

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd April, 2008

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS PAPER LAID

The following Paper was laid on the Table:-

List of Constituencies Development Fund Board Members.

*(By the Minister of State for
Planning, National Development
and Vision 2030)*

NOTICE OF MOTION

APPROVAL OF CDF BOARD MEMBERS

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to the Constituencies Development Fund (Amendment) Act, 2007; this House approves the list of the Constituencies Development Fund Board Members as follows:-

Under Section 5(3)(a), the Permanent Secretary, Ministry Planning, National Development and Vision 2030;

Under Section 5(3)(b), the Permanent Secretary, Ministry of Finance;

Under Section 5(3)(c), the Clerk of the National Assembly;

Under Section 5(3)(d), the Attorney-General;

Under Section 5(3)(e)(1):-

(1) Eng. Joel Muthunga Wanyoike, representing the Institute of Engineers of Kenya;

(2) Ms. Mary Wanjiru Kibui, representing the Kenya National Federation of Agricultural Producers;

(3) Ms. Jennifer Barasa, representing the Kenya National Chamber of Commerce;

(4) Mr. Lawrence Kahindi Majali, representing the Kenya National Union of Teachers;

(5) Rt. Rev. Bishop Martin Kivuva, representing the Kenya Episcopal Conference;

(6) Ms. Maryam Sheikh Abdikadir, representing the Supreme Council of Muslims;

(7) Ms. Rebecca Metto Koskei, representing the National Council of Churches of

Kenya;

(8) Mr. Benson Okundi, representing the Institute of Certified Public Accountants of Kenya;

Under Section 5(3)(f):-

(i) Dr. John Wamakonjio;

(ii) Mr. Simon Kiprono Chelugui;

(iii) Mr. Omar Jibril Mohamed;

(iv) Mr. James Oloo Ogundo;

Under Section (5)(5):-

Janet Mang'era (Kenya Episcopal Conference)

ORAL ANSWER TO QUESTION

Question No.013

BUDGETARY SUPPORT FOR NEWLY-CREATED DISTRICTS

Mr. Mbau asked the Minister for Education:-

(a) how much money the Government has factored into the Financial Year 2008/2009 Budget for the development of the newly-created districts; and,

(b) noting that most of the new districts became operational immediately, whether there was any budgetary support in the Financial Year 2007/2008 to run the said districts.

The Minister for Education (Prof. Ongeru): Mr. Deputy Speaker, Sir, first of all, this Question appeared on the Order Paper today and we were not informed prior to that. Secondly, we have examined the Question in detail in my Ministry this morning and we really do not see how we feature here, as the Ministry of Education. The Question is talking about the Financial Year 2008/2009 allocation. I suspect it is the Ministry of Finance that is involved in allocating money to new districts. If the hon. Member meant to refer to the District Education Office, then I will be quite happy to reply to the Question.

Mr. Deputy Speaker: I think there has been a mistake here. Hon. Mbau, you did not want this Question to be answered by the Minister for Education. Did you?

Mr. Mbau: Mr. Deputy Speaker, Sir, I already have an answer from the relevant Ministry.

Mr. Deputy Speaker: Okay! There must be some kind of a typographical error. This is a Question for the Ministry of State for Administration and Internal Security, which is in charge of Provincial Administration or the Ministry of Finance. So, could the relevant Minister answer that Question, please?

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

(a) The preparation of the 2008/2009 Budget Estimates has not yet been finalised. According to the indicative Treasury ceiling, the Ministry has been allocated Kshs3.027 billion for the Development Vote. The indicated amount falls short of our requirement, which amounts to Kshs3.526 billion. However, an appropriate proportion will be allocated for the development of new districts intended for creation in accordance with their requirements.

(b) No money was set aside for the new districts during the Financial Year 2007/2008. However, the Ministry requested for some money to create basic facilities for districts whose

intention to create has been gazetted awaiting Parliamentary approval.

Mr. Deputy Speaker, Sir, to date, a total of Kshs18,200,000 has been utilised under the Recurrent Vote. In addition, Kshs162,360,000 has been allocated under the Development Vote for refurbishing and the improvement of the existing physical infrastructure in the new district headquarters.

Mr. Mbau: Mr. Deputy Speaker, Sir, I want to commend the Assistant Minister for the answer. This Question arises out of the realisation that towards the end of last year, this country received clamour for the creation of new districts.

Mr. Deputy Speaker, Sir, today, we are talking about 145 districts in Kenya. This means that nearly every constituency has become a district because we have 210 constituencies. It also appears that these new districts were created haphazardly without prior consideration to the needs of the people.

Mr. Deputy Speaker, Sir, would I be in order to recommend that we consider making every constituency a district with a district commissioner, departmental heads and all the other facilities that are required for a district? This will enable us to plan right from the beginning knowing that all districts and constituencies are being treated equally and fairly.

Mr. Lesrima: Mr. Deputy Speaker, Sir, the hon. Member needs to be informed that the need to create new districts arises out of the applications by Kenyans themselves. With regard to the issue of making every constituency a district, that should be left to the people of Kenya. They need to say whether they want to go that direction or otherwise.

Mr. Bett: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister say that creation of districts is done following applications by Kenyans. Mr. Mbau has requested to be given a district and he is a Kenyan.

Mr. Deputy Speaker, Sir, am I in order to say that the Assistant Minister is misleading the House because one Kenyan has applied for a district like I am applying for one, and he has not got it?

Mr. Lesrima: Mr. Deputy Speaker, Sir, well, Mr. Bett, could be right, but the mode of application is by the population of those specific areas, but not by individuals. It will be good to have the residents of particular areas come together and discuss the modalities for sub-division, creating the boundaries, the number of divisions and so on.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is misleading the House. Is he in order to tell us that allocation of Districts is dependent on the population when I know very well that there are some constituencies which are districts and they have smaller populations than others? Furthermore, there are even some with two districts.

Mr. Lesrima: Mr. Deputy Speaker, Sir, well, population is not the only criteria. The other criterias are, of course, geographical and physical features, the need for internal harmony of the population affected, the security demands, the infrastructure and socio-cultural affiliations. It is not just purely population. There are fairly large districts which are even bigger than two provinces combined like Marsabit District, for example.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I think the good Assistant Minister is only trying to put across some justifications. However, we know districts in this country are given on how one is connected politically. There are some constituencies with two districts.

Mr. Deputy Speaker, Sir, all we are asking is for the Government to implement the policy of one constituency, one district. That is every constituency to become a district. There is no criteria we know of. We have seen Amagoro which is one constituency, but it has two districts. Mwala Constituency is now a district, which I neighbour, just because whoever was there before was politically-correct. He was given his own district. Why should Yatta Constituency not be

elevated to a district status?

Could the Government come up with a policy for every constituency to be elevated to a district status? It is very simple.

(Applause)

Mr. Lesrima: Mr. Deputy Speaker, Sir, the recommendations by the hon. Member can be considered. However, it is also true that certain constituencies are so large that, in fact, they deserve to be split into two districts. They also deserve to be split into two constituencies. So, I think it is a good suggestion the hon. Member made that we consider moving towards that direction.

Mr. Bahari: Mr. Deputy Speaker, Sir, although there is need to rationalise district boundaries, so that some constituencies do not fall into more than one district, I think the whole idea of districts, particularly in the vast Arid and Semi-Arid Lands (ASALs), areas areas, is very appropriate and I want to support this proposal. Is the Ministry doing anything in the Supplementary Estimates to ensure that these new districts are catered for financially?

Mr. Lesrima: Mr. Deputy Speaker, Sir, something is being done. As you are aware, we are just about to go through the Supplementary Estimates, while, at the same time, preparing for the Budget of 2008/2009. Something is definitely being done to provide funding for those additional facilities. However, we also want to encourage the mother or original districts to continue supporting the new districts in terms of sharing technical facilities. There may be districts without district engineers or Officers Commanding Police Divisions (OCPDs). While we are moving to that direction, to provide all those facilities to encourage the mother districts to continue supporting the new districts---

Prof. Kamar: Mr. Deputy Speaker, Sir, could the Assistant Minister clarify where Kshs18.2 million was spent? He has said that it has already been spent on the newly-created districts. I come from a constituency called Eldoret East Constituency which is also a district called Uasin Gishu East. We have received our district education officers in the new constituency district. We have also received agricultural staff and we are accommodating them, right now, in a chief's office. Could I know whether this Kshs18.2 million was distributed to every new district?

Mr. Lesrima: Mr. Deputy Speaker, Sir, the Kshs18 million was distributed to the districts that were created after the Budget of 2007/2008 Financial Year had already been passed. Here, we are talking about 34 districts throughout the country. However, the amounts of money I am talking about here are monies for the Provincial Administration. It is not budgetary allocations for the whole Government. It is specifically for the district commissioners and district officers requirements.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity, so that I ask the Assistant Minister something related to the newly-created districts. I would like to appreciate, on behalf of Mosop constituents, the gesture given by the Government that today we are having Mosop District. However, I would like to ask the Assistant Minister to clarify a few issues here. He has said that districts are created through consultations. We would like these consultations to be elaborate, so that we avoid in future, cases whereby you find constituents, after celebrating the creation of new districts, fighting over the district headquarters and the name of the district. We would like the Assistant Minister to see to it that when a new district is created in future, its name and headquarters be announced at the same time.

Through consultations, again, we will not put our Government officers in trouble because of lack of facilities in most of these headquarters. In my new district, we do not have facilities. Some of the residents of Kabiyet have even vacated their own personal houses to create room for the public officers. It is necessary to give more funding, especially to the new districts. Could the

Assistant Minister assure Mosop constituents that the facilities or the money shall be allocated, so that the District Commissioner (DC), District Education Officer (DEO) and all heads of departments shall find themselves in a comfortable environment so that they are able to deliver?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I believe that we will take those recommendations made by the hon. Member into consideration. I will advise the Provincial Administration to facilitate dialogue, so that you have an agreement on whatever you need. **Mr. Mbadi:** Thank you, Mr. Deputy Speaker, Sir. I would like to inform the Assistant Minister that even before the Ministry moves ahead to construct the headquarters for the new district that was created last year, they should consider constructing district headquarters for the districts that had been created previously.

I have an example of my district, Suba District, which was created in 1995. The headquarters was gazetted to be at Gingo. As we speak today, it is only the district commissioner's house that is under construction. The district operations are still being conducted from the former Mbita Division offices which is skewed to one side of the district. My constituents feel neglected.

If the headquarters was gazetted to be at Gingo, I do not understand why it has taken 13 years before the construction of the district headquarters. Sometimes, I am tempted to ask for a district for my constituency. If operations for the new district cannot be moved from Mbita to where they should be, then my constituents should be given their own district and then the headquarters can be located in that district instead of giving us a district which is giving us more problems. We have to pass through three districts before we reach our own district headquarters.

Mr. Lesrima: Thank you, Mr. Deputy Speaker, Sir. I would like to appeal to our leaders to conduct thorough consultations before they decide where to locate the district headquarters. I am aware that certain district headquarters may not have been located in a manner good enough to provide services to the people, which was their main intention.

We need co-operation on this issue so that we do not push for district headquarters to be located nearer where we are more popular but rather where it is more centrally placed.

I am not talking about the hon. Member's request because I do not have the particular details. However, I would like to request that if there are any issues to be discussed, we in the Ministry are willing to sit down together and look for a way of correcting any mistakes that may have been made and any locations of district headquarters which are not viable in terms of centrality and provision of services. I may not be able to answer those questions now but our offices are open and we are ready to discuss bilaterally how we can handle these issues.

An hon. Member: Mr. Deputy Speaker, Sir, given the way districts have continued to be created in this country, there must be some advantages that accrue with their creation, hence the continued clamouring for districts to be put on a constituency basis. Some have been done on clan basis. It is important to note that in so doing, we are worsening the situation of unequal distribution of resources. We have to avoid institutionalising the unfair distribution of resources in this country.

I think the Ministry should come up with a criteria that qualifies an area to become a district. Otherwise, we will continue this way. It will be important for the Assistant Minister to assure us that this trend does not continue unless certain standards are set, which can be followed so that districts can be created on an equitable basis to avoid the unequal distribution of resources.

Could the Ministry come up with a criteria that can be followed to avoid unequal distribution of resources in this country?

Mr. Lesrima: Mr. Deputy Speaker, Sir, in the public announcements we have made previously, we have outlined criteria. Communities should meet before they come up with the request for the creation of new districts. However, I agree with the hon. Member that we have to improve as we move along.

Mr. Mbau: Mr. Deputy Speaker Sir, you heard the Assistant Minister say that districts are

created when residents of an area request for them. I want to put it to him that in 2004, the people of Maragwa, Murang'a districts and Gatanga Constituency all comprising of seven constituencies sat down with all councillors under the chairmanship of the then Minister for Provincial Administration and National Security and demanded the creation of Murang'a Central District. That was in 2005. Discussions were taken up to the Minister's office.

I want the Minister to tell me whether that is not sufficient demand for creation of a new district. This is an area with a population of 1.2 million viewed against constituencies that have about 200 to 300 people which are already districts!

Secondly, I would like to know what became of that proposal now that we have taken it right to the Ministry and we were just waiting for gazettelement as and when others were being gazetted but you did not include it.

Thirdly, could the Assistant Minister confirm to this House that, indeed, a Bill shall be coming here for debate with a view to ensuring that we have a law that regulates and ensures the creation of new districts in future? If, indeed, they will not be constituency based, they are at least done in a transparent manner so that there is fairness and equity because, as you know, there are some resources that come with the creation of districts; for instance, the District Roads Committee money. Therefore, when we do not have a district, and yet we have a population of 1.2 million people, we feel unfairly treated.

Could the Assistant Minister confirm these items?

Mr. Lesrima: Mr. Deputy Speaker, Sir, on the last issue of bringing the Bill to Parliament, I think that will be processed through the Attorney-General's office when we have finalised the divisions of all these districts and boundaries among other things. This Question affects all the districts.

The question the hon. Member is asking with regard to his constituency is not familiar to me. I am aware that there are two districts; Murang'a North and Murang'a South which were carved out of the original Fort Hall. However, I do not have any information at all with regard to the community request for Murang'a Central District unless I am given time to deal with it. The hon. Member can discuss that issue with the Ministry.

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

Mr. Deputy Speaker: Hon. Member, that is a different question from the one that appears on the Order Paper. Should you wish to---

Mr. Mbau: Mr. Deputy Speaker Sir, I understand that the Assistant Minister assumed office very recently. However, could he confirm that---

Mr. Deputy Speaker: Hon. Member! When the Chair is addressing you, you must sit down! You were asking about the creation of Murang'a District. Your Question is very explicit. It has nothing to do with that. It talks about the amount of money that has been budgeted for the new districts. The hon. Assistant Minister has told you that he does not have that information with him. The tradition of the House is that if you want to ask a question regarding that issue, put it through the right channels. We are through with that question!

POINT OF ORDER

SALE OF GRAND REGENCY HOTEL

Mr. Imanyara: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Finance regarding the Grand Regency Hotel. In particular, I want to know whether Uhuru Highway Development Company (UHDC) Ltd and the Central Bank of Kenya (CBK) have sold or are in the process of selling the Grand Regency Hotel to a company known as Meridian

Arab African Investment Company (MAAIC), and whether the Kenya Government has agreed to withdraw all civil and criminal cases revolving around one Kamlesh Pattni and his companies.

Mr. Deputy Speaker, Sir, these are matters that are in the public domain. I wish the Minister for Finance comes to this House to give a Ministerial Statement, so that we can show him that these are not matters of hot air. These are matters that concern Kenyans and their assets. Kenyans are, therefore, entitled to know the full details regarding this very fraudulent transfer of a public asset.

Mr. Deputy Speaker: Is the Minister for Finance here?

The Deputy Prime Minister and Minister for Trade (Mr. Kenyatta): I will try and see if the Ministerial Statement can be issued next Tuesday.

