

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 31st July, 2002

The House met at 9.00 a.m.

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

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.371*

### PAYMENT OF BENEFITS TO MR. MATETE'S DEPENDANTS

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

(a) whether he is aware that a police officer, Mr. Robert Abraham Matete, P/No.19922040800 died on 14th October, 2000; and,

(b) when his benefits will be paid to his parents.

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

(a) Yes, I am aware.

(b) The survivors benefits will be paid to his parents immediately they present all the essential documents to the Pensions Office at Vigilance House, where his final benefits and death gratuity will be processed and paid to the next of kin.

**Mr. Sifuna:** Mr. Temporary Deputy Speaker, Sir, arising from the Assistant Minister's reply, could he tell this House what caused the delay in paying Mr. Matete's benefits since he died in the year 2000?

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, the delay was caused by the failure to present his documents. I urge the hon. Member to ensure that the essential documents are taken to Vigilance House, so that the benefits can be prepared.

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, that is a very routine matter; paying benefits after the death of a public servant. Could the Assistant Minister inform this House how much money is going to be paid? Indeed, the Assistant Minister has said that the payment is pending because the documents have not been produced. So, could he tell this House how much money will be paid in respect of that death?

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, I do not have the amount of money to be paid because the necessary documents have not been taken there. The documents should be taken there, so that the benefits can be processed and paid.

**Mr. Sifuna:** Mr. Temporary Deputy Speaker, Sir, the parents of Mr. Matete submitted the documents in January this year to the District Commissioner in Bungoma. To date, they have not had any communication from the Office of the President. How long will it take the Office of the President to process those documents? From January to date, nothing has happened!

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, the benefits will be paid as soon as the documents are brought to Nairobi.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Assistant Minister, the question by the hon. Member is that you had mentioned that the benefits were not processed because the forms were not sent. The Questioner has said that the forms were given to the District Commissioner in January, and now we are on the last day of July! When you say, "until the forms come", could you respond to the issue of the forms having been delivered in January and now we are on the last day of July? It is the Office of the President which received the forms through the District Commissioner.

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, I will try my best to follow that matter up, so that the benefits are paid as soon as possible.

**Mr. Keriri:** Mr. Temporary Deputy Speaker, Sir, the question of pensions and terminal benefits is a routine matter. The officers' records are kept in the Ministries where they are employed. Is it necessary to wait until the officers bring some sort of forms? Are those documents not prepared in such a way that once an officer retires, he is called to sign a form to accept that he has retired and, therefore, the processing of pensions is hastened? Could the Government make that matter much easier than it is now, because it is making the people suffer all the time?

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, we will make sure that we solve those problems and pay the benefits as soon as possible.

**Mr. Sifuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to continue misleading this House, when I have just informed him that the forms were submitted to the District Commissioner in January this year, for him to submit them to the Office of the President? Now, the Assistant Minister is trying to mislead this House by saying that the benefits will be paid as soon as they get the forms. Who is holding those forms and when will those parents get their dues?

**The Temporary Deputy Speaker** (Mr. Musila): It has ended up being a question and not a point of order! Anyway, respond to that, Mr. Assistant Minister.

**Mr. Kochalle:** Mr. Temporary Deputy Speaker, Sir, I really sympathise with the next-of-kin. I will follow up the forms from the District Commissioner and make sure that the benefits are paid to those people.

*Question No.323*

REMITTANCE OF ROAD MAINTENANCE  
MONEY TO NYERI DISTRICT

**Dr. Murungaru** asked the Minister for Roads and Public Works:-

- (a) how much money was remitted by the Ministry to each of the six constituencies in Nyeri for road maintenance in accordance with the Kenya Roads Board Act; and,
- (b) how much was due to each constituency and when the Minister plans to make good any shortfall that may exist.

**The Assistant Minister for Roads and Public Works** (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry remitted a total of Kshs33 million to Nyeri District for road maintenance during the financial year, 2001/2002. The breakdown for each constituency is as follows:

<u>CONSTITUENCY</u>	<u>AMOUNT (KSHS) Million</u>
Tetu	5.5
Kieni	5.5
Mathira	5.5
Othaya	5.5
Mukurweini	5.5
Nyeri Town	5.5
Total	33

All the funds due to each constituency were disbursed and, therefore, there is no plan to make good any shortfall.

**Dr. Murungaru:** Mr. Temporary Deputy Speaker, Sir, the Kenya Roads Board Act spells out that the fuel levy funds be shared in certain proportions. That is, 16 per cent be spent to rehabilitate roads in the constituencies, 24 per cent be spent on rehabilitation of roads that connect different areas in the district and 60 per cent be spent to rehabilitate Class A, B and C roads. The funds which the Assistant Minister has read out are in respect of the 16 per cent only. Where is the 24 per cent portion of the money that was due to Nyeri District? Why has it not been disbursed and when will it be disbursed?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, it is true that 16 per cent of the fuel levy funds is what I read to the House. Apart from the Ministry of Roads and Public Works, the Ministry of Local Government is also rehabilitating some of these roads. Although we give 16 per cent directly to the DRC, the other 24 per cent portion is utilised by other relevant departments in the Government.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, the Kenya Roads Board Act which was passed by this House recognises only three agencies; the Ministry of Roads and Public Works, KRB and DRCs. The Ministry of Local Government is not involved in rehabilitation of roads under the Act. The 24 per cent portion has not been

remitted to any district. Could the Assistant Minister tell the House whether the law has been changed and that DRCs are no longer recognised? Let him be specific because the Ministry of Roads and Public Works has taken over all the functions. Could he tell the House whether the DRCs have been disbanded and the Kenya Roads Board Act is null and void? Who has declared it null and void?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, the DRCs have not been disbanded as alleged by the hon. Member. I said that, during the last financial year, we had on-going projects which were not complete. As of now, part of that 24 per cent portion is being spent on those on-going projects.

