested that patrols be conducted in that area. Everybody was in shock. That happened and I was assured that the security forces will be conducting patrols.

Madam Temporary Deputy Speaker, on the dreadful night at about 1.00 a.m. in an area called Gathaithi, various incidents happened and they were reported by the members of the public. Young men were called from their houses and, supposedly, they were driven to a section of a road about 100 metres. Next to it, a timber house was set ablaze and 20 people were murdered in that distance of about 100 metres. I was informed that 45 minutes earlier, the security forces had just passed through there while conducting patrols. There must have been mayhem. There was a burning house. There must have been all kind of upheaval or screams.

Madam Temporary Deputy Speaker, another seven people were frog-marched from that scene for a distance of about two kilometers towards Karatina Town to a shopping centre called Kiaruhiu. Those seven people were also murdered brutally.

Madam Temporary Deputy Speaker, I want hon. Members of this House to imagine that, very few of us have the courage to shed blood. But those people were severally cut and another seven died there.

Madam Temporary Deputy Speaker, I was informed that in the early hours of the morning, that is on Tuesday or Monday night at about 4.00 a.m. or 5.00 a.m., the security forces came to the area. The Government came to the area and collected the littered bodies at the first site and at the second shopping centre. I got the news and moved to the site the following morning. When I arrived, the people were in shock. That area is on the border between Kirinyaga West and Mathira East districts.

Finally, Madam Temporary Deputy Speaker, another six people were collected brutally injured and they were taken to Karatina District Hospital. When I visited them on the morning of 21<sup>st</sup>, two had succumbed to death. The total deaths from this incident were 29. Four people were critically injured and were taken to hospital.

Madam Temporary Deputy Speaker, when I visited the site, fear and tension was high. Government officers were present and I requested them to beef up security. However, our people are still living in a lot of fear in this area. Supposedly security has been stepped up, but not to the adequate standards that we expect. There was this gang, which came to Karatina Town in daylight on 20th. They drove motorbikes waving *pangas*. It takes money to finance 100 motorbikes. It also takes money to buy 300 *pangas* and to feed young men to go on rampaging in an area. Who is behind this? When was this arranged? Where were the Government eyes when all this was happening?

Let me come to the night of the murder. Having assured the people that there would be police on patrol, where were the security forces on that night? It was a pity that 29 people were killed in an area; seven kilometers from Karatina Town. This is a very peaceful area. One wonders why this particular area was chosen for such heinous murder. It is a very quiet village. People in the area grow tea and keep dairy cattle.

Madam Temporary Deputy Speaker, one wonders what country we live in if an incident like this could be arranged and the Government did not have prior information. This is a civilized area with telephones. The public wonders what country we are living in where people like barbarians can come to a town and go around waving *pangas*. People closed shops. Women abandoned the wares and agricultural produce, which they were selling in Karatina Market. They walked home in fear.

The barbarians went back to wherever they came from, passing by a police roadblock. These are questions that boggle everybody's minds. We have tears and our hearts are bleeding. We have a Government committed to the rule of law and it has the cardinal duty of protecting its people. There is no Government worth its name unless it can assure its people of the safety of their lives.

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up.

**Eng. Maina:** I will request Mr. Wamalwa who has been with us and who has witnessed similar incidents in his area to second the Motion.

**Mr. Wamalwa:** Thank you, Madam Temporary Deputy Speaker. My condolences to Eng. Maina, Mr. Githae and the people they represent.

Since last year when we came for the State Opening of Parliament, there had been bloodshed in this country. This year on 21<sup>st</sup> April, as we attended the State Opening of Parliament, we prayed that this would be the year when there would be no bloodshed. But on that very day, the people of Gathaithi Village in Mathira woke up to a morning of horror where 29 people had been murdered. They were not even murdered, this was a massacre. To have 29 people slain from a single village on a single night was, indeed, a massacre.

What was worrying was that the response that followed thereafter is a matter that did not elicit the response or the national outrage that it should have. It reminded me of an incident in Alabama where there were riots and demonstrations for civil rights. There were brutal beatings and killings that elicited a national outrage. The then President of the USA, Lyndon Johnson said that what had happened in Selma was not really a Negro problem; it was not really a Southern problem; it was an American problem.