Mr. Deputy Speaker: So, next Tuesday, there is going to be a Ministerial Statement on the same.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.20

PLIGHT OF INTERNALLY DISPLACED PERSONS

Mr. Ngugi: Mr. Deputy Speaker, Sir, I wish to give notice of the following Motion under Standing Order No.20---

Mr. Deputy Speaker: Hon. Member, are you issuing a notice of a Motion, or seeking to raise a Motion of Adjournment?

Mr. Ngugi: Thank you Mr. Deputy Speaker, Sir, for guiding me. I am seeking to raise a Motion of Adjournment under Standing Order No.20 (1).

Mr. Deputy Speaker, Sir, I wish to raise a matter of urgent national importance concerning the plight of the internally displaced persons. This is in accordance with the Standing Order No.20(1). I have the support of more than 15 hon. Members in accordance with Standing Order No.20(3). Therefore, I request you to consider this matter and allocate it time, today, before the rise of the House. This notice was submitted today at 10.30 a.m. thereby fulfilling the requirement of Standing Order No.20(2).

Mr. Deputy Speaker: Hon. Members, the plight of the internally displaced Kenyans is a matter of public knowledge. It is something that is serious and grave. I think the hon. Member is in order to bring the Motion of Adjournment under Standing Order No.20 in order to debate this issue.

(Applause)

Hon. Members, under the Standing Orders, the hon. Member has to have the support of a minimum of 15 hon. Members before time can be set aside for this Motion!

Could I see those who support the hon. Member?

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

Okay; I am satisfied that you have the numbers! Therefore, hon. Members, we will interrupt the business of the House at 4.30 p.m. today for the Motion to be debated for two hours.

(Applause)

Next Order!

MOTION

ADOPTION OF 2002/2003 AND 2003/2004 PAC REPORTS

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

THAT, this House adopts the Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years 2002/2003 and 2003/2004 laid on the table of the House on 22nd, April, 2008.

Mr. Deputy Speaker, Sir, on behalf of the Members of the PAC, I wish to take this opportunity to present to the House the Reports and recommendations of the Committee on the Reports of the Controller and Auditor-General together with the Appropriations Accounts, other public accounts and the accounts of the funds for the years 2002/2003 and 2003/2004.

Mr. Deputy Speaker, Sir, this House mandated the Committee to examine the reports of the Controller and Auditor-General on the accounts of Ministries and departments with a view to scrutinising all areas of Government expenditure as well as the use thereof, and very importantly on how effectively, efficiently and economically the Government appropriates the amounts voted by the House, and whether the funds voted by the House are used for the purposes intended, or otherwise, and, more importantly, whether the said funds are spent in accordance with the laid down financial regulations and procedures.

As explained by my predecessor, Mr. Ekwee Ethuro, and borrowing from the previous Committees, the Committee saw the need to be up-to-date and scrutinise current reports. It, therefore, resolved to deal with the two Reports of the Controller and Auditor-General together with the Appropriations Accounts, other public accounts and accounts of the funds for the years 2002/2003 and 2003/2004.

In a similar spirit, the incoming Committee should also endeavour to do the same.

Mr. Deputy Speaker, Sir, allow me to thank the members of the Committee for their efforts, commitment and exemplary performance in ensuring the successful production of these Reports. Let Kenyans not forget that the PAC Members spend much of their precious time, sometimes at the expense of the constituency work, in getting evidence and making reports as part of the PAC work; they do not get much publicity, as sittings are held in camera. However, the PAC Members are more than willing to assist the Kenyan public in the fight against mis-appropriation of funds in particular and corruption in general.

Mr. Deputy Speaker, Sir, the Committee commenced its sittings on the 16th of June, 2006 and held 77 sittings. The Committee noted that most of the queries contained in the 2001/2002 Report were also in the Report of 2002/2003 Financial Year. Similarly, most of the queries contained in the 2002/2003 Report were also in the Report of 2003/2004.

Mr. Deputy Speaker, Sir, the Committee found contradictions between the information provided by the Accounting Officers and the Controller and Auditor-General

The Committee undertook inspection tours, that is physical verification tours, of the projects in question in order to obtain firsthand information on their status, and establish whether the Government got value for money spent on those projects. The tours included one to the Hola-Garsen-Malindi Road, verification of the irregular allocation of Government land at the Kenya Veterinary Vaccines Production Institute (KEVEVAPI), improvement and construction of Olenguruone-Kiptagich Road and a visit to the Ministry of Lands headquarters in relation to grants to the Settlement Fund Trustees dealing with the accounting system.

Mr. Deputy Speaker, Sir, the Committee also toured the Kenya Ferry Services (KFS) to investigate the acquisition of land there. The Committee also visited Finland, one of the least corrupt countries in the world, in order to apprise itself of how to deal with corruption matters in the country. The observations and recommendations of the Committee on the projects visited are contained in the specific audit queries.

Mr. Deputy Speaker Sir, all recommendations made by the Committee were arrived at by consensus after very thorough, objective and constructive deliberations. There was careful scrutiny of evidence and submissions received as well as information received during the inspection tours made.

The Committee urges this House to adopt the recommendations. It also requests the Government to implement them without fear or favour. Transparency and accountability should be encouraged in all the Government institutions to ensure that corruption is eradicated in Kenya. When corruption ceases to exist in Government institutions, it will be easy to root it out in private enterprises.

The Committee noted that if all Accounting Officers had adhered to the laid down financial regulations and procedures, most of the audit queries would not have arisen in the first place.

The following are general observations of the Committee. The Committee held a meeting with the Head of Public Service and Secretary to the Cabinet together with the Accounting Officers of Government Ministries and Departments to demystify their operations.

On the responses of the Accounting Officers, the Committee noted that most of them do not take the work of the Committee seriously. On many occasions, Accounting Officers appeared before the Committee unprepared. This derailed the work the Committee. This is a very technical Committee that requires either experience or background knowledge in the field of accounting, public finance, economics *et cetera*.

From my personal experience, I would like to request the political parties concerned to consider such practice when constituting the Committee. Otherwise, witnesses, who are mostly technical officers, may get away with crucial information on misappropriation or corruption. You will recall that part of the Anglo Leasing Scandal relating to the forensic laboratory under the Office of the President could only be unearthed after careful scrutiny by the Committee.

The Committee also noted with grave concern the inordinate delay by the Accounting Officers in availing documents to the Controller and Auditor-General as required by law. Accounting Officers, have over the years, continued to ambush the Committee and auditors with audit responses at the evidence stage instead of providing information in advance, thereby denying the Committee prior preparation. This habit should stop.

On public debt, which is contained in paragraph 22 of 2003/2004 Report, the Committee deplored the manner in which special Treasury Bonds worth Kshs7,473,056,211.95 were issued to contractors to clear pending bills without seeking parliamentary authority and recommends that the Permanent Secretary, Treasury, should be held responsible for consequences thereof. The Committee further recommends that the Permanent Secretary, Treasury, should ensure that public debt is relative to the Gross Domestic Product (GDP) of Kenya. The Permanent Secretary, Treasury, should put mechanisms in place in order to avoid excessive domestic borrowing and instead go for concessional or external borrowing.

Mr. Deputy Speaker, Sir, on advances for Civil Contingencies Fund, Paragraph 5 of 2002/2003 Report, the Committee noted that the Civil Contingencies Fund was created for the sole purpose of funding urgent and unforeseen expenditures for which no provision existed in the Approved Estimates. The Committee was informed that an advance of Kshs130 million was granted to the Ministry of Tourism and Information for coverage of 2002 General Elections. The advance was regularised through Supplementary Estimates.

Mr. Deputy Speaker, Sir, an advance of Kshs100 million was also granted to State House to replace several Presidential motor vehicles which had broken down. The advance was regularised through Supplementary Estimates. The Committee expressed concern that both the general elections and the need to replace broken down vehicles were foreseen and they should not have used funds from the Civil Contingencies Fund.

The Committee recommends that the Permanent Secretary, Treasury, must always ensure that advances from Civil Contingencies Fund are made only for expenditures of a contingency nature.

On the acquisition of land by the Kenya Ferry Services (KFS), the Committee made an inspection tour of the land and noted that there was no satisfying title of the said land that indicates the historical ownership of the land and the subsequent transfers thereof. The Committee could not rule out that the land initially belonged to the Government, but the seller surfaced midway, claimed ownership of the same piece of land and sold it back to the Government.

Mr. Deputy Speaker, Sir, the Committee recommends that the Accounting Officer should liaise with the Director, Kenya Anti-Corruption Commission and immediately institute investigations with a view to taking disciplinary action against the officers involved in this questionable transaction. The Committee also recommends that the Accounting Officer must ensure that all the outstanding matters relating to the piece of land are concluded by 31st December, 2007, which appears to be a bit late.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, it was noted in the Report adopted by the House yesterday that the Office of the Attorney-General, and a few other Government departments, have not been giving Kenyans value for their money. For instance, under paragraph 348 of the 2002/2003 Report, the Committee was informed that nugatory expenditure of Kshs11,374,049.85 incurred by the Department of Defence could have been avoided or minimised, if Kenya Armed Forces drivers took necessary care to avoid road accidents. An additional expenditure of Kshs847,345.65 could have been avoided if claims were settled in time. The Committee was informed that the payments were made upon advice from the Attorney-General's Chambers. The Committee was gravely concerned that, in spite of its recommendations in the previous reports, road accidents caused by military drivers continued not only to escalate but also cost the Government huge amounts of losses in form of compensation.

The Committee also abhorred the manner in which the Attorney-General failed to notify the Department about some court awards in time leading to unnecessary accrued interests which would have been avoided. The Committee, therefore, recommends that the Accounting Officer and the Attorney-General should be held responsible for the loss incurred by Government where negligence is established.

On payments for goods not delivered, the Committee in many instances abhorred the manner in which payments were made for goods not delivered. A major example was the Anglo Leasing Scandal. The Committee was informed, under paragraphs 361 and 362 of the 2002/2003 Report, that M/s Tripple Avionic Tech was detailed to supply a battery charge analyzer and MOD Cache for 50-ACB to the Department of Defence at a cost of Kshs1,536,500. The supplier was paid, but she did not deliver the goods. The Committee further heard that, in pursuit of the matter, the Ministry wrote to the vendor of Tripple Avionic Tech on 1st July, 2005,

repudiating the contract and demanded that she refund the Ministry the Kshs1,536,500. The supplier did not respond to the demand and the Ministry instructed the Attorney-General to institute legal proceedings against her. In spite of a number of reminders, the Attorney-General did not confirm action on the matter. The Committee abhorred the manner in which the DOD proceeded to pay the supplier in advance contrary to financial regulations and without a bank guarantee. The Committee recommends that the Accounting Officer and the Ministry's Legal Department should hastily liaise with the Attorney-General and the Director of the Kenya Anti-Corruption Commission (KACC) to ensure that the culprits are prosecuted soonest and the amount of Kshs1,536,500 is recovered in full from the supplier. The Committee further recommends that the company, M/s Tripple Avionic Tech, should not only be precluded from future awards of Government contracts but also be deregistered. The Committee was also concerned by the deliberate breach of procurement and financial regulations. The Committee recommends that the Accounting Officer should discipline and surcharge the officers involved.

Madam Temporary Deputy Speaker, there is also the problem of poor bookkeeping which the Committee came across. The Committee noted that some officers in Ministries maintained poor bookkeeping and recommended that the Accounting Officers should discipline the officers responsible for poor bookkeeping and be surcharged in case of repeat offences. There was also the problem of under-utilization of funds. The Committee noted that, on several occasions, unutilized funds were returned to the Treasury at the close of each year due to inefficiency and incompetence of public officers. A case in point was the failure to supply drugs to the Ministry of Health in paragraph 465 of the 2002/2003 Report. The Committee was informed that due to the delays in the tendering process, the goods were not delivered at the close of the financial year. The Committee was concerned that, as a result, patients could not receive goods and services in time.

The Committee also noted with concern the irresponsible manner in which the Ministry officials poorly planned and executed the implementation of delivery of drugs. The Committee recommends that the Accounting Officer, who is aware of the existing procurement and financial regulations, should put in place strict measures to ensure that members of the public are not denied goods and services due to non-use of funds arising from negligent officers. The Committee further recommends that the Accounting Officers should ensure that the officers who were responsible for delay in procurement of supplies are appropriately disciplined.

On the Local Authority Transfer Fund (LATF) under the Ministry of Local Government; the Committee was informed that in 2002/2003, 31 local authorities were penalised a total of Kshs30.76 million as a result of non-compliance with LATF conditionalities. The Committee noted with concern that the incompetence of the chief officers responsible for meeting the conditionalities contributed to the inefficiencies observed in those local authorities, hence denying citizens essential services. The Committee also noted that local authorities should not be penalised as a result of negligence on the part of the chief officers. The Committee noted with grave concern that the failure to comply with LATF regulations was used as a conduit for siphoning or misappropriating public funds. The Committee recommends that the Accounting Officer must ensure that the chief officers of local authorities who contribute to the failure to meet the conditionalities due to negligence or incompetence should be severely disciplined and surcharged.

I have heard of instances where the only remedy the Ministry takes is to transfer the concerned officers to other stations under the pretence of disciplining them. This is mockery and it is unacceptable to the taxpayer. Stern measures should be instituted by the Ministry.

On the implementation of the recommendations of the Committee, I will not have added value to the Committee's work if I fail to mention some key issues concerning the implementation of the recommendations of the Committee. Normally, after the adoption of the PAC Reports by the House, the Treasury, through the Ministry of Finance, is expected to take up the matters with the

various Ministries and Departments and report back to the House via the Treasury Memorandum. I wish to report to this House that the latest Treasury Memorandum presented to the House relates to the Reports of 1996/1997.

You would recall that this House has adopted the Reports of up to 1999/2000 accounts and yet, the Minister has not responded to date. What my friend, hon. Ethuro, and other Members have said on the PAC Reports implementation will bear no fruit if the Treasury does not pull up its socks.

After scrutinising the Treasury Memorandum of 1996/1997, and the years before, some of the answers provided by the Treasury were wanting. For example, an audit query in the Ministry of Lands on Township Roads and Drains Account has never been resolved for several years.

In the PAC Report of 1996/1997, the Committee had recommended that the officers who conceived, awarded the contract and implemented the project without following the laid down procurement and financial regulations should be identified and severe disciplinary action, including surcharging, be taken against them. However, in the Treasury Memorandum on the matter on page 456, the answer was, in quotes: "The Accounting Officer has not commented on the Committee's recommendation".

Madam Temporary Deputy Speaker, I doubt whether that is a serious answer from a serious and respected Government institution charged with overseeing and controlling public funds. A lot is, therefore, left to be desired.

In conclusion, Madam Temporary Deputy Speaker, I would like to express the appreciation of the Committee. The Committee wishes to thank you, Mr. Deputy Speaker, and the Clerk of the National Assembly, for facilitating its sittings and funding its inspection tours. The Committee wishes to record its appreciation for the services rendered by the officers from the Controller and Auditor-General's office and Clerk of the National Assembly, along with the representatives from the Treasury. Their efforts and patience made the work of the Committee and the production of this Report possible.

Madam Temporary Deputy Speaker, I beg to move and request hon. Yusuf Chanzu to second the Motion.

Thank you.

Mr. Chanzu: Madam Temporary Deputy Speaker, I wish to second the Motion on the adoption of the Public Accounts Committee Reports for the 2002/2003 and 2003/2004 Financial Years.

But, Madam Temporary Deputy Speaker, I just want to make a few suggestions. Parliament spends a lot of money on Watchdog Committees like PAC. If we spend a lot of money on these Committees and then we do not implement what they recommend, we are abusing the role we are supposed to play; serving the public.