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not answered the question. Will he comply with the law or not? If not, could he give the reasons why he will not comply with it?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, I am abiding by the law. I said that the 24 per cent portion of fuel levy funds is being used to complete on-going projects in the district which were not completed by the time the Kenya Roads Board Act was enacted. We will make sure that the 24 per cent portion will be used to complete those on-going projects in the districts.

**Mr. Sambu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that the other agencies are functioning? We know that the District Roads Engineers, Provincial Works Officers (DRC and DCs have completely take over the role of the DRCs in the districts. We want to know whether the Kenya Roads Board Act has been abolished.

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to request the hon. Member to be very sincere to himself. As far as the Ministry is concerned, the DRCs functions are supposed to be a joint venture between the hon. Member, roads engineers, DCs and other relevant committees.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I wonder whether the Assistant Minister was in this House when we passed the Kenya Roads Board Bill. This Act is very specific on how this money should be spent. It says that 60 per cent of it should be spent by the Ministry of Roads and Public Works, 24 per cent to be spent on the rehabilitation of district roads and 16 per cent to be spent on the constituency roads respectively. The Ministry has channelled 24 per cent of this money to the on-going projects. Which are these projects because in Maragwa District we do not have any on-going project which covers the whole district? Could the Assistant Minister table a list of those projects in every district to justify how he has spent the 24 per cent?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, when the Kenya Roads Board Bill was discussed and passed, indeed, we were in this House. We agreed in this House that the 24 per cent portion was supposed to complete all the on-going projects. From this financial year, the 24 per cent portion of that money will now be channelled to various districts. With regard to the list requested for by the hon. Member, I will avail it next week.

**Dr. Murungaru:** Mr. Temporary Deputy Speaker, Sir, there appears to be something that the Assistant Minister is not willing to disclose regarding the 24 per cent. I come from Nyeri and I represent one of the constituencies there. No money whatsoever has been disbursed out of the 24 per cent portion due to Nyeri District to repair roads. I am dissatisfied with the answer given by the Assistant Minister. Could he specifically lay on this Table a schedule of disbursement made out of 24 per cent in respect of roads in Nyeri District which are in a deplorable condition?

**The Temporary Deputy Speaker** (Mr. Musila): Very well! The Assistant Minister has promised to avail the list next week. So, I will defer the Question.

**An hon. Member:** To when?

**The Temporary Deputy Speaker:** Mr. Mokku, when do you want us to defer the Question?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, to Thursday, next week.

**The Temporary Deputy Speaker** (Mr. Musila): Let us defer it to Wednesday, next week. The Question is, therefore, deferred to Wednesday, next week.

*(Question deferred)*

Next Question, Mr. Achola.

*Question No.365*

CONSTRUCTION OF OYOMBE BRIDGE

**The Temporary Deputy Speaker** (Mr. Musila): Is Mr. Achola not here?  
We will then leave his Question until the end.

*Question No.381*

REHABILITATION OF RWAMBWA-MAUMAU ROAD

**Mr. Wanjala** asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Rwambwa-Maumau Road C29 in Budalangi Constituency is impassable;
- (b) how much money is needed to rehabilitate it to make it passable; and,
- (c) when the road will be rehabilitated.

**The Assistant Minister for Roads and Public Works** (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that Rwambwa-Maumau Road C29 in Budalangi Constituency is impassable.
- (b) A sum of Kshs4,893,750 is required for the maintenance of the said road.

(c) The badly potholed section of the road will be repaired after the approval of the fuel levy funds during the fiscal year 2002/2003.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, this is a very important road. It is in a flood-prone area. The sum of Kshs4,893,750 the Assistant Minister is talking about is too little for that road. Could he consider increasing this money? When will the rehabilitation of this road commence? When will this money be approved?

**Mr. Mokku:** Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member that this is one of the most important roads in Budalangi Constituency. It is true that there is need to improve this road as quickly as possible. The sum of Kshs4,893,750 was arrived at after the survey work was done. Our engineers believe that this money will be enough to rehabilitate that road. Any time, after this House approves the Ministry's Vote, that money will be released to the district for the rehabilitation of that road.

**Mr. Speaker:** Next Question!

*Question No.351*

NCC ASSISTANCE TO HAWKERS  
AND *MATATU* OPERATORS

**Mr. Muchiri** asked the Minister for Local Government:-

- (a) what plans the Nairobi City Council (NCC) has for assisting hawkers and *matatu* operators in Nairobi; and,
- (b) why it has taken the Council many years to allocate new sites for markets and *matatus* outside the City Centre.