What happened in Mathira and Kirinyaga was not a Kikuyu problem. It was not a Kirinyaga, Nyeri or Central Province problem. It is a Kenyan problem. Sometimes when events happen that are distant from your place or people, they do not touch you. When eventually they do happen to you, you realize the pain. I come from Trans Nzoia where the Sabaot Land Defence Force (SLDF) started by cutting off ears of their very own then slaying them. Eventually they spilled over to Trans Nzoia and the killings continued. Those who were in Trans Nzoia then and thought this was a Sabaot problem in Mt. Elgon, were shocked when the problem spilled over.

We need to acknowledge that whatever happens in whichever parts of this country touches all of us, particularly when it touches on the security of the people of Kenya. Under Section 70 of the Constitution, it is the cardinal duty of the Government to protect the lives and property of its citizens. John F. Kennedy once said that freedom from fear that the State should guarantee its citizens is indivisible.

Madam Temporary Deputy Speaker, whether they are the people of the village of Gathaithi or the people of the village of Kanyerus where as we speak there are Uganda soldiers that pulled out beacons along the Kenya-Uganda border There are fishermen on Migingo Island who live in fear and wake up every morning to see uniformed Ugandan soldiers harassing and instilling fear in them. It is the duty of this Government to protect its citizens and ensure they are free from fear. This is a duty that clearly on the night the killings happened which has been called the "Night of Long Nights", the Government abdicated its role.

Where was the intelligence? How could hundreds of youth armed, brandishing crude weapons and riding on motorbikes go through several villages through roadblocks where police officers were guarding and, nothing was done to intercept them? Nothing was done to ensure that their plans were blocked. We are urging the Government to investigate this issue thoroughly and look into the *Mungiki* menace, the SLDF, *Sungu Sungu* and other youth groups in the country.

With those few remarks, I beg to second.

**Ms. Karua:** Madam Temporary Deputy Speaker, I beg to support the Motion. We have been talking about 29 victims of the massacre and the lady who was killed brutally thereafter. The total number of lives lost is 44. Before the Karatina incident, we had watched as Kenyans - and the security apparatus also watched - 14 suspects get brutally murdered by vigilantes and their property burnt.

The police, the security apparatus and the Government have abdicated the responsibility of keeping Kenyans free from fear and taking charge of security. For a whole week, vigilantes had been on rampage looking for suspects, burning their properties and killing them.

Madam Temporary Deputy Speaker, a criminal act, committed by whatever name a person goes by or whatever colour, is a criminal act. The only power that a vigilante group would have is the citizens' power of arrest. Any citizen has power, under our Constitution, to arrest a wrong doer or a suspect and take him or her to a police station. But nobody has the right to become an accuser, a judge and an executioner. There is information coming in that those vigilantes were, most probably, escorted by the police in their heinous acts. The moment the police and the residents of Kirinyaga, I included, warmed up to that kind of behavior for a week, it was a recipe for the disaster that was later to happen in Gathaithi.

The Mover of the Motion, Eng. Maina, has correctly captured the activities during the day of the massacre. He has talked about 300 motorcycles. I want to correct him. Information on the ground had it that it was a convoy of 1,000 motorcycles, each having three people on it. So, that was a total of 3,000 people all brandishing crude weapons, which included pangas, bows, arrows and whatever else.

**Madam Temporary Deputy Speaker** (Prof. Kamar): May I propose the question first, so that she can continue and complete.

*(Question proposed)*

**Ms. Karua:** Madam Temporary Deputy Speaker, may I repeat what I had said in advance and continue. The information I got from the ground is that it was a convoy of 1,000 motorcycles, each carrying three people, brandishing crude weapons including pangas, bows, arrows and axes. It drove through the four districts of Kirinyaga; through Ngurubani, Kimbimbi and through Kutus, which Gichugu shares with Mwea, and Kerugoya/Kutus. It drove through Kerugoya, Kagumo and, finally, it entered Nyeri East District or Mathira and ended at Karatina. It is as if the security apparatus had gone to sleep. I understand that the police on roadblocks were removing the roadblocks to let this convoy pass as though it was a presidential motorcade.