So, Madam Temporary Deputy Speaker, I really commend--- I know it has been commended here before--- But I would like to repeat that we must have a Committee of this House which can deal with the implementation of these recommendations.

Madam Temporary Deputy Speaker, I have looked at the Report and I find that in every aspect--- In most of the aspects of the Report, the Government has either incurred losses through misappropriation by Government officials or through reckless spending by the Ministries and yet, there has been no action. That is why I feel that we should have a Committee of this House to deal with implementation.

Otherwise, Madam Temporary Deputy Speaker, with those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. From the outset, I want to support the recommendations and the adoption of the Reports.

Madam Temporary Deputy Speaker, the Reports adopted by this House yesterday for the years 2000/2001 and 2001/2002 are actually not different from the reports that we are debating right now. The recommendations and findings are the same. What is actually lacking is just the implementation. We have heard these recommendations year in, year out. We have heard about corrupt and even irregular allocations in all the past reports. But the recommendations have never been implemented.

But, Madam Temporary Deputy Speaker, I want to believe that, this time round--- Maybe, there has been lack of a mechanism to implement the recommendations of these reports. But this time round, since we have, for example, the Office of the Prime Minister, which is in charge of coordinating, supervising and even implementing all the Government reports, I want to believe that they are going to be implemented.

Madam Temporary Deputy Speaker, all these reports have really unearthed a lot of misappropriation of public funds and irregular allocation of public land. I want to just cite a few examples because a lot has been said in yesterday's reports. I have said that they are very similar. They show excesses in spending that are never sanctioned by this House. For example, there is corruption in road construction and maintenance. Yesterday, we heard about a road that was given four contracts! The same, same road was awarded contracts four times! That is the Kisii-Chemosit Road. We have another one in the Report that we are debating today. It was actually awarded contracts twice or even thrice. That is irregular! We have heard about irregular allocations of land. It has even been mentioned in the Ndung'u Land Report. We have heard about compensations that are not genuine and ex-gratia payments. I think it is high time that all those irregularities were actually brought to an end because misappropriation of public funds has been on the rise.

Madam Temporary Deputy Speaker, let me talk about a specific case that is in my constituency. My constituency borders Tanzania. There are two entry and exit points that link Kenya and Tanzania; one being Namanga and the other being Loitokitok. There is a big facility that is mentioned in this Report. That is the Customs offices and staff houses at the Loitokitok Control Border. That is a very massive project that was undertaken at a cost of Kshs603,778,890 as at 30th June, 2001. That is a big facility. I want to thank the Committee because it paid a visit to the facility. So, it has a hands-on experience. It has 86 housing units that are all self-contained and modern. It has a police division and a health centre inside. It is a facility that is built on 20 acres of land. It was meant to be one of its kind in East and Central African region, as far as the Customs rules and regulations are concerned. But what has happened is just total corruption! The budget for the facility in 2001 was Kshs419,482,812. But what was spent amounted to Kshs603,678,890! Mind you, that was an election year - 2002. So, you have a budget overrun of Kshs270,559,179.52. That is actually 64 per cent of the original budget. There is no corruption bigger than that in just a facility at one border point!

Madam Temporary Deputy Speaker, this additional Kshs101,838,752.60 was actually paid to six different firms. That was a way of syphoning out public money. It was paid to six different firms that were involved in various works and installations. The Committee should have elaborated that the six firms were meant to do electrical wiring, plumbing, telephone networking, drilling a borehole and construction of a high level water tank. It is very surprising, because they were paid for that work, but the facility is not operational as we speak now. Out of the 86 housing units only 16 are in use. The remaining 70 units are not being used at all. They are just gathering dust and cobwebs. The main reason for this is because there is no water. In the whole facility, covering

about 20 acres of land, there is no water. But a firm was paid Kshs101,838,752.60 for drilling a borehole and constructing a high level water tank, yet there is no water.

The other thing that was just done without planning was the capacity of Kenya Revenue Authority (KRA) to use that facility and utilise it properly. I want to believe that even if they were to use all the 86 units today, they would not have the capacity or the need to maximise the potential of that facility. The Public Accounts Committee (PAC) recommended to the KRA that a committee be appointed to look into the issue of the full utilization of this facility. That was done by the KRA. They formed a committee. The committee recommended to the Ministry of Finance that the facility should be made a training institute, for example a medical training institute, a teacher training college or even a KRA training institute. The Ministry of Finance issued a no-objection note to the conversion of the facility to a training institute. But what has happened? Just like with all the other recommendations in this Report, that recommendation has not been implemented. The KRA even went further and said that a half, or 70 per cent, of the facility should be turned into a training institute that could benefit the locals, and also so as to protect it from vandalism and the deterioration of the equipment in it. I am not sure whether that facility can be valued at that the amount of Kshs603 million that was spent on it.

Madam Temporary Deputy Speaker, the Committee has also recommended - I really want to support their recommendation and urge the Government agencies that they do take up the recommendations very seriously and implement them - that the Kenya Anti-Corruption Commission (KACC) should investigate and prosecute those involved in these irregular transactions. That project was over-valued by 64 per cent of the original budget. The contractor by the name Donwoods who undertook the project, and whom I believe is still getting Government contracts, was recommended to be precluded from future Government awards in addition to being deregistered for this massive corruption.

Madam Temporary Deputy Speaker, finally I want to highlight some of the Committee's recommendations. First of all, there is this Civil Contingencies Fund (CCF) that has always been used by Government officers to fund contingencies that were not budgeted for in the original Budget. The expenditure is then authorised through the Supplementary Estimates. I would like to say that this facility is being abused. It is a den of corruption. All issues from this Fund, whether they are of a contingent nature or not, should get parliamentary approval. It is not fair for the officers to use the Supplementary Estimates to seal a hole by creating another one.

Madam Temporary Deputy Speaker, the Committee recommended that we need to have live coverage of both the House and Committee proceedings. That is long overdue, especially at this time when we do not have an Official Opposition in Parliament. The chairmanship of the Committee, as per the Standing Orders, is reserved for the Leader of Official Opposition. For it to be a real Watchdog Committee now that we do not have an Official Opposition, the composition of this important Committee may be compromised. As a check and balance measure, we need to have live coverage of the proceedings of this Committee and open it to the public for them to give their contribution and see how the proceedings are conducted. That would actually serve as a good scrutiny measure in the absence of the Opposition.

Another way of the Government losing a lot of money, as the Committee established, is through *ex-gratia* payments. It is very sad that the Government rarely, or never, wins cases in court. I really do not know what is happening. This is where a lot of Government money is being misused. In the Report, the Committee says that the Attorney-General does not communicate to Ministries about court decisions in time. So, because of delaying that communication, these payments keep on accumulating interest, and we end up paying a lot of money. So, what is everybody is asking, which is in the public domain is: Why does the Government always lose cases in court? Is it that we lack competent officers to do thorough investigations? Is it that we lack

qualified legal experts to represent the Government in court? Is it that our legal experts get poor remuneration, or is it just corruption by State Counsel?

In the Report that was passed yesterday, we heard of some cases where the State Counsel refuse to attend court cases and then rulings are given in favour of the other party. We should also take action on that. Those State Counsel, who reluctantly attend these court cases, or who do not do enough homework, should be acted against to avoid further loss of public funds.

I want to commend the KACC. In the Kenya Gazette Notice of 11th this month, the KACC has listed what it has done for a very long time. They have listed the properties that they have recovered and their value. They have also listed the cases that are pending in court, their nature and the individuals who have been taken to court. In fact, if some of the recommendations of that Committee were to be implemented, you would be surprised. Just look at that list! It includes names of people who were former Members of this august House. There are also sitting Members of this august House. They have corruption cases in court. They have illegally acquired property.

If some of the recommendations of these reports were to be implemented to the letter, actually some Members here would not be in this House. One of the recommendations is that nobody should hold any public office, undertake any public contract or represent the public in a court of law until cleared of any graft charges or allegations by a court of law.

So, I think it is high time that we took the right steps by implementing the recommendations in these reports. Otherwise, if we keep on forming Watchdog Committees and spending a lot of public money--- You realise that they had 77 sittings, almost the same number of sittings that are held by this august House in a Session. If we keep on having them facilitated by Parliament and we do not implement their recommendations, I think we will also be doing corruption in another way.

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

The Temporary Deputy Speaker (Prof. Kamar): Please, say your name for the purpose of the HANSARD.

Mr. Mbadi: Madam Temporary Deputy Speaker, my names are Mr. John Mbadi Ng'ongo, the Member of Parliament for Gwassi.

Madam Temporary Deputy Speaker, I beg to support the Motion and take this opportunity to thank the Membership of the Public Accounts Committee (PAC) for doing a good job. For a short period of time, they managed to go through and report on about four financial years. I think that they really did a good job. I will also not forget to thank the Office of the Controller and Auditor-General for moving very fast and being almost up to date with financial reporting.

Madam Temporary Deputy Speaker, I want to mention that, based on the principle of representative democracy, which stipulates that power--- We are mandated by the public, as Parliament, to make sure that whatever the Government spends is authorized by the public through this House. It is, therefore, necessary that any expenditure that Government Ministries, Departments or agencies incur must go through this House. I take exception to the fact that every year, there is always a report on Excess Votes. The Government accounting system is very clear that, before any amount is spent, it must be committed in the Vote Book and balances calculated. So, I do not understand how Accounting Officers can go ahead and overspend.

When I was going through the Report I found out that there is a pattern. In the Financial Year 2000/2001, there was an over-expenditure of Kshs365 million. That is a lot of money. In 2003/2004 it was Kshs152 million. In all the PAC reports, you will find the Committee reporting that, that is irregular and it should not be done. But it continues to be done. My concern is on a comment that is raised by the Committee in the Report. It says that the Treasury has no legal right, ability or capability to act or punish the Accounting Officers who are involved in such irregular activities. I would urge this House to look into ways of empowering the Treasury, or the Permanent

Secretary in charge of the Treasury, as to enhance the supervisory role over the Accounting Officers.

I was also concerned about under-collection of Appropriations-in-Aid. That is basically under the Development Vote. That can be attributed to poor implementation of donor-funded projects and non-accounting of monies paid directly by donors due to lack of supporting documents. My question is: Do we really have the personnel with the capacity to manage donor-funded projects in the Ministries? I ask that because I know that donor conditionalities are quite strict and, probably, that is why we find it a bit hard to realise full collection of Appropriations-in-Aid. I would urge that Accounting Officers should ensure that all donor-funded projects are co-ordinated with a view to ensuring that expenditures are captured in the books and made available for audit purposes.

I also would like to talk about road construction, which is mentioned in almost all the reports. A lot has been said about the Ministry of Roads. But I think some seriousness needs to be seen in that Ministry, especially where PAC has specifically stated that certain contractors should be blacklisted. They have even been called "cowboy contractors", but they still continue to transact business with the Government. My question is: Is that deliberate or do we not have enough contractors, so that we have to continue going back to the same old ones who fleeced the economy?

I want to mention something about outstanding imprests. In all the PAC reports that I went through, you will realise that many Government departments have outstanding imprests amounting to millions of shillings. My knowledge about how the imprest system works in the Government is that in the imprest form, there is always a set date for accounting for the same. There is a requirement that before another imprest is advanced to you, you need to have accounted for the earlier one. I do not know why that is being violated. The Accounting Officer should ensure that nobody is advanced imprest until he or she clears the outstanding imprest. That is an area where we also lose a lot of money.

You will realise that the Ministry that is most notorious for that is the Office of the President. I do not know whether that is deliberate. That is a big office to the extent that, even if it misbehaves, there is nothing that can be done. But I think there is need for seriousness in that Ministry. That is the same Ministry that orders for vehicles and they cannot be traced! I think we do not have fixed assets registers in that Ministry. So, I think there is need to ask the Accounting Officers in the Office of the President to make sure that they take their work seriously.

Something has been mentioned about the Civil Contingency Fund, that is basically supposed to meet urgent and unforeseen expenditure. But still, you will find that normal expenditures are incurred from that Vote.

Madam Temporary Deputy Speaker, I want to mention something about the rise in public debt. In view of the fact that, at the beginning of this year, we had post-election violence--- I am sure the violence must have affected revenue collection and caused a strain in the economy. And there might be a tendency on the part of the Ministry to borrow money from the domestic market. This is generally expensive. I would advise that the Ministry avoids domestic borrowing and instead go for concessional, or external borrowing, which has slightly lower rates.

Madam Temporary Deputy Speaker, on the issue of loss-making parastatals, in the Report of 2003/2004, the Government spent about Kshs600 million servicing loans that were guaranteed to five parastatals. These parastatals are struggling. In my view, there is no justification for keeping such parastatals. Such parastatals, which cannot maintain themselves, should be sold, so that they do not drain the economy of this country.

Madam Temporary Deputy Speaker, the Ministry of Finance is one of the Ministries that are mentioned as having poor record keeping. If you look at page 17 of the 2003/2004 Report, the Committee noted with concern that there was improper ledger and bookkeeping in the Ministry. If

this is the Ministry that we have tasked with the responsibility of ensuring that the other Ministries spend as per the plans, and it is the same Ministry that cannot even keep its own records, then we are in a very awkward situation. The Ministry needs to take its work very seriously, because it should be a role model for other Ministries.

Madam Temporary Deputy Speaker, on the guaranteed loans that I talked about, there is a legal requirement, the Guaranteed Loans Act, Cap.461, that states that Parliament needs to approve before the Government guarantees loans. But this has not been taking place. This House, being the supreme law-making organ of this country, needs to be respected. Action should be taken against any Ministry or department that carries out activities in disregard to the requirement that this House should be made aware of.

Madam Temporary Deputy Speaker, I want to conclude by touching again on the issue of roads that I mentioned. I hope that a contractor like Nyoro Construction Company (NCC) will be blacklisted for doing shoddy work on Juja Road. This issue is mentioned in the Report. A recommendation has been made and it should be implemented. If we keep on coming up with these reports, presenting them to the House, debating them and keeping them on the shelves, we are not doing good service to ourselves and our time.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to make my first contribution from the Government side. I would like to start by, first of all, requesting that since we are in a Grand Coalition, all of us elected leaders should tone down our rhetoric and try to build and push this country forward. If we continue to take hard positions, this country will not move forward. As a Grand Coalition we belong to one Government. It is important that we come up with solutions to the problems affecting our people. One method of coming up with solutions is this debate on the Public Accounts Committee (PAC) Report.

The major problem we are facing in this country is lack of policies. It is paramount that we formulate policies. We should give Parliament the teeth to bite effectively. If a report of the PAC is tabled in this House and people are accused of having squandered millions of shillings which was meant to help the citizens of this country, those people should not be spared. That is why the people of Kenya brought us here. That is the only objective way in which we can push this country forward.

Madam Temporary Deputy Speaker, we have heard a lot of things from the two Reports. We have heard that a lot of money has been wasted. We have heard of the Anglo Leasing and Goldenberg scams. This House has been demanding that action be taken. It is high time we gave teeth to this House, so that those who are found to be responsible for wastage, squandering and stealing of the resources of this country are brought to book.

Madam Temporary Deputy Speaker, in the last general election each party campaigned on a platform of real change. The very unfortunate thing, and we have to be very candid about this, is that we have continued to recycle people who have brought this country to its knees. It is very shameful that we are talking of real change, yet we recycle people who have brought this nation to its knees. Since the PAC made recommendations for action to be taken against these people, this country has gone the way it has gone. But we should give Parliament powers, so that anybody found to have committed an economic crime, has action taken against him or her. Some individuals cannot continue dishing out land as if it belongs to them only. Land was created by God for all the people in this country. We have the case of one individual, a Commissioner of Lands, for example, who dishes out land to himself, his brothers and so on, and then he goes scot-free. This is the right time to deal with such matters. The Grand Coalition must be positive and objective in dealing with the people who waste the resources of this country.