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

(a) The NCC, in its Nairobi Metropolitan Development and Management Strategy, will address issues of long-term development needs of these two sub-sectors. The Council has adopted various strategies to cater for hawking and other petty trading activities. These strategies include; formalising some suitably located informal markets by way of security of tenure guarantees and provision of amenities, expanding the existing facilities by way of infill stalls development and construction of new phases in its existing markets through tenant-purchase agreements, designing new sites for open-air market on some previously under-utilised public spaces, decentralising Wakulima Wholesale Market activities to various parts of the City, like Kawangware, City Park, Dagoretti, Kariobangi *et cetera*. This will create more room for hawkers and other *matatu* terminuses. As for the *matatu* sub-sector, the NCC has and will continue to provide public transport terminals, designated exclusively for *matatus* and allocation of public transport route service by *matatus*.

(b) The implementation of the NCC development plans is determined by availability of resources; for example, land and finances. As stated in my answer to part "a" of the Question, the NCC has developed new market facilities outside the City Centre and will continue to open and develop more as and when the resources are available. As for the *matatu* sub-sector, the City Council has provided *matatu* terminuses on all the routes at the points where commuter journeys by *matatus* begin and end.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has provided a list of all the markets in Nairobi. All these markets were built before 1978, and I am quite sure of this because I worked for the NCC at that time. No markets have been established or built in Nairobi. If you go to the City Centre at around 7.00 p.m., you will find a lot of congestion caused by hawkers, people and *matatus*. The Assistant Minister has also said that they have provided bus terminuses in the City. Could he name one bus terminus in this City which has been constructed and set aside for the *matatus*, putting aside those in the other parts of the country?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, we are not talking about bus terminuses, but about *matatus* terminuses. The hon. Member will bear me witness that *matatus* are designated to operate in particular areas, for example, near the Kenya Railways Station.

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that hawkers have been allocated some areas to sell their wares in Nairobi, but I have seen some mothers sell fruits, while others sell what they wear. The NCC *askaris* beat up these people and load them onto their trucks. Why is this happening? Is this really a way of assisting people or killing the Poverty Reduction Strategy? What is this?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, I do not understand the first part of his question. I am wondering whether the Chair followed it.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Kiangoi, could you answer the second part of his question?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, there is no policy, either by the Government or the NCC, to frustrate any person who does lawful business in the City. That is the reason why we have set up these markets. The NCC has expanded, by way of infill, markets like Shauri Moyo, Westlands and the City Market. The hawkers who decide to sell their wares in the streets, do this voluntarily and illegally.

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister give us a very exhaustive development plan of what they intend to do? Could he also tell us the amount of money which has been set aside for the first phase of this development that he has been describing in his Paper? How much money has he set aside for this development?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, what I have is just the development plan. We have not calculated the exact amount of money which will be used. But I would like to say that the following markets have been expanded by introducing new phases. These markets are, Kahawa West, Kariobangi South---

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked the Assistant Minister to tell us the specific amount of money that he has set aside for the development of this project. There is no point for the Assistant Minister to read out the markets which have been existing long before he was born. Could he tell us the amount of money he has set aside to develop the markets he has listed in that Paper? Is there any money set aside for the development of these markets, or is he just giving the usual speeches we get here when there is absolutely no intention of doing anything?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, I was trying to inform the House that, indeed, we have done some development, and in which case money has already been spent. I understood the question the hon. Member asked and I was coming to it, only that he was impatient. As for future development, we have not worked out the figures but we have those plans in place. It does not mean that you cannot have plans before you set aside money.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is misleading this House. I was in Kahawa West yesterday. I have been going there literally twice or three times a week. There is no repair, and nothing has been constructed for the last 30 years. Even in Kariobangi South, Mr. Mwenje is here and can confirm that no construction has taken place.

**Mr. Mwenje:** I confirm!

**Mr. Temporary Deputy Speaker** (Mr. Musila): Mr. Muchiri, ask your question!

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, if you walk around the City, you will find that it is one of the dirtiest cities in the whole world. The other day, I went to Mombasa, Kisumu and Nakuru and found that the same thing is happening there. When will the Assistant Minister start planning properly for markets so that those hawkers who leave behind refuse and other dirty things in our towns and cities are removed from there?

**Mr. Kiangoi:** Mr. Temporary Deputy Speaker, Sir, I talked about expansion which has taken place in Kahawa West, Kariobangi North, Kariobangi South, New Ngara Market and Karindiri Market. The hon. Member has said that no roads have been constructed in those areas. We are not talking about roads but markets. Let me say that the responsibility of cleaning up the City should be a concerted effort by all, including the DP councillors in the NCC.

## COMPENSATION FOR LAND ACQUIRED BY KR

**Mr. P.K. Mwangi** asked the Minister for Lands and Settlement:-

- (a) whether he could explain how the Kenya Railways Corporation acquired Title Deed No.LOC.17 Saba Saba/1357, measuring 18.6 acres reserved for the construction of Saba Saba Railway Station; and,  
 (b) when the Government will compensate the people whose land was taken away for the project in "a" above.

**The Temporary Deputy Speaker** (Mr. Musila): The Minister for Lands and Settlement is not here? The Question will be deferred to Tuesday, next week.

*(Question deferred)*

## QUESTIONS BY PRIVATE NOTICE

## CLEARANCE OF SECOND HAND VEHICLES

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

- (a) Is the Minister aware that over 100 motor vehicles which are more than eight years old cannot be cleared from the Port of Mombasa because the Kenya Bureau of Standards (KEBS) has refused to inspect them?  
 (b) Could he urgently address this problem?