What happened on that day supposedly was terror by the so-called "Mungiki" gang. It was a warning, but can we fight crime with crime? Under the law, can anybody go threatening others and brandishing weapons in broad daylight? We need an explanation. The head of security in the province, because this affair traversed several districts, is the Provincial Commissioner (PC). We need an explanation from one PC, Mr. Rugut, as to whether he was asleep together with this security apparatus. We need an explanation, especially from the Officer Commanding Police Division (OCPD) of the larger Kirinyaga, because they have not separated the OCPD since we were given four districts. We need an explanation from Khaemba as to where he was when 14 people were murdered. Where was he when that motorcade went through?

I sympathise with our people who say that they had been terrorised by extortionists who were demanding money from their businesses. However, that is not an excuse to join criminality. If they had hunted them down, arrested them and handed them over to the police, we would be saying congratulations. I want to congratulate people on

the Karatina side who, after the massacre, apprehended suspects and gave them to the police. That is the way to go.

Madam Temporary Deputy Speaker, I want to condemn in the strongest terms possible the Government's legitimisation of using crime to fight crime. Police has been shooting to kill suspects and branding them *Mungiki*. I want to say, as a Central Province leader and a Kenyan leader, that we are now rejecting that brand name. We want people to be arrested for specific criminal offences. When you use a generalised name, it is an excuse for persecution, extermination of our youth and an excuse for ethnic cleansing.

During the Moi era, we were hearing of FERA in Western Kenya. It caused the harassment of many innocent people. We must refuse to be criminalised; that the existence of young men in the Mount Kenya region has now been criminalised. We want crime to be punished, but not under a brand name. We want to know the specific individuals. We want to know whether the police are, themselves, having gangs, which are committing offences and branding themselves *Mungiki*. We do not want phantom gangs. We want individuals behind crimes apprehended and taken to the police. If a Government fails to maintain law and order, it has no business to exist and that is why I had to leave this Government.

I beg to support.

**Mr. Shakeel:** Thank you, Madam Temporary Deputy Speaker. I rise to condemn the killings that have taken place in Central Kenya in Karatina, involving about 44 people. This is a Kenyan problem. It is not a problem of Central Kenya. It is not a problem of Karatina. It is a Kenyan problem. That Kenyan problem is continuing because there is lack of understanding and commitment. People do not believe, trust and cannot depend on the security forces of this country to protect them, no matter where and when.

The issue of criminalising groups is not right. The *Mungiki* has been criminalised. There are criminal elements in *Mungiki*. I am not supporting the *Mungiki* for a minute, but I am saying that the *Mungiki* is like the *Taliban*. Not 100 per cent of the *Taliban* members are all bombers. As a matter of fact, maybe three or four of them, but everywhere you hear *Taliban*, *Al Queda* or *Mungiki*. The *Mungiki* has, within itself, a system. Having developed a system like the Americans developed in Afghanistan, you cannot go and develop a system in *Mungiki*. The Government of President Moi actually developed a system in *Mungiki*, gave them weapons and showed them how to fight and now you want to dismantle them and give them the rogue security forces. The Government should not have allowed a systemised dis-servicing of those youths. It has given criminals the opportunity to head this group. We have criminalised the youths.

This is happening in Kisumu. Hon. Ojode is looking at me and I want to tell him that, after the problems that we had in Kisumu, groups thought that they could be used by criminals, for example, over the issue of "No Raila, no peace".

Madam Temporary Deputy Speaker, about 3,000 people went around and they were not detected. In this country, police officers have been given "shoot to kill" orders. They do not use rubber bullets. We have satellites where Americans can tell you where a tennis ball is at any one time. You want to tell us that 3,000 people could not be detected? It is not just right. People flew there in helicopters to condole the victims. The Prime Minister went there in a military helicopter. Where was the President? By the way, when the Prime Minister went there, the military helicopter fuel was being siphoned. Where was the President? Up to today, I have not seen the President go to that area to say *pole*.