Madam Temporary Deputy Speaker, we cannot stop corruption unless we allow the rule of the law to prevail. If someone is accused of having plundered money meant to fund various projects in this country, for example the money that was given for the construction of roads, he or she should be dealt with. There are some contractors who build roads, and even before the certificate of completion of a road is awarded, the road they constructed develops potholes. The contractor goes scot-free when he has already pocketed all the money. His case is only put in the PAC Report. We cannot allow this to continue. The best way to help this country is for this Parliament to empower itself, so that anybody found misusing, or stealing the resources of this nation is brought to book.

I want to mention something about transparency. This Report is actually based on lack of transparency. All it is talking about is a certain Ministry, Accounting Officer or so-and-so having squandered money. I belong to the Coalition Government and I want to say that it will be very unfair to condemn only a Permanent Secretary. The Ministers should also be responsible. All Accounting Officers should be reporting directly to the Ministers. There should be no more shady deals conducted behind the Ministers' backs. The Ministers must be made aware of whatever is happening in their respective Ministries. That way, when Parliament demands an answer and that Minister is unable to provide it, he or she has got no business remaining in that Ministry. That is why it is very important that Accounting Officers are made to understand that they work directly under Ministers.

We do not want, in the Grand Coalition Government, to have sacred cows. There will be no sacred cows because we will find out. If you commit sins against Kenya, you will be held responsible. I was amazed yesterday when I read the Kenya Gazette. I saw many cases dating way back to 2000 and 2001 and yet we come here as representatives of the people just to talk and talk. This House should not be a talking place. It should be a place where action is taken. If you are found to be responsible for a certain economic crime, you should be dealt with appropriately under the law.

The Grand Coalition Government must provide services to Kenyans. Equally, it must provide security in Kenya without fear or favour. I think the fear we have had is because the House is afraid of the Executive. I am part of the Executive, but I want to be corrected and challenged so that I can provide services for this country. Trust is the only way this country will wake up and move forward. We have a problem with the issue of transparency. We have Accounting Officers engaging in shady deals behind the scenes and behind the backs of Ministers. They procure things illegally and then complaints reach this House that such-and-such a Ministry has been doing this and that. We want clarity and things to be done above board. All transactions concerning the Republic of Kenya should be done above board.

Madam Temporary Deputy Speaker, good governance means accountability. You can only be accountable if you delegate authority and retain responsibility. What has been happening is that we have been delegating responsibility and retaining authority. That is a lopsided kind of management. It is important that you give authority and retain responsibility. So, if that person fails to deliver, you are held responsible. Of course, as they say, the buck stops with the source of instruction or order. So, while I thank the Mover of this Motion, it is important that the PAC reports be acted upon. The Attorney-General should move with speed. Every time we adopt a report in this House, those who have been mentioned should be brought to book. If you are actually a thief and you hold assets in this country, those assets should be frozen until the entire amount misappropriated is fully recovered from the individuals concerned.

Madam Temporary Deputy Speaker, I would like to touch very quickly on a very simple thing that affects this House, that is, the Constituencies Development Fund (CDF). Unless the money provided by the CDF is accounted for, then this House will not be effective. This is because

Members of Parliament, as patrons, will always be put under pressure to account for the money through the CDF Committees. So, it is also very important. We have seen results of CDF money. We have not seen results of the Local Authorities Transfer Fund (LATF). This is part of corruption! What has happened with the LATF money? You cannot see any particular tangible project! We would like this House to also get to the root cause of corruption with regard to the LATF money. We need to know why we have no tangible results from the LATF money.

The Public Accounts Committee (PAC) and the Public Investments Committee (PIC) are the watchdogs of this House. Their respective reports must be given the necessary attention so that the Government can act on them after Parliament adopts them. We must give teeth to this House. We demand that the Attorney-General-- We do not want, for example, to keep talking about the Goldenberg scam and the Anglo Leasing scam because they are part of our history. However, we would like to see what is being done to those who have been accused.

I would also like to talk about the issue of insecurity which is part of the Report. Although matters of insecurity will be addressed here in the next 20 minutes, and I would like to participate fully in that debate, it is very important that this Government takes the security of our people and their property very seriously. It is definitely an eyesore. It is disgusting to see Kenyans in IDP camps. It is unbelievable! When time for that debate comes, it is important to state that a solution to this problem should be found. It is also very important that our councillors, throughout the country, are remunerated well. They need to be paid better, say, Kshs100,000 per councillor. I think that is why they are not giving services to *wananchi*. They should earn a salary that is commensurate with their jobs. That is very important. I just wanted to gloss over those issues. I want to thank my friend, but it is important that we adopt this Report and take appropriate action. There is no point debating this Report if we are not going to take action. I recommend that action should be taken against those people who have been mentioned in the PAC reports. They should not hold public office until they have been exonerated.

With those few remarks, I beg to support.

*[The Temporary Deputy Speaker
(Prof. Kamar left the Chair)]*

*[Mr. Deputy Speaker resumed
the Chair]*

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support these two Reports. I was privileged to be able to support the Report for the previous two financial years. As some hon. Members have indicated, there are major similarities in the two Reports.

One of the issues we have to consider, as we think of these Reports is, firstly, the composition of the Public Accounts Committee (PAC). I know the Committee is doing a great deal of work that we are happy to see. However, if we have a Committee that is putting so many questions to other Government and individual bodies, it is important that the Membership of this Committee be made up of people who are beyond reproach - people who have no history of being involved in corruption. They should be people who can say: "Yes, I can investigate other people because, personally, I have not been associated with any corruption."

Mr. Deputy Speaker, Sir, as we constitute this Committee, it is also useful to think of its composition in terms of the professional backgrounds of its Membership. Since this is about the time we constitute this Committee, we should look at the kind of people who want to be Members.

We should ask ourselves whether or not they come from a business background, professionals, and what it is they would bring to this Committee that would add value in terms of the kind of work that they have to do.

Much has been said about donors and donor resources. Clearly, there is need to harmonise these resources to ensure that there is no duplication in terms of whether or not the resources from donors, are not voted for other projects that have already been supported by the Government. There is, therefore, need for co-ordination. Not only because of that duplication of a particular project, but because there is a variety of donors. There are donors doing similar things in the same places when those resources could be better put to use if they were extended across the cross-section of this country.

Mr. Deputy Speaker, Sir, some of the conditions that are set by donors sometimes cause problems even when it comes to accounting. We need to also call upon them to insist on accounting procedures that are realistic in terms of both accomplishing the goal and meeting the deadlines that they have set. Even as donors speak so strongly about corruption, they sometimes turn a blind eye to corruption. A good example is when we were comprising the Grand Coalition Government. Donors were pushing us very hard to comprise a Grand Coalition Government. However, they did not care very much about the kind of people who were to be included in this Government.

So, in other words, donors themselves can be very contradictory in terms of the recommendations that they make. It is very difficult to fight corruption in this country. When I spoke about KANU yesterday, people thought that I was blaming everybody in KANU. However, I was really talking about "old KANU." Many of the issues raised in these reports have got to do with Government excesses during KANU's time. If we do not look at the kind of people that are to be part of Government, then there is no need of expecting much in terms achievement. In this regard, we should also sanction our donors for not paying particular attention.

Mr. Deputy Speaker, Sir, point has been made about civil contingencies. This is money that Ministers and Government bureaucrats turn to, because there is no criteria. Maybe, we should develop a criteria on who would have access to this money. Secondly, it is also important to ensure that when money is voted for specific projects in Government, there is no overlap or duplication. It should not be used to cover up for money that has been lost by various Ministries. More importantly, if it is a large amount of money, it should be subject to parliamentary approval, just as major decisions on the Supplementary Budget and others are subjected to parliamentary approval.

The Excess Votes that have been talked about are an illustration of indiscipline, inefficiency and of the calibre of the people who sometimes serve in these positions. This is not to forget the fact that there are also issues of corruption that have a bearing on that. Therefore, we should put questions to our Accounting Officers. However, we should not just target Accounting Officers, who are the Permanent Secretaries (PSs) and others. I think politicians are to blame, not only when it comes to their not ensuring that those excesses do not take place, but also because they are sometimes responsible for those excesses. They are responsible in the kind of demands they make to PSs, including requests for more vehicles, more *per diem*, large teams of people to join them on overseas trip, *et cetera*. It is, therefore, important to realise that many of these things happen because we have Ministers in Government who put too much pressure on PSs to release money even when the PSs would not have released that money. So, we also need to protect our bureaucrats from politicians.

Mr. Deputy Speaker, Sir, a point was made about how much money we are losing through Government drivers because of the major losses that we are incurring. However, we have to ask questions about the appointment of those drivers, and whether or not some of them are appointed through political pressure. I think some of the worst drivers are in the district headquarters. Many of the drivers who cannot find employment in the private sector find positions in the Government. So,

we need to be much more strict with regard to what kind of people get appointed to those positions. We should also ask for more accountability in terms of the use of the vehicles that are assigned to them; and not just from drivers and bureaucrats, but again, from politicians.

Many of the Government vehicles are used during the campaign. You go to Ministries and find vehicles that have had engine knocks. Politicians used them and never handed them over for proper service. So, there is so much misuse of Government vehicles. Many employees of the Government and many other people have the tendency of thinking: "*Hayo ni mali ya Serikali*". So, to them, it does not really matter how they misuse it. So, it is important for us to instill a culture of making those who get Government jobs realise that there is nothing like *mali ya Serikali*, but rather it is all our property. We need to guard it. The same culture should be propagated among the officers who supervise the facilities that are under their care.

Mr. Deputy Speaker, Sir, I agree with those who said that we need to have public hearings. In so doing, we will expose those who are committing economic crimes against the people of Kenya. This way, we will also be able to summarise the findings of these kinds of Committees to the public in simple technical language on television and radio. It is only through live televising of Committees proceedings, so that Kenyans are aware of what kind of people are a major threat to their own survival.

In terms of punishment for offenders, often, you find that many of those who have been accused have been promoted instead of being demoted. In terms of whether or not these kinds of cases should not be brought to the attention of the appointing authorities, if it be Ministers or Assistant Ministers or PSs--- In addition to giving these reports to the Kenya Anti-Corruption Commission (KACC) and other bodies and sending them to the Treasury, we also need to let the President know directly, him being the Principal Accounting Officer in the country, of the kinds of people who are involved in excesses, especially if they happen to be senior Government officers, so that he can take the necessary action.

Mr. Deputy Speaker, Sir, this is particularly important with regard to the politicians and Accounting Officers, who refuse to report to the Committee. In a sense, they are saying that no action can be taken against them. If the senior-most authority in this country is made aware of those kinds of people, they are less likely to be that careless with regard to refusing to report to the Committees for hearing or to even give the particular reports that are required of them.

On implementation, it may be necessary to have a core national committee comprising of the key people in this country, namely, the President, the Vice-President, the Prime Minister, the Minister for Justice and National Cohesion, the Attorney-General and, maybe, the Speaker of the National Assembly, to be the final authority with regard to determining what kind of action should be taken against those who ignore these kinds of reports, or are used to looting public resources.

Mr. Deputy Speaker, Sir, we also need to be able to bar such persons from Parliament. An hon. Member said here that a lot of the people who are mentioned in the Gazette are sitting Members of Parliament, or they are former Members of Parliament. How can we expect others to follow the law if we, ourselves, cannot implement what we have sworn to protect? It should be possible for us to pass a law in this Parliament to say that if you have been implicated in any of these crimes, then you would not qualify to be even voted in as a Member of Parliament. If you are stopped from coming to Parliament, in the first place, a lot of the problems will be resolved.

Mr. Deputy Speaker, Sir, it should also be possible to bar such persons from business. These kinds of people should be declared pariahs in society. One time, Zimbabwe's President Mugabe was referring to gays as people who are not better than animals. People who loot public resources and cause misery to so many Kenyans are not better than animals. In this regard, they need to be kept out of the public domain. They need to be kept out of anything that has to do with the public. By stealing so much from the public, they cause misery to millions of people.

We also need to be very severe in our punishment with regard to people committing economic crimes. In China, if you are associated with economic crime, you are executed in public. So, there is no room for anybody else who wants to attempt it. I know that is not possible, but they do that because executing one person, sometimes, is cheaper than getting hundreds of billions of people to die because of crimes committed by a single individual. It is high time we also begun to think seriously about more severe action against people who commit economic crimes and cost the country billions of shillings.

Finally, Mr. Deputy Speaker, Sir, I would like to say that Parliament itself has to be the vanguard in terms of not tribalising these issues; in terms of not saying that we are targeting a certain community when we identify a corrupt person from that community; in terms of being honest enough to discuss these issues openly and to expose even their own friends as enemies of the people. In this regard, I think it is important to even change the law to have a strong watchdog in this Parliament. If we can change the law to create the position of a Prime Minister and other positions, why can we not change it to leave room for the creation of a Grand Coalition so that we can keep some of the people who cause so much misery to the people of Kenya under check? That is what should be done. The point I am making is that whatever we can do as a Parliament to ensure that these reports are implemented and that culprits are no longer able to repeat the mistakes that cause so much misery to this country, should be done.

With those few remarks, I beg to support.

The Assistant Minister for Youth and Sports (Mr. Kabando wa Kabando): Thank you very much, Mr. Deputy Speaker, Sir. I notice that you have looked at your watch because time is approaching. I will be very brief. I have just one point.

Mr. Deputy Speaker, Sir, after going through these reports, I have just targeted one area, and that is on tourism. I noted that over Kshs58 million was not utilised in the time designed because of a special request by the Goldenberg Commission for the sittings to be extended. Rehabilitation works were not undertaken at the Kenyatta International Conference Centre (KICC) as targeted. The works were halted.

Mr. Deputy Speaker, Sir, secondly, I also notice that the marketing initiative projects for the Kenya Tourist Board (KTB) did not utilise over Kshs6 million. At the same time, when the tourism market recovery projects were going on, the Government of Kenya was to give Kshs220 million and the European Union Kshs250 million. The total amount caused by that agreement between the European Economic Commission (EEC-GoK) would cause the tourism sector to revive in 2003 and 2004.

Thirdly, there was single-sourcing in the Public Relations (PR) services in that same period to deal with the crisis because we needed to create a good image, particularly in the main source markets - Europe and USA. Over Kshs2.7 million could not be accounted for very well because of that single-sourcing.

Mr. Deputy Speaker, Sir, I have just three issues. Public servants are now on performance contracts. The KICC is an autonomous body. It is a State corporation and its employees, the Board, CEO and other employees are on performance contracts. The question of the Goldenberg Commission seeking and being allowed an extension and causing stoppage of the rehabilitation works, obviously, affected the targets of the KICC Board and, by extension, the management. We need, as a nation, to affirm the investments law in public investments and also public-private investments as exemplified in the composition and leadership of State corporations that fall within the tourism sector, the KTB, the Kenya Utalii College, the Kenya Tourism Development Corporation and even the KICC. The targets that are put on employees end up causing---

Mr. Deputy Speaker: Order, Mr. Kabando wa Kabando! You will have the balance of your time tomorrow. As I promised, we have to interrupt the normal business. I now call upon Mr.

Ngugi to move his Motion.

**MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.20**

PLIGHT OF INTERNALLY DISPLACED PERSONS

Mr. Ngugi: Mr. Deputy Speaker, Sir, I beg to move the following Motion of Adjournment under Standing Order No.20(1):-

THAT, this House adjourns to discuss a matter of national importance concerning the plight of the Internally Displaced Persons (IDPs).

Mr. Deputy Speaker, Sir, we are all aware about the IDPs. But for the record, may I just state that they came about as a result of the disputed last General Election in 2007. Violence erupted in various parts of the country. Brother turned against brother, neighbour against neighbour, people who were going to the same church turned against fellow members of the same church and people left their homes. Right now, many of them are either in camps or living with other Kenyans elsewhere.