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of the number of motor vehicles at the Port of Mombasa, which are over eight years old and which cannot be cleared because KEBS cannot inspect them. I am, however, aware that KEBS, under Standard KS1515: 2002, prohibits importation of motor vehicles which are over eight years old.

(b) All the motor vehicles which have been presented to the KEBS for clearance having an Import Declaration Form, Import Entry and Mombasa Port Release Order have been released. Where the vehicles did not have Road Worthiness Inspection Certificates, KEBS has organised for the local inspection of such vehicles. Today, KEBS is dealing with only six vehicles at the Kilindini Port as the importers are making arrangements to obtain necessary documents. Any other motor vehicles held at the Port of Mombasa are being held for other clearing procedures not related to KEBS.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister has not investigated this matter properly. If I may refresh his memory, the Finance Act 2001, clearly specifies the duty levied on motor vehicles that are eight years old and motor vehicles that are over ten years. That is the law! The KEBS has gone ahead and gazetted a standard which is contrary to the Act and banning motor vehicles that are over eight years old. Under what authority has the Assistant Minister allowed KEBS to ban the importation of vehicles that are over eight years old? Even in the Budget, the Minister talked about banning the importation of vehicles that are over ten years old; and that proposal has not been debated by this House!

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I have already said that those vehicles which have not been inspected will soon be inspected locally. That will confirm whether those vehicles conform to the standards that are required in this country.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, sometimes, it is good for Assistant Ministers to check and rectify the information they are given by their officers. There is no point for this Assistant Minister to argue about naked facts. The Assistant Minister has been informed that the KEBS proclaimed, in the Kenya Gazette, that they will not allow the importation of vehicles which are over eight years old. We know that the Minister for Finance proposed to ban the importation of vehicles over ten years old. We have not yet discussed the Finance Bill. So, they have no authority to do what they have done. Could the Assistant Minister instruct the KEBS to de-gazette that provision so that the law is observed until it is passed in this House through the Finance Bill?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, a vehicle may be new, but it has to meet the standards of this country.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Marrirmoi, could you address yourself to the issue of the Gazette Notice by the KEBS, which the hon. Member alleges is contrary to the Finance Act?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I will confirm whether they have violated what has

been proposed by the Minister for Finance.

**The Temporary Deputy Speaker** (Mr. Musila): Are you saying that you want more time so that you can get the facts? Are you asking for more time, Mr. Marrirmoi?

**Mr. Marrirmoi:** Mr. Temporary Deputy Speaker, Sir, I think this Question should have been answered by the Minister for Trade and Industry because the KEBS falls under that Ministry.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not out of order for the Assistant Minister for Finance and Planning to refer this Question to the Ministry of Trade and Industry? Could he resign so that the Minister for Trade and Industry can come and answer this Question?

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

**The Temporary Deputy Speaker** (Mr. Musila): The Question will be deferred to Wednesday, next week, for the Assistant Minister to get the correct information. Is that okay with you, Mr. Marrirmoi?

**Mr. Marrirmoi:** That is okay.

*(Question deferred)*

#### ILLEGAL ALLOCATION OF KAA LAND

**(Mr. Muite)** to ask the Minister for Transport and Communications:-

(a) Is the Minister aware that land parcels: L.R. 209/12784/1; L.R.209/12784/2; L.R.209/12784/3; L.R.209/12784/4; L.R.209/12784/5 and L.R.209/11595 all situated at Wilson Airport currently which belong to Kenya Airports are about to be allocated?

(b) Is he further aware that on these plots, over seventeen assorted businesses are carried on by Kenyans who pay rent to Kenya Airports Authority and who stand to lose their businesses?

(c) What is he doing to stop the allocations?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Muite is not here? The Question is dropped!

*(Question dropped)*

#### MEASURES TO STREAMLINE COFFEE MARKETING

**(Mr. Murungi)** to ask the Minister for Agriculture:-

(a) Is the Minister aware that farmers in Meru District have refused to release their coffee for sale because they are waiting for the registration of Mukema Limited, as a coffee marketing agency?

(b) When will he publish the Coffee General Rules to enable the Coffee Board of Kenya to register new marketing agents?

(c) What steps has he taken to establish the Coffee Development Fund, to stabilise coffee prices in the country?

**The Temporary Deputy Speaker** (Mr. Musila): The Minister for Agriculture is not here? The Question will be deferred for the benefit of the Questioner. Is that okay with you, Mr. Murungi?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, could you defer the Question to Tuesday, next week?

**The Temporary Deputy Speaker** (Mr. Musila): The Question will, therefore, be deferred to Tuesday, next week.

*(Question deferred)*

#### UPGRADING OF MOSORIOT HEALTH CENTRE

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) In view of the malaria epidemic, now ravaging many parts of Western Kenya and the North Rift, resulting in congestion of hospitals in that area, could the Minister urgently upgrade Mosoriot Health Centre to a sub-district hospital and post a doctor there?

(b) Could he urgently re-open Kimng'oror Health Centre which was closed due to the withdrawal of medical personnel deployed there by the Government?

**The Assistant Minister for Health** (Dr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has no intention of upgrading Mosoriot Health Centre to a sub-district hospital. The current malaria outbreak is being handled adequately by the existing facilities in the district.