He might feel that he wants to do that--- But I think he has to do it. It is important that he goes there and condoles with his people. If there are people who are advising him not to do so---

**Mr. Thuo:** On a point of order, Madam Temporary Deputy Speaker. I think it would be in order to stress that the President did send a message through the Vice-President and Minister for Home Affairs as well as through Prof. Saitoti, who were right at the funeral. So, it is not correct to say that he did not send a message of condolence.

**The Temporary Deputy Speaker** (Prof. Kamar): Have you got it correct, Mr. Shakeel?

**Mr. Shakeel:** Madam Temporary Deputy Speaker, in fact, I did not mean a "message". I meant his physical presence. This is a national issue. His physical presence is important. He is the father of this nation. We do not want him to send the Prime Minister or Prof. Saitoti. We want the father of this nation to go and console with those people. I am sure that he feels so, and I am sure that he will go.

**The Temporary Deputy Speaker** (Prof. Kamar): Order, Mr. Shakeel! According to the Standing Orders, this Motion does not allow digression. Concentrate on the Motion the way it was put forward. Please, read the Standing Orders and understand when you can take advantage of a Motion.

**Mr. Shakeel:** Thank you!

Eight-four people were killed in Kisumu. To date, we have heard nothing. Live bullets and G-3 rifles were used on the youth, but we hear nothing. We are told: "We are investigating." There were Rapid Deployment Unit (RDU) personnel sent to Kisumu during the skirmishes. Why were officers from the RDU not sent to Karatina? We want to know why; is this another way conducting extra-judicial killings? I cannot support! I condemn this action with all my heart.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Thuo:** Thank you, Madam Temporary Deputy Speaker. I wish to start by giving my condolences to those who were affected by these heinous crimes, not only in Karatina and Kirinyaga but countrywide.

I wish to give a bit of background to remind this House what happened last year when we, leaders, accepted that it was possible for us to use chaos as a means towards an end, and that there have been very many victims in the past, in very many isolated incidents. These were victims of *Mungiki* or *Taliban* or whoever else you want to talk about. What is my point? We have seen recent events and chaos bordering on anarchy. I will mention a couple of incidents.

Madam Temporary Deputy Speaker, nowadays, if someone is upset because some illegal connections of electricity have been disconnected, he can uproot a railway line with no consequences. I was watching television at home as police officers on duty in Kayole were attacked by a mob. The officers ran away to their vehicle and sped off. We read in the media about a police station in Kisumu, where the police rescued someone from mob justice. The officers were pursued to the station by a mob and the station was stoned and held under siege by the public. In this incident, two officers were seriously injured.

Madam Temporary Deputy Speaker, my point is that we are sliding towards anarchy. I know that we are serious when we talk about Karatina and Mathira, but I want to warn my colleagues that the situation goes beyond that. Policemen were asked by these

same leaders to stop. We condemned them as a group. The Speaker ruled that people should be held accountable for their crimes. We condemn an entire force for extra-judicial killings. We said the number was 500. So, even if we have seen 500 officers killed, we condemned another so many thousands unheard. We have demoralized them.

The police are no longer equal to the task of picking a gun to protect property or lives. We have brought this upon ourselves. It is time we rose up to the occasion and, as the national leadership, deal with the issue of chaos and anarchy that we are seeing beyond Karatina or Central Province; we should admit that this is a national crisis.

If they paralyse the economy of Central Province then it means they have paralysed part of Kenya. Again, if they paralyse Kisumu they have paralysed part of Kenya. May I remind my colleagues that in the southern part of Italy where the *mafia* thrived, they are less developed than the north. All of us should be very afraid of what is happening. It is both social and economic. It is a brutal crime of monumental proportions on our people. It will affect us even beyond our current imagination. To this end, I would challenge my colleagues to be bold and seek new initiatives.

Recently, we had a meeting with some leaders from the affected region and not all of us turned up. Even when we turn up, it is not about offering solutions but vilifying the Government. I accept that the Government may have failed us, but we are leaders. We were elected by our people to give them solutions. Why are we outsourcing that role and to whom? It is your role as a leader. You must sit with your people. We must give solutions to these problems. We sit here and vilify the Government. However, our colleague, Mr. Ojode, who rises to respond is a parliamentarian like me and is also seeking for solutions. What are we offering? What solution are we giving these people?