I want to say that the IDPs situation may have had partly to do with the elections and many other underlying grievances. But where the IDPs found themselves is not their fault. Their only fault was to go on 27th December, 2007 and vote for their preferred candidates. They exercised their fundamental rights. Those IDPs are spread all over the country. They are in Kisii, Kisumu, Rift Valley and Nyandarua. They comprise farmers, teachers and other workers whose lives were disrupted.

Mr. Deputy Speaker, Sir, those IDPs have and are still undergoing a lot of suffering. The ones in camps do not have enough water. In fact, they have no water! They do not have enough food and they are struggling with diseases. Some of them are suffering from HIV/AIDS and other diseases and yet, they cannot get access to medical attention. Mothers are delivering in those camps. Children are not able to go to school because they are not in their previous schools. Those people are our own Kenyans. They are not engaged in any gainful activity. They are not contributing to the wealth creation of this country. That has even become a humanitarian issue.

During the negotiations between PNU and ODM, one of the things that was agreed upon as early as 4th February, 2008, was, and I quote: "To ensure that assistance is given to the affected communities and individuals and make sure that they return to their homes!"

Mr. Deputy Speaker, Sir, following the public announcements that were made by both the Prime Minister and the President, they all anchored on returning these Internally Displaced Persons (IDPs) to their homes. To date, this has not happened. Instead these Kenyans who have no fault and who are trying to lead us to see their plight continue to languish in these camps. This is the reason why I am appealing to this House and my fellow hon. Members to act like other Kenyans out there. They should empathise with the plight of these IDPs. We should also remove politics from the suffering of these people and to facilitate quick resettlement of these people who were so traumatised. Some of them saw their kinsmen, children and mothers butchered. They cannot even go back. There are those who also went back to harvest, but they were killed. So, their relatives cannot dare go back. Such people should be settled elsewhere.

Mr. Deputy Speaker, Sir, secondly, I am asking this House to see to it that the Government compensates all these IDPs, whether they were in business and their businesses were burnt down and they are not operating as we would do in insurance, my former profession. We, as a country and Government, have a duty to resettle these IDPs in the same places they were before the elections.

Mr. Deputy Speaker, Sir, I am appealing that enough security be provided to these IDPs, so that when they return to their homes, they are not butchered again and will be able to continue with their lives.

Mr. Deputy Speaker, Sir, I am appealing to all hon. Members in this House to take a step further and see to it that we reconcile all Kenyans and live as brothers and sisters. They should not continue butchering one another.

With those few remarks, I beg to move and invite Mr. Wamalwa to second the Motion.

(Applause)

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I wish to support the Motion by my friend. This nation saw a terrible thing happen after the general election held on 27th December, 2007. Up to about 350,000 Kenyans were displaced from their homes and are now IDPs in various parts of this country.

Mr. Deputy Speaker, Sir, where I come from in Trans Nzoia, we had about 40,000 IDPs, 16,000 of whom come from my Saboti Constituency. All these 16,000 were members of two farms called Gituamba and Kalaa who were attacked, butchered and their properties burnt and are now refugees in their own motherland. I have had occasion to visit, not just the IDPs in Kitale, but I have also travelled to many camps, including Kachibora that had over 20,000 IDPs. I have travelled to Western Province in Kakamega and Kisumu in Nyanza Province. I have travelled to Juja Constituency and other parts of this country. I have seen fellow Kenyans in camps living a very degrading life as refugees. Indeed, we have sympathised. However, it is not enough for us to sympathise or to even empathise with these fellow Kenyans who are suffering in these camps. We need to do something about their situation and resettle them back to their homes and help them reconstruct their lives and carry on.

Mr. Deputy Speaker, Sir, as we talk of resettlement, we must also talk of settlement and restitution. These Kenyans should never have suffered the way they did. It was the cardinal duty of this Government to provide security for the lives and property of all Kenyans. It is, therefore, the responsibility of this Government to ensure that these Kenyans are not only resettled, but that there is restitution. They must be put in the same place they were in, if not better, prior to the post-election violence.

Mr. Deputy Speaker, Sir, in certain parts of this country, each camp has its own peculiar situation. In Trans Nzoia District, many of the displaced are farmers. As we speak today, the planting season is almost coming to an end. The Government had promised that they will help these IDPs access seeds and fertiliser to be able to plant. This was said on 6th March during the State Opening of this Parliament. However, up to now as I speak, many of these IDPs have not been able to access their farms. They have not been able to be resettled and to plant.

Indeed, the Government has made efforts to supply some of the IDPs with seeds. Some of the IDPs have received help from the Agricultural Development Corporation (ADC) to help them plough their lands. However, no fertiliser has been availed and they are unable to plant. With only seed and without fertiliser, it is impossible to plant. We find that many of these IDPs are still waiting and hoping that this nation will remember them and that they will be resettled and farm again.

Mr. Deputy Speaker, Sir, apart from these IDPs who actually had farms and homes, there are some who did not own land where they were staying. They were workers for those who owned homes. They were also afflicted equally and displaced along with the families that were hosting them. As we resettle those who owned land, we must, as a matter of urgency, also talk of settlement for those who have nowhere to be resettled. As I speak of settling and resettling the

IDPs, indeed, the issue of security must be addressed. We must ensure that sufficient security is provided in affected areas and that all Kenyans are safe and that what happened never happens again.

Mr. Deputy Speaker, Sir, we are happy that the Government had a plan to build police stations in affected areas. In Trans Nzoia District, we are yet to have these police stations reconstructed. I am urging that as we talk about the resettlement, that it be beefed up in those areas. Police stations be constructed to ensure that security is there.

Mr. Deputy Speaker, Sir, as we talk about security, we are also worried about the national food security of this nation. If all these farmers are displaced and cannot access their farms to plant, we will have a major food shortage this coming year. Indeed, it is not a situation that is peculiar to Kenya. We are, indeed, seeing a global food crisis. Urgent measures need to be taken, so that this situation is addressed and Kenyans are able to actually farm. We are proposing that though the Minister for Agriculture has indicated that they will be providing top dressing fertiliser called CAN, there are farmers who are still hoping that they will be provided with DAP to be enabled to plant. If we have not planted, we cannot top dress.

These are some of the issues that we are urging that as we talk about resettlement, they be addressed urgently. We are proposing that since there is a task force already formed between the Ministry for Lands and the Ministry for Finance, that this task force be broadened to include the Ministry of Agriculture because in certain areas like Trans Nzoia District issues of land must be addressed and the relevant Ministry must be involved. On the issue of security, we require that the Minister of State for Provincial Administration and Internal Security, the Minister for Special Programmes, the Minister for Agriculture and the Minister for Youth and Sports, be part of that committee.

Mr. Deputy Speaker, Sir, we are also urging that hon. Members from the affected regions be incorporated in that task force so that as leaders of the areas - they say the wearer of the shoe knows best where it pinches - are also involved. They must consult widely to ensure that the right decisions are made. We are also urging that civic leaders in various regions, religious leaders as well as elders be incorporated so that we can have wide consultations to ensure that this problem is addressed.

As I finalise, I would like to say that, indeed, as we talk about resettlement, we must address the future of this nation. There will be those responsible to answer questions about how and why this happened. We have committees that will be investigating the root causes. However, as leaders, we must ask ourselves why this had to happen. Indeed, the majority of those involved were the youth. They were the ones who were used to torch, to burn, to barricade roads and many of them are unemployed and idle. We must, as a matter of urgency, address the issues of the youth in this country to ensure that they do not fall prey to warlords and they are not recruited into gangs like *Mungiki*, SLDF and *Chinkororo* among others. The *Taliban*, the *Kamjesh* of this world are our youth. It is not enough to shoot them or lock them up in prison. We must address the plight of the youth. Give them hope and make them responsible citizens who can contribute to this nation's prosperity.

Finally, we must address, as a matter of urgency the question of land. Even as we talk about resettlement, there are issues which are deeper, sensitive and very fundamental to the success of this process to ensure lasting peace and stability. The land question must be addressed. There are historical injustices that occurred, for example, in the Rift Valley that must be addressed. There are also issues of the sanctity of title deeds. There are people who legitimately acquired property and we must ensure that the sanctity of titles is protected. In this regard, as a matter of urgency, we are aware that there is a national land policy that was developed since 2004. We are informed that it is pending Cabinet approval and possible adoption by this Parliament. We pray that this be expedited

so that we can have a comprehensive land policy that can address land matters in this country and get the constitutional review completed.

Thank you.

(Question proposed)

The Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion. I must congratulate whoever moved the Motion because it is long overdue.

Mr. Deputy Speaker, Sir, the plight of Internally Displaced Persons (IDPs), as we discuss, is a sort of eyesore to this country. In fact, it is a shame that we have Kenyans being referred to as IDPs. It is a shame that we have Kenyans who, because of the quarrel in the political class, have been uprooted and routed from their lawful homes. It is a shame that we have Kenyans living in tents, hovels, showgrounds and on shop pavements because we have disagreed and we are feeling the heat. They are suffering!

The events of December last year and January this year that led to this shameful chapter in the history of this country should be something we should put behind us through action. It is important that having reached a settlement-- Indeed, Agenda Items one and two were the key negotiation agenda that we were dealing with to settle IDPs. To date, we preach a grand coalition and I still hear, rather absurdly, some degree of double-speak from some of us on the issue of settling our own brothers and sisters, our fathers and mothers and our own children.

Mr. Deputy Speaker, Sir, the idea of people going to their homes should not be subject to any negotiations. It should not be subject to any conditions or any pre-conditions because every Kenyan has a right to own property anywhere. Every Kenyan has a right to live anywhere. Anything different is a flout of our Constitution and is a violation of human rights of the people of this county who are affected. Above all, it is a terrible shame to this country.

Mr. Deputy Speaker, Sir, I want to urge my colleagues from affected areas not to engage in unhelpful grandstanding, politics and brinkmanship that does not help this country. I was embarrassed to see some of our colleagues on television last night listing a chain of conditions as to how and why IDPs should be allowed to go back home.

As leaders of this country, and everybody in this House have the potential of rising above being an ordinary Member of Parliament. If you really have the interest of leading this country either individually or collectively, how can you, in your right senses, ever imagine that you have to set conditions for someone to go back to his own home? It is a big shame and we should condemn it with the harshest language available in our vocabulary.

We, as a Government, are building police stations in affected areas. However, I have said and I want to say it again, that a police station and the presence of a police officer can only provide a temporary deterrent. The greatest security to any Kenyan is his or her immediate neighbour. If you are not at peace with your neighbour, it does not matter how many policemen are in your neighbourhood. Who cultivates this security? It is we, the leaders. It is our reckless tongues from us that ignite the problem. We then have a duty to go back the day after and sort out the mess.

It is important that we now move together. We are now mixed up here and we do not know which side stands for what. We must move equally in the same breath and go to Cherangani, Endebes, Eldoret, Nakuru, Naivasha, Burnt Forest and everywhere else and tell our people to go back to their farms. Those of us who come from ethnic communities that caused either directly or indirectly the displacement of fellow Kenyans, we must go and tell our people that this is something that must be stopped. This is something that must--

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Is it in order, for the hon.

Member, if I got him right, to say that certain sections of Members of Parliament set conditions for the resettlement of IDPs? If he is referring to the various meetings we had yesterday, we all indicated that we are committed to the process of resettlement of IDPs. What we did not provide for is a way forward. This hon. Minister is trying to mislead the House by trying to get it into legalistic jargon which is not going to help the process of healing. It is incumbent upon the current Government to provide the way forward to this process.

Mr. Deputy Speaker: Hon. Minister, you cannot impute improper motives, either individually or collectively, against hon. Members of this House!

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, it is obvious that my colleague across the Floor and the Chair did not hear what I said. I said, and want to repeat it, that for any Kenyan to go back to their legitimate home we should not have any condition or pre-condition.

(Applause)

Every Kenyan has a right to live and own property anywhere in this country. Nobody should arrogate themselves any duty to lay conditions of whatever nature for people to go back to their homes.

Mr. Deputy Speaker: That is pretty much in line with the contribution, but you did impute on hon. Members that they are setting conditions.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, as far as I know, I did not say that any single hon. Member had said this or that. I said that I have seen, to my embarrassment, some colleagues setting conditions. It is common knowledge.

Mr. Deputy Speaker: Order, hon. Minister! The House is going to maintain decorum in debate! Either collectively or singularly, you cannot impute improper motives against your colleagues without a substantive Motion!

Please, proceed!

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I want to say loud and clear here that the Kenyans who are suffering out there will live to haunt all of us here. From now on, as my colleague from Saboti said, we must accelerate our pace as a Parliament, a leadership and a people to get people back to their homes. As a leadership, we must engage in reconciliation and reconciliatory talk. We must, as a leadership, be seen to narrow the gap between us. We must, as a leadership, stop thinking that because I come from Western Province, I have a say in who lives in Western Province. We must, as a leadership, encourage Kenyans to live with and mingle with each other.

Mr. Deputy Speaker, Sir, we must, as a leadership, be able not to put a veneer of unity because it suits us. We must know--- I have heard this here before. There is no Kenyan individual or community that is in this country by invitation. Every individual and community is here as of right. That right is protected by the law. That right is protected by the Constitution.

Mr. Deputy Speaker, Sir, if there is any leader in this House, or elsewhere, who has had a hand in the causing of our brothers and sisters to live like refugees in their own country, I urge them to repent and seek forgiveness from the people of this country.

(Applause)

Mr. Deputy Speaker, Sir, it does not matter where you come from. My constituency is also affected by the on-goings in Mt. Elgon. I am housing many people from Mt. Elgon, who have been displaced internally.

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

The Minister for Foreign Affairs (Mr. Wetangula): Mr Deputy Speaker, Sir, I do not know if what I have said is in any way out of order.

Mr. Deputy Speaker, Sir, have I breached any order?

*(Mr. Ruto moved to the
Dispatch Box)*

Mr. Deputy Speaker: Order, Mr. Ruto! I have not given you the Floor!
Mr. Wetangula, please, proceed!

(Applause)

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, the art of debate normally requires that the right to speak by any hon. Member must be equal to his or her right to listen to others. You have to listen, whether you like what your colleague is saying or not.

Mr. Deputy Speaker, Sir, let me end by saying that we must all go out there. I want to see my colleague, Mr. Imanyara, coming to Sirisia to tell the people of Sirisia to live well with people of Mt. Elgon. I want to see my brother, Mr. Ojaamong, coming to tell his people that his people and my people are brothers, irrespective of anything else.

I want to see that we all know that agitated as we may feel, at the end of the day, we have a saying in my language that anger can kill; it can never carry or burry.

Thank you.

(Applause)

Mr. Nyambati: Thank you, Mr. Deputy Speaker, Sir---

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Deputy Speaker, Sir. It seems as if there is a great deal of interest in this debate. Am I in order to propose that we limit contributions to five minutes for each hon. Member?

(Applause)

Mr. Deputy Speaker: Order! Hon. Members, you cannot have a Procedural Motion on a Motion of Adjournment under Standing Order No.20! In this debate, hon. Members are limited to ten minutes each, except the Mover and one Minister, who will have 15 minutes each!

Mr. Nyambati, please, proceed!

Mr. Nyambati: Mr. Deputy Speaker, Sir, I stand here a very worried and disappointed man. This is because I think that this House has the best minds, and the most intelligent people that any Parliament has ever had in the history of this country. This is so, yet we are here forgetting that we are leaders who should help our people. A leader is known, not because of the profession that he or she has, but because of his or her actions. It hurts me to see that we have our own people living as refugees in this country. My constituency, Kitutu Masaba, has thousands of these people, who are suffering. It disappoints me to see some hon. Members saying that we should delay resettling our people. It is so sad! This is the saddest thing I have experienced in this House. The resettlement of our people is long overdue!