(b) The Ministry will consider seconding health personnel to Kimng'oror Health Centre once the financial and management problems at the institution are sorted out by the Anglican Church of Kenya.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that they have no intention of upgrading Mosoriot Health Centre because the malaria epidemic is taken care of by the Kapsabet District Hospital. At Kapsabet District Hospital, four patients are sharing one bed! Mosoriot Health Centre, which was constructed with the help of the United States International Development Agency (USAID), has many beds lying idle. We only require a doctor. Why does the Government not want to upgrade it to a sub-district hospital, so that we can get a doctor? Is it a decision by the Government that no doctors will be posted to Mosop Constituency?

**The Temporary Deputy Speaker** (Mr. Musila): Ask your question, Mr. Sambu!

**Mr. Sambu:** There is already a sub-district hospital in my constituency which has no doctor. The Assistant Minister is now refusing to upgrade Mosoriot Health Centre. Could the Assistant Minister tell the people of Mosop that they are not part of Kenya or they have done something wrong to this Government that they cannot have a doctor within the constituency to serve them? Let the Assistant Minister state that categorically!

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, I would like to tell the hon. Member that the people of Mosop are within Kenya and they are Kenyans, and the Ministry of Health is out to serve them the way it is serving other Kenyans. The only other problem which we have with Mosop Constituency is that, it is adequately serviced by four clinical officers and so many registered nurses. If the people of Mosop want Mosoriot Health Centre to be upgraded to a sub-district hospital, there are regulations to be followed. The District Health Management Team (DHMT) should recommend it to the District Development Committee (DDC) and the DDC will forward the recommendation to the Ministry for upgrading of that facility.

We have also indicated that we want to have, at least, a doctor in every health centre. So, there is neither segregation nor discrimination against the people of Mosop Constituency.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, before I ask my supplementary question, could the air conditioning system in this Chamber be activated so that we can have some warmth for the sake of the health of hon. Members? One of the reasons why Wednesday Morning Sittings are unpopular is because of cold conditions inside the Chamber! Could those in charge adjust the air conditioner so that it makes the Chamber warmer?

Having said that, I would like to know why the Ministry should wait for the DDC to bring up recommendations for the upgrading of health centres to sub-district hospitals, when the Ministry should be aware of the requirement that these health centres should be upgraded according to the population growth? This is the same Government which releases data showing that the population increases by about 4 per cent every year. I think the Assistant Minister should tell us why---

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, Mr. Ndicho! Hon. Members, this is Question Time! Mr. Ndicho, you have debated for a number of minutes! Could you now be specific and ask your question?

**Mr. Ndicho:** Could the Assistant Minister tell us why they would not upgrade all the health centres to sub-district hospitals within the country, given the fact that it is the same Government that brings data about population growth?

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, it is not possible for the Ministry to upgrade sub-district hospitals or health centres automatically. We require the DHMT to recommend so that we can know whether that facility is required.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the World Health Organization (WHO) now considers malaria as number two among the health disasters, as well as a major killer in this country? If so, is the Ministry considering bringing this matter to the attention of the Cabinet and the President so that malaria can be declared a national disaster?

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, it is not only the concern of the WHO, but also the concern of the Ministry of Health. It is the concern of UNICEF and various other donors that malaria is actually the leading problem in this country. It takes about 30 per cent of bed occupancy in our hospitals and that is why we are trying to emphasize on prevention so that we can keep out all these patients.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, as I said earlier, I did not get a written reply. But, trying to recall what the Assistant Minister said about Kimng'oror Health Centre, once the sponsor, the Anglican Church of Kenya spells out the financial and the managerial problems--- I want to categorically state before this House that there are no managerial problems at Kimng'oror Health Centre. The Anglican Bishop of the Diocese of Eldoret wrote a letter indicating that Kimng'oror Health Centre has got all the facilities intact. It has medicine and we only need staff who were recalled by the Government. I have also written endorsing the Bishop's letter. Would the Assistant Minister,



immediately, post a clinical officer, nursing and medical laboratory staff to Kimng'oror Health Centre so that it can start functioning and help the people of Mosop Constituency?

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, like I had said earlier, there was a bit of financial mismanagement on the part of the clinical officer and, that is why he was recalled. Since the health centre was opened a month ago, and if the management is streamlined, the Ministry is ready to bring back the officers who were recalled.

**Mr. Sambu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to impute improper motive on the Anglican Bishop of the Diocese of Eldoret that he was mismanaging finances? I have said that he had written a letter indicating that Kimng'oror Health Centre has its facilities intact! I have been to that health centre and we elected the Committee together with the Bishop. Why is the Assistant Minister implying improper motive on the Bishop? The health centre is properly managed and all we want is the personnel to run it!

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, I am not imputing any improper motives on the Bishop. What I am saying is that, actually the committee which is running that health centre had problems of financial management. If this is streamlined, the Ministry is ready to bring back members of staff who had been recalled.

**The Temporary Deputy Speaker** (Mr. Musila): That marks the end of Question Time.

Next Order!

## POINTS OF ORDER

### PURCHASE OF A NEW MAYORAL CHAIN

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order to seek a Ministerial Statement from the Ministry of Local Government, which is represented here by the Assistant Minister. The Mayoral Chain was reported to have been stolen, and we are now informed that it has been found and it is being held by the Commissioner of Police, here in Nairobi. It has also been reported that the current Mayor of the City of Nairobi has gone to London to buy a new chain costing Kshs20 million; and that, Kshs10 million has already been paid in London! This scenario is confusing the people of Nairobi because this is our money which is being spent and we would want to know how this money is being spent. So, could the Assistant Minister issue a Ministerial Statement and correct that position? Why should we buy a new chain when the old chain has already been recovered and has been brought back to Nairobi? Why do we not use the recovered chain. If it has to go to court to serve as an exhibit, it can always be released by the sitting Mayor so that it can be exhibited before court. Why should we spend Kshs20 million again on the Mayoral Chain? What is the situation and position about the Mayor's Chain?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mwenje, you have requested for a Ministerial Statement. Could we now hear from the Ministry?