Madam Temporary Deputy Speaker, let me also state, as a person who operates business in Nairobi, that the finances available to these groups are huge. It is not a small matter when we can prove that those who collect money from the *matatus* illegally can collect in excess of Kshs7 million a day. These are weapons in the war. It is money available to these people to fight back. It will not be won with a man carrying a gun with bullets. Even the police will fail on this one. This has taken a different dimension. The war against the *mafia* in the USA was not won simply by guns and bullets. Even in Italy, which has made great progress, guns and bullets were not the solution. It has to be a marshal plan that accepts that it is multifaceted. It has to involve social, economic and political scenarios. It will also involve the entire community rising up as one to protect itself from this menace.

With those few remarks, I beg to support.

**Mr. Mwathi:** Thank you, Madam Temporary Deputy Speaker for giving me a chance to contribute to this very critical Motion. As leaders, we must address the killings that started long time ago. I too would like to convey my condolences to my brothers, Mr. Githae and Mr. Maina, the Member for Mathira. It is very clear today that we are talking about areas represented by the two hon. Members. If you follow the history of this gang, you will realise that it moved from Nairobi to Murang'a. It then went to Kirinyaga and it is now in Nyahururu. So, even as we condole the two hon. Members, we must be aware that tomorrow we might be in the trap.

Madam Temporary Deputy Speaker, personally, I condemn any criminal gang. It has been said in public that prior to what happened in Mathira and Kirinyaga, there were people who were reported in the Press, day after day, moving from one home to another

flashing out and killing people who were suspected to be, or were, indeed *Mungiki* followers. No action was taken against this group and yet our security personnel were there. I do not want to blame the security officers. I know they have a huge task. I know the good officers are doing a very good work, but there must be rogue ones who, probably, enjoy when such things happen. If they are there, I request the Minister to take action against them. It is not like the Government to look at a situation where people are being killed and yet not take action.

Madam Temporary Deputy Speaker, we have heard of so many criminal gangs be it *Chinkororo*, *Mungiki*, Baghdad Boys and so many others. The list is endless. I am also wondering if it is really right, as a nation, that we only get statistics and the names of these people; that *Chinkororo* is in Kisii and it is known, *Mungiki* is in Central and Baghdad is in another place. So after we know, what do we do about it? As leaders, I know this is a heavy task.

I want to submit that as leaders we need to combine efforts with the security forces and church leaders. In fact, last weekend when I was in my constituency, I spoke to some leaders and asked them to use a third of their preaching time every Sunday to talk about this menace. I am also asking leaders from the other areas because the criminal gangs are not only in Central Province, they are everywhere and it looks like one time – I am not predicting doom – these criminal gangs will come together and take over this country and terrorize the whole nation. So, it is up to us, even as we discuss this particular Motion and because it has happened, it has given us an avenue to ventilate our position. Sometimes we wait until bad things happen and then we talk. Be it as it may, let us get solutions.

It is very well known that the criminal gang in Central Province has been extorting money from people. When I was in Mathira, I went there twice because the issue way about touches on the Central Province. They extort Kshs.500 money from everybody. They extort money from the person who has a stone house, the one with a timber house is charged Kshs200 and the one with a mud house and has no food must produce Kshs50. Even when you have to receive dowry for your daughter, they want 5 per cent. We are living in a country where those things are happening and it is known. Let me take this opportunity to ask the Minister in charge of security; even as he promised to introduce reforms within the police force, to urgently do so because the country is quickly degenerating. We have so many police posts, like in my place, which do not have officers. Much as we may be saying---

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up!

**Mr. Mwathi:** Madam Temporary Deputy Speaker, with those few remarks, I beg to support.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. First of all, let me take this opportunity to give my condolences to all the people who lost their friends and relatives. These people came from both Mathira and Ndia constituencies. Let me also thank Eng. Maina for coming up with this Motion that has enabled us to discuss this very serious matter. I stand here to condemn wholeheartedly all criminal gangs operating in this country because that is what they are. They are criminal gangs whose purpose is just to extort money. Therefore, I stand here to condemn *Mungiki*, *Chinkororo*, Sabaot Land Defence Force (SLDF), the Republican Army at the Coast, *Taliban*, *Jeshi la Mzee*,

Musumbiji Boys, Embakasi Boys, Baghdad Boys and *Sungu Sungu*. These are all criminal gangs! The Government has proscribed them and, therefore, they are criminal.