(Applause)

Mr. Deputy Speaker, Sir, we must do what we must do to ensure that our people live like the rest of Kenyans. I want to see a day when I will go to Wajir as a Kenyan without being told that I do not belong there. Any Kenyan has a right to live where he or she must live. I do not want to be told that if I go to Kisumu I must have been born there. No! Any Kenyan has a right to live where he or she wants to live.

Mr. Deputy Speaker, Sir, therefore, I want to urge hon. Members of this House to join hands to ensure that our people are not only resettled, but are also assisted to live like the rest of Kenyans.

Mr. Deputy Speaker, Sir, I also want to address the issue of compensation. When the time comes, we want to make sure that there is fairness to all the Internally Displaced Persons (IDPs) in this country. It is a shame that we subjected our people to this kind of condition, simply because of an election. This Tenth Parliament must do what it takes to ensure that this does not happen again. Our people should never be subjected to what has happened because they are Kenyans. They are suffering because of what we have been fighting for, as politicians, and yet they are not part of this trouble.

So, Mr. Deputy Speaker, Sir, hon. Members have individual and collective responsibilities to go out there and preach peace. We should not wait for the Government or the police to bring peace. It is up to us. Each Member of Parliament here should go to his constituency and ensure that there is peace. We should preach what we want our Kenyans to do. As I stand here, I want to say that there must come a time in the history of a country where those who are in power, like us Members of Parliament, must strive for those basic rights of our own people. Our IDPs are not enjoying those rights like the rest of Kenyans. How can we sit here as Members of Parliament and start saying that, we must put a process in place for those people to be resettled? Shame on us! We must make sure that these people are resettled. We must not put any condition or anything else to deter them from going back to their homes.

I want to say that every Kenyan has a right to own property. If you bought your property in Mombasa, it is yours. You are a Kenyan. You cannot tell me that because I come from where I come from, I cannot buy a property in Wajir or Nyeri or wherever. This is our country. I think it is the responsibility of this House to ensure that our people are resettled, taken care of and fed. If you go to those camps--- May be some of the hon. Members do not come from areas where there are these problems. When I go home over the weekends, you would be surprised that thousands and thousands of people come to see me on these kind of things. They say that they are hungry and suffering.

I would like to plead with this House that we must go out there to preach peace. We must support the resettlement of our people. We must make sure that they are catered for. We should not think of anything else apart from supporting these people who are suffering in these camps. We must, first of all, put Kenya and our people first before we think of ourselves.

With those few remarks, I beg to support.

The Assistant Minister for National Heritage and Culture (Mr. J. Onyancha): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. J. Onyancha, you do not raise a point of order in a vacuum. There has to be somebody on the Floor.

Yes, Mr. J. Onyancha!

(Laughter)

The Assistant Minister for National Heritage and Culture (Mr. J. Onyancha): Mr. Deputy Speaker, Sir, seeing from the interest the Members have in this debate, I want to appeal to the Chair because under the Standing Orders, the Chair has discretion to decide on how many minutes the Members can take in debating. So, I am appealing that you give us five minutes each to make our contribution.

The Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. We have actually established that the tradition in this House that in most Motions of adjournment that carries subjects as emotive as this Motion, the Chair normally relaxes the timing to five minutes to allow as many Members as possible to contribute to a Motion. I want to support that point of order.

Mr. Deputy Speaker: Hon. Members, since the mood of the House is for that proposal and the Chair has the powers, I would use my own discretion to all hon. Members to contribute for five minutes each.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this very important Motion. I stand to support this Motion. It is very important that we, as elected leaders of this country, must not only be seen, but ensure that all our people are free and secure including their property. It is an eyesore, disappointing and disgusting that a country like Kenya should have IDPs. We can only find IDPs in failed states. We can only find situations like this in failed states. Kenya is not a failed state. It is important that the IDPs are identified and profiled. This is because quite a number of people have moved into these IDP camps so that if land is found for resettlement, then they could benefit. We have to identify genuine IDPs. While we are talking about the need to resettle our people, we must remove them from IDP camps. We must, first and foremost, address the issue of their security. We must, first and foremost, ensure that the ground is conducive for their return. We do not want our people to go back and get killed. It is important that the security aspect of the IDPs is addressed. I think we need to resettle our IDPs yesterday, but we must look into all these factors. Have their homes been destroyed? Have they built their homes? There are so many things which we must address. Of course, we can sit here in this Parliament and say: "IDPs must be resettled". It is the responsibility of the Government, to ensure that there are no IDPs in this country. So, it is the responsibility of the Government to ensure that the resettlement of IDPs is done. Are they guaranteed their security? This is very important. So, when we come here as Parliamentarians and say: "IDPs must be resettled"; we must address the issue of their security.

The second thing which I want to bring to the attention of the House, is the issue of Mt. Elgon. I would like to call upon the Government to ensure that there is a ceasefire to allow dialogue between the Members of Parliament, councillors, chiefs, assistant chiefs and the people. Those people who are found to be criminals should be dealt with according to the law. So, we should allow room for dialogue. We actually have a twin problem which has been created by insecurity in certain areas.

Dr. Eseli: Mr. Deputy Speaker, Sir, is the hon. Member in order, being the Assistant Minister for Defence, to talk about a ceasefire? Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Deputy Speaker, Sir, I am part of the Government but I am just recommending that for the sake of the people of Mt. Elgon, we need to look into the best ways and means to solve the problem. If they want us to continue with the war, we will continue with it. There is no problem. But I am just saying that it is better for them. We should give them the opportunity even to repent. We cannot have an illegal armed defence force in a country.

So, if you want us to continue, we can continue sorting you out. It is not a problem. But for the people of Mt. Elgon, it is important that we give them the opportunity to dialogue. I liked it

when the Prime Minister said the other day: "We want to talk to Mungiki people. We want to know who they are and what they want." This is important so that when we apply the law, nobody should cry. Even if your people are affected, you should not come here running, saying our people are affected. We should find solutions so that this country can be stable.

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

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this very, very important Motion. I would like to thank our colleague who brought it here, because it is of great importance. We have to discuss it as a House.

Mr. Deputy Speaker, Sir, the issue of Internally Displaced Persons (IDPs) is a very, very unfortunate situation in this country. We must find one and lasting solution to the same. I would like to request hon. Members that, as we discuss this issue, let us seriously sober up so that we really address the real issues and ensure the success of the resettlement, that, we all say, should have been done yesterday. I remember that after we enacted the Accord, we all cried to the Government to form the Grand Coalition Cabinet, so that those people could be sorted out immediately. It took us quite sometime, but we are grateful to God that we now have it.

Mr. Deputy Speaker, Sir, I would like to say here that on the resettlement exercise, we thank His Excellency the President for convening a meeting with Rift Valley MPs yesterday, so that we could chart the way forward on this very, very important process. Dear colleagues, we are dealing with lives. I am grateful to hon. Members who have said that the security of every Kenyan lies mainly on the neighbour. We need to prepare the neighbours. It is so important! It is no use to remove a problem from here and create another problem within no time. We are saying that, first, we need to identify who the IDPs are. It is so important that, in the process of resettling IDPs, we do not create other IDPs. Mr. Deputy Speaker, Sir, we have requested, and still do, that the issue of Mt. Elgon be taken very seriously. Since the operation in Mt. Elgon started, I have over 500 IDPs in my constituency from Mt. Elgon. We should not use double standards. Let us resettle IDPs. Let us stop the operation and engage in dialogue! This country, for the first time this year, has talked! We are always talking about dialogue. I believe that dialogue is the way forward for this country, if we really have to bring Kenya back again.

Mr. Deputy Speaker, Sir, there are IDPs who are living with their relatives and well wishers. We are requesting the Government to identify and resettle them. As we resettle those people, we get worried when we move so fast, especially for a neighbour of mine who was in Kiambu. If you asked him today to go back to Kiambu, he will give you a capital "NO".

Mr. Deputy Speaker, Sir, we want to request the Government that, for those who do not wish to go back, let us find land elsewhere and resettle them. It is of great importance to us!

(Applause)

Mr. Deputy Speaker, Sir, there are many Kenyans who were rounded up and taken to cells. Those are also displaced Kenyans as a result of the disputed election. If we are talking about resettlement, let us look at how we can help them. If necessary, let the Judiciary move very fast and speed up the legal process, so that we can know who are guilty. Let us have the innocent going back to their homes as we resettle the other people, so that every other person will feel secure and safe in this country! Mr. Deputy Speaker, Sir, we are committed. The commitment is here. But are the people where those IDPs are going to prepared to receive them? Are the IDPs themselves prepared as they move out there? I am saying that because it is necessary. That is my humble request.

Mr. Deputy Speaker, Sir, I would have wished that the whole State House was in State Lodge, Eldoret today, bring some *wazees* from IDP camps, bring others where IDPs are going to and let them negotiate in the evening. Tomorrow, as they will be talking, we pick a few from both

sides to speak out so that we can believe that, that exercise will move very fast. I thank His Excellency the President for his commitment.

Mr. Deputy Speaker, Sir, if we go out there and give the impression that certain people seem not happy about that, it is not good. That is our commitment. Let us show that we are here for the interest of the Kenyan people. Let them know that all of us here are for the good of this country. Let us not prepare our communities---

I am sorry, Mr. Deputy Speaker, Sir.

Thank you.

Mr. Ruto: Thank you very much, Mr. Deputy Speaker, Sir. It is unfortunate that we have shortened the time.

Mr. Deputy Speaker, Sir, from the onset, I wish to indicate that we are worried. We do not like the attitude being portrayed that there are any persons or leaders who are reluctant to sort out the problem of IDPs.

Mr. Deputy Speaker, Sir, we want to make it very clear--- We made it very clear since yesterday - and a number of Ministers were present in that meeting - that we want this issue sorted out very quickly. However, we said that, that process started yesterday. The very meeting that we held yesterday was the beginning of the process.

Mr. Deputy Speaker, Sir, we want those people settled quickly, but we have got to move in the correct direction! We have to reconcile the two neighbours who were fighting! We cannot just dismiss the people in the camps and tell them: "Now, go back to your homes!" They would have gone on their own! We have to be sensitive about what could easily erupt.

Mr. Deputy Speaker, Sir, there are several other IDPs who are not in the recognized camps. There are those who are with their relatives and there are those who have dispersed. Those IDPs should be identified. There are those IDPs that have been created by Government evictions. We feel that, as a gesture of goodwill, the Government should resettle those ones as quickly as well!

Mr. Deputy Speaker, Sir, there are IDPs being created by Government operations, especially in Mt. Elgon. The amount of torture that is being used in Mt. Elgon is unspeakable! It is being done in the proportion only known during the last regime. I am prepared to produce photographs of our children who are being burnt alive. That is very serious and I think that if you want reconciliation, we must stop the operation in Mt. Elgon immediately!

Secondly, Mr. Deputy Speaker, Sir, those who have problems--- Those IDPs, like the ones who talked on television yesterday, are saying that they just do not want to go back! If anybody feels that he is threatened where he wants to go, the Government has got an obligation to give him a safe settlement. I think that is within our purview as leaders in this House! Let us not talk with emotion! Let us look at the issue seriously! We are proposing the establishment of a Parliamentary Select Committee to even assist on this issue. We are aware that there was a suggestion about committees yesterday, and we are generally in agreement with that. However, we are not---

I would like to upgrade that and say that, that committee should not just be set up by administrative peers. That is because they can be dismissed tomorrow by the same Executive peers. Let this House come up with a Select Committee to look at that issue and several other underlying issues that are affecting the IDPs. We do not want to see the recurrence of the problem about IDPs year in, year out.

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

Mr. Deputy Speaker, Sir, I hope that my colleague does not want to take my time. All our secondary and primary school boys in Mt. Elgon have been arrested, tortured and are kept in very

dehumanising conditions. I have some photographs which I will leave with you, so that you can have a look at them. I intend to lay them on the Table of this House. Those are terrible happenings being done by our security forces! The Government is able to stop torture by the security apparatus! Why are they not talking about that torture? Those torturers are very close to hon. Wetangula's home and yet, he is not even caring about that. He is just imputing improper motives on us! We are not setting conditions! We are saying that let there be a process. Hon. Wetangula is aware that the question of IDPs was created by a flawed electoral process. It was created-- Even hon. Wetangula himself is in court to explain how he came here.

Mr. Deputy Speaker, Sir---

The Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. You can see the manner in which my colleague can degenerate. I am not an issue in this Motion. I gave a contribution that he felt very fidgety about. I never mentioned my colleague. Why should I be an issue?

My people in Sirisia have been suffering year in, year out. On 12th November, 2007, an invasion from Mt. Elgon came to a village in my constituency and the invaders cut off ears of 16 people. There are 16 people without ears in my constituency. It is not a laughing matter, and my colleague should stick to the Motion.

Mr. Deputy Speaker: Order, Mr. Wetangula! You have made your point. Mr. Ruto, I made it clear from the very beginning that nobody has a right to impute improper motives against a fellow Member of Parliament. The House is going to be very harsh next time. Please, let us observe the decorum and dignity of this House, because it is the Supreme institution of this country.

Proceed.

Mr. Ruto: Mr. Deputy Speaker, Sir, I hope I was not imputing an improper motive. I was stating a fact that there is a petition case against my colleague. But that is not the subject of debate for today.

I wish to table these photographs for record purposes.

*(Mr. Ruto laid the photographs
on the Table)*

Mr. Deputy Speaker, Sir, further, I want to indicate that we would like to start a process, and let there be resettlement without discrimination. As leaders from that region, we are ready to help. We want to proceed to our constituencies and ensure that we preach reconciliation and be accompanied by our colleagues.

The Deputy Prime Minister and Minister for Trade (Mr. Kenyatta): Mr. Deputy Speaker, Sir, the first thing that I want to say is that we need to do away with emotions as we debate this critical issue. We must, first and foremost, recognise that as we are debating in this House we are talking about the lives of many thousands, who do not even have shelter over their heads, yet the rainy season has begun. The issue of Internally Displaced Persons (IDPs) arose as a result of the contested, or disputed, results of the general election. Since then we have said that the IDPs cannot go back to their homes until the issue of electoral violence comes to an end. That has come to an end.

We have said that the IDPs cannot go back to their homes until we have an all-inclusive Government. We have that Government. We have also said that we need to deal with the underlying issues and the historical injustices. So many other cliches have been used and have resulted in these IDPs being where they are. We have all agreed that these are issues that need to be tackled.

Today, I stand to speak, not as a Minister, but as one of the 222 Members of Parliament

appealing to each and every single hon. Member, that we are talking about people's lives. All the issues that we have raised that need to be dealt with are going to be dealt with by none other than the 222 hon. Members in this House. Do we need to continue to see our own brothers and sisters, who brought us to this House, suffering because we cannot agree? We have heard that those people cannot go back to their homes without security. The truth of the matter is that no amount of security can replace a word from a leader in this House. The problem that we are facing is not one of insecurity, or a neighbour dismissing or disliking his or her neighbour. It is a problem of mistrust, which has been put between and amongst communities by none other than the leaders of this nation. The responsibility is not out there, but is with us.

Mr. Deputy Speaker, Sir, I appeal to my colleagues that a time has come for us to say that this situation can no longer be entertained. A time has come for us to say that myself and Mr. Ruto can walk through the streets of Eldoret holding hands and telling our people to go back to their homes, and learn to trust one another. We are all Kenyans and the Constitution clearly states that a Kenyan has a right to live and do business in any part of this country. That is the only thing that is lacking. The people just want to see their leaders united, and not arguing or shouting at one another; they need to see their leaders talking to one another, agreeing to resolve the problems and the issues that they face.

Yes, I agree that there are issues to be resolved, but those issues could be resolved while the poor farmers return to their homes and the children who have been missing out in schools are back to their schools and living normal lives. The problems are not theirs to solve but are ours to resolve. As I said, it is not a question of a blame game, or of who is right or wrong. It is a question of us, as the elected representatives of the people of the Republic of Kenya, going out there and ensuring that our people return to their homes and enjoy normalcy as we deal with the problems that face them, which resulted in them being where they are.