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, although we will issue a Ministerial Statement, the hon. Member has not been clear because his facts are distorted. So, we will issue a Ministerial Statement with regard to the position of the Chain of the Mayor of Nairobi City. But when the hon. Member says that the Mayor is in London, when he is in the country, it is wrong!

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Assistant Minister, when will you issue the Statement?

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I know that we shall issue a Ministerial Statement next week, and we are in charge.

**The Temporary Deputy Speaker** (Mr. Musila): Very well.

Let us hear from Mr. Imanyara!

### STATEMENT ON SUDAN PEACE PROCESS

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Last week, I sought a Ministerial Statement from the Minister for Foreign Affairs and International Co-operation regarding the Sudan peace accord that was signed in Machakos. When I raised the issue yesterday, Maj. Madoka assured the House that he would issue the Ministerial Statement this morning. Kenyans have been killed in that region. Despite the assurance given by the Minister yesterday, there is nobody from his docket to issue the Ministerial Statement. So, I am seeking your guidance on what we should do when a Minister undertakes to issue a Ministerial Statement on a given day and time but he fails to turn up.

**The Temporary Deputy Speaker** (Mr. Musila): We do not have anybody from the Ministry of Foreign

Affairs and International Co-operation. Mr. Ngala, on the basis of collective responsibility, could you respond to Mr. Imanyara's sentiments?

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, I would like to assure the House that I will pass the information to the Minister for Foreign Affairs and International Co-operation to prepare the Ministerial Statement sought for the House.

**Mr. Kihoro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I was here yesterday afternoon when Maj. Madoka undertook to issue the Ministerial Statement sought this morning. There is urgency in this matter. As Mr. Imanyara said, somebody has been killed. There is a peace agreement which is supposed to be communicated to this House. We have got a lot to say about this matter. So, could the Minister for Lands and Settlement assure this House that his colleague will issue the Ministerial Statement sought this afternoon?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! The only thing I can say is that whether one is a Minister or a Backbencher, one must take the business of this House very seriously, particularly when one has undertaken to do something that ought to be done. So, I hope that the Minister for Lands and Settlement will pass a word to his colleague that this House expects him to issue a Ministerial Statement on this matter tomorrow.

#### INSPECTION OF IMPORTED POWDER MILK

**Dr. Murungaru:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Finance on the circumstances under which powder milk which was imported into the country was inspected by the relevant Government authorities and found to be fit for human consumption only for it be re-inspected a few months later and declared unfit for human consumption. Subsequently, part of the consignment was destroyed and the rest ordered shipped back to its country of origin. You must have read in the newspapers that just about 200 metric tonnes of powder milk were affected by this development. A few weeks ago, I brought a Question to this House regarding the matter, and the Minister told this House that a total of 5,000.5 metric tonnes of milk powder were imported into the country. If the said milk consignment is, indeed, unfit for human consumption, the lives of Kenyans, particularly those who live in urban areas, are at risk. I would, therefore, like the Minister to give the circumstances under which the said powder milk was imported. He should also explain how much of the 5,000.5 metric tonnes is still in the country, in whose custody it is, and whether it is, indeed, fit for human consumption. Perhaps, he should also explain whether there is business mischief in this matter. There is a rumour that some milk processors are---

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Dr. Murungaru, you rose to seek a Ministerial Statement, which you have done. You are now debating an imaginary Ministerial Statement. Once you seek a Ministerial Statement, you should wait for the relevant Minister to issue it. So, please, spare your "gun" until the time comes.

Mr. Marrirmoi, could you respond to the hon. Member's request?

**An hon. Member:** He has not been listening!

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, I have listened keenly to Dr. Murungaru. We will issue the Ministerial Statement sought very soon.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Marrirmoi, could you tell the House when you will issue the Ministerial Statement?

**The Assistant Minister for Finance and Planning** (Mr. Marrirmoi): Mr. Temporary Deputy Speaker, Sir, we will issue the Ministerial Statement on Wednesday next week.

#### PUBLICATION OF ELECTRIC POWER (AMENDMENT) BILL, 2001

**Mr. Mbela:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Attorney-General regarding a resolution of this House. On 6th June, 2001, this House, unanimously, authorised me to present here a Private Members Bill entitled "The Electric Power (Amendment) Bill, 2001" to provide for equal sharing of funds meant for the Rural Electrification Programme among the 210 constituencies. I submitted the draft Bill to the Government Press on 23rd July, 2001 but to date, it has not been published. When I made a personal representation, I was given the proof-read draft to correct, which I did. However, that was the last I heard of it. On making further inquiries, I was advised that the Bill could not be published without the authority of the Attorney-

General. I have approached the Attorney-General twice, but the Bill still remains unpublished. So, I would like the Attorney-General to explain when the Bill will be published, so that it can be brought here for debate.

**The Temporary Deputy Speaker** (Mr. Musila): The Attorney-General is not here. So, could the Minister for Lands and Settlement undertake to brief him on the matter?