In this particular case, we lost over 29 people, 12 of whom came from my constituency and the rest from Eng. Maina's constituency because the two constituencies border each other. In fact, where this particular incident took place is on the Mathira side and when people from my constituency heard the cries on the other side they went to assist and in the process they fell into an ambush.

Madam Temporary Deputy Speaker, we had received information and passed the same to security officers. What is clear and my main concern is that 30 minutes before this, fully armed police officers on patrol in a Landrover vehicle passed there and they were told there was no problem. It is true that at that particular time they passed there, there was no problem. My main concern is that they were being monitored. That is for sure. The moment they left, it took only 30 minutes before the episode began. Therefore, we are dealing with a gang with some military techniques.

Madam Temporary Deputy Speaker, I also want to state here clearly that statements have been issued that some leaders support *Mungiki* and all these criminal gangs or they are members or benefit from them. I want to tell the Commissioner of Police, here right now in broad daylight that, if there is any leader, be it a Member of Parliament, Councillor or chairman of a party or whatever, involved with these gangs, he should take immediate action. They should be taken to court and charged with incitement, extortion, obtaining money by false pretences and any offence that you can think of in the Penal Code. The issue that there are leaders who support or benefit from *Mungiki* and other criminal gangs should come to an end.

Madam Temporary Deputy Speaker, the Chief Whip has challenged us that we must also give solutions. I want to give some solutions. One, it is very clear that brutal force cannot work. Whenever brutal force has been used, these criminal gangs have simply migrated from where they are being chased. Therefore, we have to look for another solution. My solution is first of all to give the youth hope that they are also stakeholders in this country.

Madam Temporary Deputy Speaker, we must channel almost 100 per cent of the Youth Enterprise Development Fund (YEDF) to the constituencies so that the youth can borrow money and use it to start businesses. The money that is taken to intermediary banks is not working. The same should apply to the Women Enterprise Development Fund (WEDF). The amounts must be remitted to the constituencies not banks. Banks are not giving out that money.

Madam Temporary Deputy Speaker, *Kazi kwa Vijana* programme must be taken to the grassroots because that is where the problem is. We must also employ people to clean Nairobi River instead of using machines. We must employ people to eradicate the hyacinth weed from Lake Victoria instead of using machines.

I support the Motion.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I want to join my friends this afternoon to contribute to this very important Motion. But before I start, I wish to send my condolences to the people of Mathira for having lost a total of 29 people in that most brutal massacre. We want to join hands with them and assure them of our support during this very difficult time.

Madam Temporary Deputy Speaker, as we go on, I think it is extremely important that, as leaders, we must always remember that our role is to offer solutions where there are problems in the society. The people who died in Mathira were not Kikuyus, they were not people from Mathira, they were Kenyans. These are Kenyans upon whom the Government must always provide security at all times. I think it is extremely important that we work together. We should work with the security forces to ensure that people are able to live and work at any place, any time without fear of any criminal gang.

Madam Temporary Deputy Speaker, I wish to state that the problem of *Mungiki* in Central Province is, indeed, not restricted to Central Province. The issue of unemployed youth in the whole of this country has been a big problem. In Rift Valley, for example, theft of cattle and other animals has become a perennial problem. It has become extremely difficult to deal with it. We must look at the root cause of these criminal gangs. They start as very small youth groups that force people to pay taxes for certain services and before long, they gain a leadership structure that finally becomes extremely difficult to deal with.

Our responsibility is to work with them, find out what the problem is and move forward. Secondly, I want also to state that---

**The Temporary Deputy Speaker** (Prof. Kamar): Time up! Unfortunately, we only have the remaining ten minutes, which is allocated to the Government Responder.