With those remarks, I beg to support.

Mr. Chachu: Mr. Deputy Speaker, Sir, I want to support this Motion. As leaders we have an obligation to ensure that Kenyans, who have been displaced, are settled. These are people with families and children. As a nation, we have a duty to see to it that they are settled, and they go back home where they belong. We must show leadership during this difficult time. We must lead. This is a difficult time for this nation. These are trying times for this country, and, as leaders of this august House, we must join hands and enable other Kenyans to go back home and live with their families.

To address this issue, we must get to the root cause of this problem. Year in, year out, we have been having this problem, even though the magnitude has been varied. May be, this is the worst that has happened, but this problem has been occurring again and again. We have an obligation, as the leaders, to get to the root cause of these problems, so that Kenyans live in harmony as brothers and sisters from now henceforth. It is not easy, but it is something that we must do.

Mr. Deputy Speaker, Sir, the problem of IDPs is not only limited to what is happening in Kenya since the last general election. In Marsabit, people have been living in IDP camps for the last two years. They live in tents due to fear of one another. Different communities are living in tents that were provided by charitable organizations. As we deal with the issue of IDPs, let us treat it as an issue of the whole nation, and address the problems that have been there even before the last general election. I am singling out Marsabit as one key example. We have many Kenyans, who have lost their lives and properties and are living in camps. When we talk about IDPs, we talk about security. We are talking about people who have lost their lives, their livelihoods, their properties and so on. In northern Kenya, our communities are losing their lives on a weekly basis. You might call it cattle rustling or theft across the border, but the fact of the matter is that people

are losing their lives, their properties and their livelihoods. In my constituency of North Horr, just two days ago we lost two people and over 34 families lost their livelihood. Today they are destitutes, and are about to be moved from the area in which they live to other areas due to lack of security. This is related to the issue of IDPs because it is about security and life. I request the Government to address the problem of insecurity in northern Kenya, which has persisted for a long time. Those are Kenyans who have rights like any other Kenyans. Their lives must be protected. It is their fundamental and constitutional right.

As we look at the issue of IDPs, let us look at it holistically. Let us look at it as a problem facing this nation. When Kenyans are losing their lives, livestock, resources and land in the northern part of Kenya, it is really an issue of IDPs. They are internally displaced. They are losing their lives, livestock and other resources. I really wish our Government, once and for all, will come to terms with this reality and address this problem because the people of northern Kenya are Kenyans. They have a right to their lives and property.

Mr. Deputy Speaker, Sir, with those remarks, I beg to support this Motion.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Mr. Deputy Speaker, Sir. I am very happy to get this opportunity to voice the concerns of thousands of Kenyans who are currently holed up in IDP camps, simply because there was an electoral dispute after the 2007 General Elections.

It is unfortunate that most of the people who are held up in those camps are ordinary Kenyans who had no role to play whatsoever, other than belonging to certain communities. As a result of that, they were evicted from wherever they were living and thrown into the IDP camps.

Having said that, I think it would be important also to recognize that the survival of the people in the IDP camps for all that time has been made possible through the hard work of certain organizations and individuals who have contributed generously towards their livelihoods, food and clothing. I want to take this opportunity to thank everybody who may have participated in ensuring that the people who are in IDP camps have a reasonable livelihood and can be able to enjoy life at that level.

In connection to that, I would like also to say that it has been extremely difficult for the few IDPs who have made some efforts to try and go back to their homes and farms. Whenever they have tried to do that, there have been threats and leaflets. That has made it impossible for them to go back and settle in their farms. I strongly support the fact that we need to involve political leaders, religious leaders and leaders at the grassroots level. Without them, we really cannot go very far.

The people on the ground tend to put a lot of weight on what the politicians say. So, I think this is a golden opportunity for the politicians, especially from the Rift Valley, to take that opportunity and spearhead--- That is because we have a situation where we are hiding behind the pretext that we are going to prepare our people to accept those who are in the IDP camps. That might well be true. But it is good to remind hon. Members that immediately after the announcement of the Grand Cabinet, we did not require any preparation for Members to integrate with fellow Members from the other parties. So, I do not think it requires anything much more than the goodwill and commitment from the politicians and church leaders to settle our people.

Moreover, the first thing is to recognise that there was a problem. That has been done. Initially, in January, we had said that the people would not be able to go back until the National Accord was signed. That has already been signed. After the National Accord, we said we had to wait until the Grand Cabinet had been named. That has also happened. My request and plea to Members is that for the Kenyans down there on the ground, there is no other excuse that can be given for not being able to resettle them immediately. It pains Kenyans today that, as Members sit in the comfort of their offices, Ministries and wherever else, Kenyans who are paying taxes cannot go to their farms and make a genuine living out of their own sweat. I think it is important. I

strongly urge hon. Members to kindly agree that, as much as there may be long-standing issues that require immediate attention--- We do agree that some of them are very weighty. Some of them may require immediate attention. But it is also important to know that IDPs are not going to solve those problems. The issue of sorting out those problems, be it in Mt. Elgon or Mau Summit, does not lie with the IDPs. So, the moment we deny the IDPs the opportunity to return back to their livelihoods, we are punishing the wrong people. I think it is important that we put the case about Mt. Elgon and other issues to the offices that can make a change. Otherwise, we continue to punish people who had no role in the issues that we are trying to solve.

I would also like to remind hon. Members that in an ordinary situation, when there is a road accident, for example, even if the driver was drunk and he was driving on the wrong side, the first and most natural thing to do is to give that victim medical attention. I think for us to start saying that before we do that, we must get to know the root causes of road accidents on that particular road, is to play and joke with the psychology of Kenyans today.

So, my plea to my colleagues is to kindly embrace the spirit of dialogue. It is possible to say that we support it. But in our hearts, I am sure there are some people who still do not believe that certain communities should be living in some places in this country.

I think it is good to come up and address that issue as it is. Otherwise, if we keep on going back and forth and Kenyans are suffering and dying--- If we keep on feeding a population of 350,000 Kenyans today - that is the number of IDPs who are currently in the camps--- They are not working or engaged in any viable economic activity. It is going to drain this country eventually. So, those people have to go back to their farms. We have small farms of one to ten acres--- When we are talking of a serious food shortage in the world--- Not just in Kenya! We have a population of 350,000 people that we would prefer to keep in the camps, I think that is unacceptable today.

I beg to support.

The Minister for Water and Irrigation (Mrs. Ngilu): Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion.

I think a lot has happened in this country since last year's General Elections. I think all of us who were running for office had something to do with the problems that we are having. Those mothers and children who have been living out of their homes for the last four months--- Every time you watch them speaking on television, they blame us. They ask themselves: "Why did we, in the first place, leave our homes to go and vote for these leaders?"

As we debate this Motion this afternoon, we need to understand their suffering. We should not treat this as any other debate in this House. I believe that we cannot take this issue of IDPs and hope to solve it in a technical way. I do appreciate the meetings that were held yesterday and other days, between leaders. If I were there, I would have urged the Prime Minister and the President to, indeed, involve leaders in a more intimate way. I do know that they talked about these issues. They said that they should visit the affected areas. But it needs to come from the people themselves. I do not think this can come from top leaders and expect that the people on the ground will just listen to them.

In actual fact, I do not even think that these people would treat us seriously. It may not even be easy for His Excellency the President and the Prime Minister to go and talk to them and tell them that they would like them to go back to their farms. We have all said that we would like to see the IDPs go back to their farms. However, we cannot force neighbours to live together in harmony, if they do not respect each other. We cannot make a person not to go against their neighbour if they have not lived well in the past, by putting up a police station.

Mr. Deputy Speaker, Sir, we all know that the Government has spent a lot of money in the past to buy land in various places. We also know that part of the problem that we are having in this country is due to inequality.

In this House, for example, there are many of us who have tracts of land lying somewhere idle, but we expect the IDPs to go back to their one or two acre farms!

(Applause)

Let us not solve this problem in a technical manner. Let us ensure that people can live in an acceptable way.

Mr. Deputy Speaker, Sir, I am not in any way saying that these people should not be resettled. But reading from the newspapers, and hearing what people are saying, there is a problem between the people who have been living together. Therefore, we need to understand the problem much more deeply than dealing with it by saying: "The Government can settle so many people. We are putting aside so much money and putting up so many police stations". We have got to understand much more than this.

Mr. Deputy Speaker, Sir, I support that the IDPs need to go back to where they were living. We understand the law which provides that every Kenyan can live wherever he or she wants to live. We appreciate the law. But it would appear that this only applies to some group of a community. I know that people have tried to live in certain areas and they have been rejected in those areas. It is high time that we, as Kenyans, speak with one voice. If we allow people within our communities, when they come there, they should respect how we live. I have heard some of these people, who come from, especially, that area, speaking. They said they felt insulted because people from Machakos, for example, came to live in their village and even started calling that village "Machakos". Why call this place "Machakos" if it was being called "Kitui" in the past? We need to start understanding each other, so that we can live harmoniously.

Mr. Deputy Speaker, Sir, there is something else that is also making it very difficult for people to live together. Any time people get into Government, as we have done, instead of those in authority seeing how they can share positions, opportunities and businesses, they want to give all this to their own people.

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

Mr. Sirma: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. Kenyans are looking upon the leadership of this country to show direction and encourage the harmony that we so much need.

On the issue of resettling the IDPs, we first need to define who they are. There is a misconception that IDPs are either from one tribe, are those people living on the showgrounds or are people settled in a certain place and given the tag "IDP". In our culture, we do not believe in living on show grounds. We go to the homes of our relatives and friends. Although we become a burden, at the end of the day, they accommodate us. Therefore, IDPs are everywhere.

Mr. Deputy Speaker, Sir, we have heard that His Excellency the President will be visiting the Rift Valley Province from tomorrow. I wish to say that we needed to undertake preparations for his journey to the Rift Valley Province. This is not a visit for public rallies or a meet the people tour. We are trying to address the issue of the lives of our people. We cannot push people from the IDP camps into a death trap. We are not saying that people are going to be killed. But the anger and enmity which is still there needs to be reduced!

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. I am sure the Chair has heard Mr. Sirma say that we might be pushing the IDPs to a death trap. Is he in order to use that kind of language, bearing in mind that when these clashes started we were told they were spontaneous and not organised?

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

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Deputy Speaker,

Sir, is he now admitting that these clashes were organised?

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

Proceed, Mr. Sirma!

Mr. Sirma: Mr. Deputy Speaker, Sir, the negotiating team talked about the formation of a Truth, Justice and Reconciliation Commission (TJRC). We need this Commission to be put in place, so that people can talk about all their problems. When people speak, they release anger from their hearts. Even when you embrace a brother after that time, you will have spoken.

Mr. Deputy Speaker, Sir, we cannot treat cancer using panadol. We have to use the right treatment. We need to treat this problem properly. We cannot have a problem that dates back to 1992 and then you want to use panadol to treat it. This is a cancer which needs more attention. It is important that we address this matter properly.

Mr. Deputy Speaker, Sir, there are many other IDPs created by this Government. We have IDPs in Mount Elgon, the Mau and in the whole of Rift Valley Province. In every constituency in this country, police officers have written names of people who were supporting the Orange Democratic Movement (ODM), so that these people can be arrested and charged in court. In every constituency certain people have been named, so long as they were leaders in the party which did not associate with the Government. This must stop. How do you tell me: Let us go and talk in a *baraza* when my brother and sister are in the cells? There is no way we are going to talk when you have names of people you want to jail, and others whom you have victimised. We have put tags on individuals, that these are the culprits of the post-election violence! This is a matter which must be addressed by the leaders in this country, especially the leaders who will be visiting the IDPs from tomorrow. It is a very important issue. We cannot put tags on individuals and say: These are the wrong doers and these are the good people. There can be no clashes if both parties do not participate. Participation must be two way. If we are fighting, then there must be one person who started and another person defending himself.

Mr. Deputy Speaker, Sir, we want the IDPs to be resettled as fast as possible. But let us look for a good way of doing it.

With those few remarks, I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Deputy Speaker, Sir, I beg to support this Motion. This is a very sad day in this country. We are talking about thousands of Kenyans who have been staying in very horrifying conditions for the last four months. They have lost their lives and life savings. After the major political parties in the country struggled to form a Grand Coalition and shared power and seats, we are now back to discuss the plight of innocent Kenyans mixing it with all the political, regional and ethnic aspirations. We need to walk the moral high ground here. We need to offer leadership in this country. We need to preach peace and reconciliation. We need to nurture the Grand Coalition which is barely two weeks old. We need to save the lives of Kenyans who are living in the IDP camps.

We know that there are a lot of underlying issues. There are issues to do with land, historical injustices and so on. I think we are walking an extra mile because we are going to form the Truth, Justice and Reconciliation Commission. We are going to address that. A Kenyan living in an IDP camp will not wait for us to address the historical injustices in this country. We must be very pragmatic. We must move and walk the moral high ground for us to be leaders in this country. It is a very sad day because we are talking of about 500,000 Kenyans. We are talking of Kenyans like you and I. I would like every Member of Parliament here to put himself or herself in the shoes of those Kenyans living in the IDP camps. Imagine that person is your brother, sister or just a Kenyan like you in that IDP camp.

Mr. Deputy Speaker, Sir, along that line, we must also tell the political leadership in this country, that is, the President and the Prime Minister that they should not invalidate the leadership

of the various constituencies in Rift Valley Province and any other place. We must do an all-inclusive consultation where the leaders of the respective areas are consulted up to the grassroots level. That way, we will own whatever decision we reach at. It is not a matter of the Prime Minister of this country, the Head of State and a few other people to board a plane and go to the IDP camps. That is not the way we should move.

It is very sad if what we are hearing in this House today is contrary to what we are seeing. We are being told that the President and the Prime Minister will go to respective constituencies when the Members for those constituencies are giving a different signal here. I urge Members of Parliament from all the political divides and any region in this country to be sincere and (very) honest. We have shared the Government and Cabinet. We are about to share the various Parliamentary Committees. Let us not be very selfish. Let us move above regional politics and party politics. Let the 2007 General Election and the Presidential results be a bygone case. Let us bring this country together. Let us solve the problems facing our brothers and sisters living in the IDP camps. Let us look at ourselves as Kenyans. Let us not talk about death traps. Let us not talk about land issues. Everybody in this country knows that the land issue is a huge monster that can only be solved through a new constitutional dispensation. It is not an issue that a young Kenyan, an old Kenyan, men, women and children can wait for.

Mr. Deputy Speaker, Sir, finally, I want to urge my colleagues that the fragile Grand Coalition Government and Cabinet that we formed two weeks ago is in a very precarious situation today. If this is the way we are going to carry out peace and reconciliation, and if this is the way we want to prove to Africa and the world that coalitions can work in Africa, then we are cheating ourselves and this country. I can assure you that the life span of this Grand Coalition will be very short.

Mr. Deputy Speaker: Hon. Members, under the relevant Standing Order No.3(20), I exercise my discretion and reduce the contribution time period from 10 minutes to five minutes. On an *ipso facto* basis I will also reduce the Mover's reply from 15 minutes to 10 minutes and the Government Minister from 15 minutes to 10 minutes.

Hon. Shitanda!

The Minister for Housing (Mr. Shitanda): Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute on this Motion. Listening to hon. Members contribute to this Motion, one would be tempted to be very worried about what this country is going to go through in the next few days.

The IDPs we have today are as a result of, as we understood, the Presidential election results which were disputed. Immediately after that we had the reconciliation process. The National Accord and Reconciliation Bill was brought in this House and passed. We had the Grand Coalition Cabinet formed and now we have a Grand Coalition Government. However, listening to some of our colleagues, especially from Rift Valley Province, it would appear that the real underlying issue behind the evictions had nothing to do with the 2007 General Election.