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, I undertake to convey the message to the Attorney-General.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The matter raised by Mr. Mbela relates to a resolution of this House. So, I think Mr. Speaker needs to make a ruling on it. In this case, the will of this House was indicated by the Motion it passed. However, another arm of the Government is trying to subvert the House by not taking the steps that are essential for the publication of the Bill. So, should there not be a ruling by Mr. Speaker on this issue?

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, I think Mr. Imanyara is right. I think we should refer this matter to Mr. Speaker for a ruling. If the House did give leave for the Bill to be introduced here, the Attorney-General should not, in my view, have powers to hold it back. I will, therefore, ask Mr. Speaker to give a ruling on the matter.

Let us now proceed to the next Order.

### MOTION

#### SELECT COMMITTEE TO INQUIRE INTO ORGANISED ARMED GANGS

THAT, whereas the Kenya National Assembly is committed to the rule of law and protection and promotion of the sanctity of human life, and considering that presence of armed pseudo-political gangs constitute a potent threat to peace and security in our country; this House resolves to set up a Select Committee to inquire into and report on the origins, nature, extent and ramifications of these organised groups, and recommend necessary remedial action to remove the threat that such groups pose to the country.

*(Dr. Kituyi on 24.7.2002)*

*(Resumption of Debate interrupted on 24.7.2002)*

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mwenje, you were on the Floor when the House rose last time. You have seven more minutes to speak.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I would like to affirm my position on this Motion, which is that I oppose it. We need not form a Select Committee to investigate the obvious. As I said the other day, it is obvious that *jeshis* in this country have been formed because the Government has failed to provide security to some leaders and Kenyans generally. These people, therefore, have no choice but to put their own security arrangements in place. These groups may be referred to by all sorts of names, including "pseudo-political gangs" but, as I said, I feel that they are necessary. We are now heading for elections. It will not be good for a leader to conduct his campaign when his security is not guaranteed.

I would, therefore, like to ask every hon. Member who has not been provided with sufficient security to put in place his own security arrangements, so that his security during the campaign period can be guaranteed. As late as yesterday, a gang of people moved around the streets of Nairobi in pick-up vehicles, shouting and singing in support of a particular person who has declared his candidature in the Presidential succession. The same thing happened in Nakuru and Kisumu. You can, therefore, realise how many more such gangs are going to come up. Already, five people in KANU have declared their candidature for the Presidency. Fortunately, the National Alliance Party of Kenya will have one candidate. So, we may need to have only one more gang to ensure the security of that candidate. But you realise that KANU will need six gangs from different parts of the country. This is going to be dangerous.

Mr. Temporary Deputy Speaker, Sir, another issue that is worrying me is that if you look at the newspapers, you will find that for the last three days, they have been serialising the events of the 1982 attempted *coup de tat*. It leaves a lot to be desired why newspapers are serialising an event that took place in 1982. They are serialising this event during this transition period to remind people that they need to form security gangs. If that is not the reason, the Government should tell us why it has decided to release this information at this particular time. This is because the Government is also preparing itself to form a gang, equivalent to the Kenya Air Force gang that attempted to

overthrow the Government. This will be dangerous.

Now that we are heading to the general election, it is important that we all consider what security arrangements will be in place, particularly in Nairobi City. We may talk about pseudo-political gangs, but policemen are also forming their own gangs. They have formed a gang called *Mugithi* and everyday, in the evening, they arrest people and take them to police stations. When these people are taken to police stations, they are supposed to pay Kshs500 each in order for them to be released. Kamukunji Police Station is notorious for forming police gangs. This is also happening in Dandora Estate. This practice is more serious in Kayole Estate, where policemen arrest people and do not charge them in any court of law, but ask them for money. Why should we only talk about personal security gangs, yet the Government is leading in this field? It has formed its own gangs using the Kenya Police, the Administration Police or well-known people.

Formation of gangs actually started with the Government when it formed the infamous *Jeshi la Mzee*. This is how the formation of gangs started. Everybody had to form their own gangs to counter *Jeshi la Mzee*. So, if the Government wants to get rid of these gangs, it should provide enough security to its people. Nairobi City is one of the most insecure cities in Africa. You can never be sure that you will reach home every evening. There will never be a security vacuum and so, if the Government does not provide security, people will provide security for themselves. I would advise the people to do so. This is because my life is mine and not mine with the Government. So, I must protect it. My properties are mine and, therefore, I will not allow any person to steal them just because the Government has not provided me with security. We will provide security for ourselves, where and when necessary.

Mr. Temporary Deputy Speaker, Sir, it is for that reason that I say that we do not need to form a Select Committee to investigate the obvious. This is obvious. Everybody knows what is happening and everybody knows the remedy. Why should we spend more money to fund a Select Committee to go and investigate what we already know? I do not think that this is necessary. That is why I oppose such a move. Dr. Kituyi should have demanded from the Government that security be provided and guaranteed to everybody. If the Government does not do that, then it cannot avoid the formation of these gangs.

I want to say that the succession game and debate are going on. We have seen what is happening, and I want to say here woe unto KANU, which is more disorganised than ever before and will continue to be disorganised. God will not allow it to continue ruling this country any more, after messing up the economy for many years. The National Alliance for Change (NAC) will take over the leadership of this country very soon and everything will be fine. I want to assure Kenyans that, when NAC takes over the Government, there will be peace. It will not be necessary for people to form security gangs because the Government of NAC will provide security to everybody.