Thank you, Mr. Kinyanjui.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, this is a very serious Motion. I want to respond to it adequately. I have been approached by two friends of mine to give them two minutes each. For the remaining time, I will expeditiously respond to the Motion. I will give two minutes to Mr. Kioni and two minutes to Mr. Ethuro, and then I will proceed with the response.

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I want to thank the Assistant Minister for giving me the opportunity to contribute to this important Motion. We have come here today to send a strong message, as a House, that our sympathies and condolences go to the people of Mathira. The gangs that are visiting violence on our people and killing them must not be entertained. We would want to urge the Government that responsible governance must be enforced all the time and every time. It is not a favour that the Government is giving protection to lives and properties. It is the very essence of which governments are in place.

If we want to solve this problem, once and for all, we must have a mechanism. In the enactment of the National Accord and Reconciliation Act, we have the issue on Agenda 4, which is supposed to be reforming institutions. Any democracy, which cares about its name, must reform its institutions. In particular, police and judicial reforms are called for.

With those few remarks, I beg to support.

**Mr. Kioni:** Thank you, Madam Temporary Deputy Speaker. I would like to thank the Assistant Minister for donating the two minutes to me. One, I think it is important that the Government provides vehicles in these areas before disasters occur. We also need to have adequate police personnel before disasters occur. Two, we talked about people uprooting the railway line. We also have young men who are occupying people's houses in Mathare and other places. These are the acts, which are helping these groups to grow.

In Mathare and Kibera, we have people who are staying in other people's houses that they do not pay rent for. Third, it appears as if some of the people who went to attack people in Mathira came from outside that area. It is important that attention be paid to people who may want to fund chaos in that region of Central Kenya. It is crucial that this information that has come out be investigated. It will also be important that we get statements from Ministers instead of requesting for adjournments.

I beg to support.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Ojode):** Thank you, Madam Temporary Deputy Speaker. The issue at hand is quite grave. This was a grisly murder of 29 people within the same area. Four people were critically injured. When we went to the site, accompanying the Prime Minister of this country, we realized that some gangs had been dropped in market centres. There has been some criminal activities happening in both constituencies.

Madam Temporary Deputy Speaker, the same criminals wanted to extort money from the common *mwananchi*. If you have a permanent house, they levy Kshs500 per month. If you have a timber house, then you must pay Kshs300. This is a proscribed sect. This is an illegal gang but if you want me to say the truth, I will say it. The truth is that I must reprimand my own colleagues in this House. This is not a Mathira or a Central Province case. It can spill over. It is a problem of our own country. My colleagues must come out openly and condemn the heinous act which we witnessed and lost 29 people.

Recently, you must have heard that when my police officers arrest criminals, there are sections of politicians who say that "our own people are being finished." There are those who have said that we should talk to criminals.

I am on record that we will never negotiate with criminals as long as I am still the Assistant Minister, Ministry of State for Provincial Administration and Internal Security. They have brothers and parents but we should condemn them. Why is it that even the religious leader of this country have never come out openly to condemn those people? How come that some of my colleagues suggested that we negotiate with criminals? If you know that you are involved in any criminal activities, then you better report to the nearest police station. You cannot come out and condemn the same police officers who are trying to restore law and order and claim that there are extra-judiciary killings.

Madam Temporary Deputy Speaker, when police officers are killed, not even a single person says that it is wrong. The police officers are also human beings. We must also protect the police officers. Can you imagine if we withdrew the services of police in this country for one hour, what will happen? Even you people cannot come out of this building. It is better to come out truly in our true colours and agree that we must have what we call collective responsibility in restoring law and order in this country.

Madam Temporary Deputy Speaker, Section 71 of the Constitution says clearly that the Government's primary duty is to protect life and property. That is exactly what we are doing as a Government. In fact, I thought they were going to congratulate the Government for having protected the lives and property of Kenyans. I have asked for more money to buy vehicles. I plead with my colleagues to pass that Vote so that I can buy more vehicles and distribute to areas which are prone to criminal activities. If there is any illegal gang operating in Kenya, be it *Chinkororo*, *Jeshi la Mzee* or *Mungiki*, their days are numbered. We are going to act decisively to protect Kenyans.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, we have come to the end of the morning session. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.