Mr. Deputy Speaker, Sir, I sympathise with my brothers from Rift Valley Province. When you listen to them, they are captives of their electors. In as much as they would want this IDP resettlement started immediately, their tongues are tied because, on most issues---

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

Mr. Deputy Speaker: Yes, hon. Mr. Magerer!

Mr. Magerer: Mr. Deputy Speaker, Sir, is it in order for the hon. Member to refer to us as captives of our own people when we know very well that we are free in this country to express the feelings of our people?

Mr. Deputy Speaker: Order, hon. Members! Hon. Soita Shitanda, the Chair has made it abundantly clear that you should not impute or discuss the character or the conduct of your

colleagues without a substantive Motion, singularly or collectively.

Proceed!

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

Mr. Deputy Speaker: You are out of order, Mr. Keter!

Mr. Keter: Mr. Deputy Speaker, Sir, in view of what he has said, could he, please, withdraw and apologise?

Mr. Deputy Speaker: Order, Mr. Keter! Proceed, Mr. Shitanda!

The Minister for Housing (Mr. Shitanda): Mr. Deputy Speaker, I am sorry if I hurt any of my colleagues. However, what I was trying to say is that when you are a leader and you are confronted with an issue and you decline to deal with that issue at that moment on the pretext that you want to go back and ask the people who elected you to tell you how to resolve that issue, I do not know the terminology I can use, but I think that is becoming a captive of your own voters.

When we talk about this issue of resettling IDPs, it would appear, from the contributions of our colleagues, the hon. Members from Rift Valley Province, that the Government is dealing with the wrong problem. We are not dealing with the actual problem, which is that these people were removed from their farms for reasons which are different from the ones that have been advanced before. When we talk about the security of the IDPs when they go back to their farms, if I was your neighbour---

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to pretend that we did not lose lives in this country and that where the IDPs are going back to, there was no loss of lives and property? We are talking of harmonising these issues!

The Minister for Housing (Mr. Shitanda): Mr. Deputy Speaker, Sir, when you talk about the security of the IDPs, if I am your neighbour who was chased away from my farm and I am only coming back to my farm, but you are now talking about my security, what about my neighbour who is living there now? This means security for the people who will go back is something which we have to seriously address. We need to establish the kind of security we will provide to IDPs who will be going back to their farms. Why are we giving them security when they have lived on those farms for all these years? There are other reasons, other than those we know why we should beef up security in those areas. There are bigger issues we will be confronted with. I want to request that in as much as we want the IDPs to be re-settled, we must try to look beyond what we know. There are bigger reasons that we do not know. We want our brothers to help us in confronting those issues. Otherwise, I do not see this exercise going any further if we will not have a commitment from our brothers and sisters across the political divide.

Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Deputy Speaker, Sir, I want to thank you for giving me a few minutes to also make my points on this Motion.

A suggestion has been made here in terms of the way forward. An hon. Member suggested that a Parliamentary Select Committee be set up to discuss the question of the IDPs and provide the way forward. Kenya is not the first country in the world to deal with the problem of IDPs. Kenya is amongst many countries of the world with IDPs. According to the statistics of 2006, there were 24.6 million IDPs across the world in 92 countries.

Mr. Deputy Speaker, Sir, in all these occasions, where the problems have been successfully resolved, it has been the responsibility of the state to do so. It has never been the responsibility of Parliament. Why is it so? Parliament, by its own definition, has different interests within it. Kenya is a respected member of the international community. Internationally, there is no treaty that specifically deals with IDPs like with refugees. What happened in 1992, some international guiding principles were set up. At that time, Butros Butros Ghali who was the General Secretary of United Nations Organisation, sent Mr. Francis Deng' to give us principles which we needed to operate on.

Kenya being a member of the international community, we needed to follow those principles.

I will give an example of a country which successfully carried out its re-settlement of IDPs. When we were growing up, we used to hear of bombings in Beirut. There was war in Beirut. The people of Lebanon followed the guiding principles that were accepted by the United Nations, and which were accepted under the African Charter on Human Rights. It has worked in other countries.

Mr. Deputy Speaker, Sir, in Lebanon, they formed a Ministry which was specifically in charge of IDPs. There was a Minister for IDPs. There was also a national programme that was set up and agreed upon. It was advertised. A sum of two hundred billion Lebanese Pounds were set aside for that purpose.

In this country, we have the Ministry of Special Programmes that has been set up with a specific mandate. It has a department called the IDPs Department. What we need to agree on is a programme to be rolled out. When are we going to start, because---

Mr. Deputy Speaker: Order, Mr. Mungatana! Your time is up.

The Assistant Minister for Medical Services (Mr. Mungatana): I am sorry, Mr. Deputy Speaker, Sir.

I beg to support.

Mr. Deputy Speaker: Hon. Members, given that it is now ten minutes to the end of our business time, I will call upon the Minister to reply.

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, with your permission, may I give Mr. Munya two minutes?

Mr. Deputy Speaker: Yes! That is up to you. The Chair has no objection.

The Assistant Minister for East African Community (Mr. Munya): Thank you, Ms. Karua, for giving me two minutes.

Mr. Deputy Speaker, Sir, I just want to underscore one point. If we were to have compromise on resettlement of IDPs, we will be compromising the security of this nation. The basic values that any nation protects is the security of its citizens and their right to property. These people owned property. They are not poor. They were robbed of their property and their dignity by criminals. The Government must move in to protect and settle them back on their land.

Mr. Ruto: On a point of order, Mr. Deputy Speaker! Is it in order for a Government Assistant Minister to come here and raise issues that they should have dealt with? Nobody has stopped them from providing security to those people. From who is he asking for permission to do so? That is their responsibility and they ran away from it. They created this problem.

The Assistant Minister for East African Co-operation (Mr. Munya): Mr. Deputy Speaker, Sir, the hon. Member is irrelevant. He was just wasting my time before I could make my points. We, as a country, must live together. We have to respect each other. That is the only way we can have a country called Kenya where everybody's rights are respected. Those IDPs are human beings.

Mr. Ruto, if you are thrown out of your home, and somebody says that you negotiate before you go back to your home, how would you feel? Yet, you are here, trying to prevaricate over the security and rights of those helpless Kenyans, who have found themselves in the situation they are in.

As a member of Government, I think time has come for us to come out and apologise to the IDPs for not having taken the responsibility that we were supposed to take. We failed to protect their lives and property when they needed us most.

Mr. Deputy Speaker, Sir, when they needed the Government most, they were let down. Now, the Government must move on to, at least, save its face by re-settling them.

Mr. Deputy Speaker: Order! Order! Time up!

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua):

Mr. Deputy Speaker, Sir, I rise in support of the Motion. I want to agree with all those who have said that the IDPs needed to have been re-settled yesterday. The issue we are dealing with, about re-settlement, has several phases. There are those evicted from their farms. There are those evicted from their places of work. There are those evicted from businesses. The mode of re-settlement differs.

For the people evicted from their properties, there can be no debate about it. The Constitution of this country has not been overthrown. Every Kenyan has a right to life and the right to property. We, therefore, cannot negotiate the right to life and the right to property. We, as leaders, it is incumbent upon us to take up leadership and uphold the right to life right to property of everybody, including our opponents. That is why we are leaders in the National Assembly of Kenya.

Mr. Deputy Speaker, Sir, I want to remind my colleagues. I laid Papers on the Table of this House last month. Those Papers included a public statement signed by the Serena group on 1st February, 2008. Just to remind hon. Members, we committed all of you - the 210 of us - to the immediate re-settlement of IDPs. We reminded and re-committed ourselves to upholding the constitutional rights of everybody in this country. We also acknowledged that there are underlying problems which we need to tackle. We, therefore, agreed to establish a Truth, Justice and Reconciliation Commission. We are in the process of finalising the law.

Mr. Deputy Speaker, Sir, we will bring it to this august House so that it may be set up. But let us be very clear about the sequence. We have never agreed that we shall hold the resettlement of IDPs until the Truth, Justice and Reconciliation Commission (TJRC) is formed. That is to tackle the problems that we are all talking about. We acknowledge they are there. Resettlement must go on. Tackling the underlying causes must go on!

Mr. Deputy Speaker, Sir, if we are talking of preparing the ground, we are late, as leaders. Ever since 1st February, 2008, and those agreements have been put in the newspapers for everybody to see, both ourselves and our constituents should have started to get ready. We have heard that the problems were spontaneous.

Let hon. Members not bear the guilt of the real culprits; those who may have fanned the problem. Let us leave that to investigations. Let us undertake to do what we can. We have a responsibility to take away the perception that communities are at war.

There are no communities at war! It is leaders who disagree. How come we are not fighting in this House and we come from all ethnic groups in this country? If there were ethnic problems between communities, we should be the first to fight. We must not make the poor people fight each other in our constituencies or anywhere in Kenya.

Yes, the land problem is a bother to Kenya and to all African countries that underwent colonialism. We failed to tackle the land issues at Independence, when we entrenched in the Constitution the rights of the land grabbers who came to colonise us and take away our land. They made us push one another in little enclaves. We will have to do that through constitutional review, so that we can have a programme that does not make Kenyans squatters in their own country.

You realise that there is no rich man or woman who is an IDP and yet, they are the ones with tens of thousands of acres from all communities. They are not from one community. None of them is an IDP even in that Rift Valley. It is the poor people who have been made to fight each other and we, Parliamentarians, who do not go under the name poor, are not fighting each other and yet, by acts or omissions, we are encouraging our people to fight. We really must rise above that and encourage people to live in harmony with one another.

Mr. Deputy Speaker, Sir, I want to say this: There are complaints about arrests. That is not just in the Rift Valley! In the Mt. Kenya area and parts of Rift Valley, communities are complaining that their male children are being picked as adherents of *Mungiki* even when they are

not and yet, we have to let the law take its course.

In the Rift Valley, I am now hearing complaints that certain people have been arrested when they have not done anything wrong. We are a country under the rule of law. We again signed an agreement at Serena that we commit ourselves to the rule of law. We committed you, dear hon. Members. We, therefore, have to let the due process take its course wherever you are from - the whole country. But I want to agree with my good Mr. Koech that due process must be speeded up so that the cops are able to release those who are innocent, and the culprits are prosecuted under the rule of law.

I also want hon. Members to know that for petty offences, the law allows people to reconcile. But for gross violations of human rights, both our law and the international law does not allow compromise. We must tell our constituents and remind ourselves, loud and clear, that crime does not pay. Even when we have disputes, we have to settle them under the rule of law, so that we can live together in harmony. Let us find ways of bringing Kenya together. We should not have debates that polarise us between one group and another. Let us have debates that promote our unity as a country.

Finally, by going to the Rift Valley and other spots, the Head of State and the Right Honourable Prime Minister are not ignoring hon. Members. That is why they called them to tell them. They are only beginning the process of dialogue. Dialogue is not a one-off. It is a process!

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Is my dear colleague and friend in order to say that hon. Members are being involved in the whole process and yet, I am aware that a few hon. Members have been invited to join the contingent to Eldoret? As I speak now, I have not been invited, unless the hon. Member has permission and is inviting me now!

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, on behalf of the Government, all are invited. Even those who are not from the Rift Valley--- Remember we are national leaders. I want to say that the process of dialogue has commenced. Even for our top leaders, I do not think that they can make a journey to the Rift Valley a one-off, and say that they have done their job. There has to be serious consultations at all levels. Let us, please, agree. Even if we feel that we would have wanted more, let us begin by making that step, and making the next one, until we complete the journey. That journey should not only be about resettling IDPs, but also of solving all those underlying issues.

With those few remarks, I beg to support and appeal to all hon. Members to support this programme.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. I have listened very keenly to the Minister. She has mentioned nothing about the torture that is going on in Mt. Elgon. We raised that issue. That is a sore issue and I expected her to comment on it. That is why I listened to her very keenly. It is a let down!

Mr. Deputy Speaker: Mr. Ruto, you perfectly have the full gauntlets of parliamentary privileges. You can ask a Question, seek a Ministerial Statement or raise it on a Private Notice where you will get an answer within 48 hours.

I will now call upon the Mover to reply.

Mr. Ngugi: Mr. Deputy Speaker, Sir, please allow me to donate one minute to an elder who has been shooting up since we started. Prof. Ongeru.

The Minister for Education (Prof. Ongeru): Mr. Deputy Speaker, Sir, first and foremost, I just want to plead with hon. Members that we sat out there negotiating in agony and pain. We were in search of truth and reconciliation. We have laid the structures that will come to the Floor of this House to give room to hon. Members to ventilate on issues that we think are critical for the survival of this nation. My appeal is that the exercise which is starting tomorrow is the first step of creating contact for our people through the leadership of this nation, including hon. Members. I

believe, just like the signing of the National Accord that brought the temperatures down, we should all in one voice and one accord, move to Eldoret, Cherangany, Kipkelion and Chepiret and show Kenyans that we are ready to resolve whatever may be besetting us. Let us, once and for all, clear away the monster of negative ethnicity which has been a cancer. We can treat it with anti-cancer agents. We have set them on stage!

Mr. Ngugi: Mr. Deputy Speaker, Sir, I am glad that no single hon. Member has opposed this Motion.

(Applause)

I am also glad that all hon. Members are ready to uphold the rule of law and the Constitution of this country. Several things have come up during the debate, starting with the fact that, we should all support the resettlement and welfare of IDPs. We should not apply double-speak. We should all walk the talk. There should be no delay in resettlement. There should be no conditionalities. Genuine and fake IDPs should be identified. It should not be difficult to do that!

Mr. Deputy Speaker, Sir, we also said that security should be addressed. This country has enough forces. Every hon. Member who spoke agreed that it is the responsibility of the Government to resettle and provide security to our people. The Government and all the hon. Members in this House have heard that this is, not only a constitutional and legal issue, but also a moral issue. We must stand the moral high ground with our fellow Kenyans at this hour of need.

Mr. Deputy Speaker, Sir, issues of many IDPs, not necessarily arising out the December general election, have come up in Marsabit, Mau and Mount Elgon. I hope the Government will also address all of them as urgently as it can.

Mr. Deputy Speaker, Sir, what has come out is that for resettlement and settlement to take place, we must have goodwill and commitment of the Members of Parliament, particularly from the affected areas. They have also pleaded with the Government to include them, like yesterday in the process. As the President and Prime Minister will be touring those areas, they can include them plus elders, churches and NGOs working in those areas. In so doing, this problem will be quickly resolved.

The issue of the Government not having moved with speed and lived up to its responsibility has been raised. The Government has been asked to apologise to the IDPs everywhere in Kenya for not taking up its responsibility. I have no doubt that the Minister in charge has heard that.

Mr. Deputy Speaker, Sir, finally, there was an example quoted by one hon. Member who likened this problem of IDPs to an accident scene. That hon. Member said that when a road accident occurs and there are casualties, we do not start arguing about who was on the wrong or right or about the state of the road or the weather conditions. What one should do is to take the casualties to the nearest hospital, so that they can get treated and then address the other issues.

Mr. Deputy Speaker, Sir, we did not have much time to hear all the hon. Members. But we all can see there are still some divisions within us. It is the responsibility of the Chair through seminars or whatever means to reconcile us when we address such an important and urgent national issue, we should do it, as Kenyans. We should not do it as Members of Parliament who come from a certain area and are not concerned about other areas.

Mr. Deputy Speaker, Sir, I was happy with the hon. Member for North Horr. That is a very far area from where these IDPs are. However, he could understand and empathise with them because maybe his people have been in the same problems before. It is now time for the Government and all hon. Members of this House to speed up their help in the resettlement and settlement of these IDPs.

Thank you.

(Applause)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business of the House. The House is, therefore, adjourned until tomorrow, Thursday, 24th April, 2008, at 2.30 p.m.

The House rose at 6.30 p.m.