Now that KANU has realised that it is completely unable to provide security to the people of this country, as proved by this debate, it should not continue campaigning further. It should also support NAC so that we are all together; together we shall win, succeed and provide security to the people of this country. There will be investments, the economy will improve and we shall have a good country which will not require pseudo-political gangs.

With those few remarks, I beg to oppose this Motion. It is not necessary for us to form a Select Committee for this purpose.

**Mr. Imanyara:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

Unlike my good friend, Mr. Mwenje, I rise to support this Motion. The proliferation of pseudo-security firms in this country is historic. Many years back, when I was at the university, I did a dissertation on the legal organisation of coercion in this country. I found out that, before Independence, the Kenya police used to be entrusted with the responsibility of performing the tasks assigned to it by the nation. It was the duty of the police to protect not only the property and the lives of Kenyans, but also to ensure that Kenyans were able to travel to and from any part of the country without fear.

It is a sign of the breakdown of the institutions of the State in this country since Independence; that today we have to struggle to find out how to deal with the pseudo-political gangs. When we talk about pseudo-political gangs and pseudo-security firms, we are not just talking about the groups that Mr. Sunkuli said in this House would be banned. We are talking about well-organised groups such as Securicor Ltd, Group 4, EARS and Car Track. We are talking about more than 1,000 registered so-called security firms in this country, that are armed and are using members of the Kenya police force as the source of their employment. So, the Kenya police force no longer performs the task for which the law established it. Police officers are trained at Kiganjo Police Training College and immediately taken over by the Securicor Ltd, Group 4 or any other security firm, which pay them much better than the Kenya police force. As a result of that, police officers who remain in the police force are people of dubious security background; people who cannot be employed by the security firms that provide security in Nairobi. These are the people who are used as police gangs. Police gangs are hired at night for stealing purposes.

If you go to any police station these days, you will find that police officers prefer to do night shifts. This is

because while on night shifts, police officers can lend their guns to thugs. They keep their bullets because this country now produces bullets which are available to thugs. We do not know where the bullets that are produced in this country go. We do not know how many are exported or how many are stolen from the armoury at Eldoret and made available to these gangs.

So, it is absolutely essential for us to go to the root cause of this problem that we are facing in this country. The only way through which we can do this is by setting up an informed and organised Select Committee of this House. This is because, of all the institutions that are functioning today, it is only the Parliamentary Select Committees that have the respect of the people. You can trace the origin of this respect from the time when Kenyans refused an attempt by the Government to have an organ of the Government investigate the brutal murder of the late J.M. Kariuki. From that time, you will have noticed that Kenyans have had more confidence in Parliamentary Select Committees performing tasks such as this one. Rather than emulate Mr. Mwenje, who owns a gang which terrorises people in Embakasi Constituency, what we need in this country is a police force that is accountable to everyone of us. This way, when you will be going to Mwingi, you will not have to worry about *Jeshi la King'ole*. When I am travelling towards Kisumu I should not be worried that some gang is going to intercept me and tell me the person that I should elect when the time comes. So, this is a Motion that should be treated with the seriousness that it deserves. We should not really trivialise it because it raises very fundamental issues as to where this country is going. Even at this time when the Constitution of Kenya Review Commission (CKRC) is performing its task it is clear to all and sundry that it does not have the time or the resources to do some of the tasks that it is required to do. That is precisely the reason why even the Attorney-General is publishing a Bill to look at the Presidential retirement benefits which is an issue that could have very easily gone to the CKRC. So, Dr. Kituyi needs to be congratulated for coming up with this Motion and we need to support it so that we can look at the origins, nature, extent and ramifications of these gangs with a view to bringing a legislation that can control them.

Mr. Temporary Deputy Speaker, Sir, I do not wish to say any more than that. I just wanted to say that I support this Motion and I would urge all hon. Members to support it so that we can get to the roots. In saying this, I would like to suggest also that, when this Select Committee is formed and when we find out the culprits behind these gangs, recommendations should be made for their prosecution because they have caused havoc. Many people will remember seeing Rev. Njoya writhing in pain on the ground outside this Parliament with police officers watching a senior clergyman being beaten up by a gang hired by some hon. Members in this House. So, when this Select Committee is formed, we do hope that the people that will be mentioned as having been responsible for forming them will be subjected to the full force of the law and prosecuted whether they have held the highest office in this land or they are Ministers or ordinary Kenyans. This is because we must tell Kenyans that the law applies equally to all and it does not apply in a discriminative manner to people who do not come from the right tribes or the right political parties.

With those few remarks, I wish to support this Motion.

**Mr. Murungi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion. We are in a very unfortunate situation in this country. Actually, more than almost half of the country is under the control of bandits and pseudo-gangs. As you know, I am the Chairman of the Constitutional and Legal Affairs Committee of the National Alliance for Change (NAC) which is actually in the process of putting together the structures of the next government. This is because, as you can see, the KANU regime has collapsed and it is for us to save this country and so it is no use asking the KANU Government to try to take any action on this matter because it has had an opportunity and it has been unable to do so.

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Murungi to impute improper motives that the KANU regime has collapsed when, in fact, the Government is still very intact and running this country?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, you know those interjections are the kicks of a dying horse. We need to understand the politics of the pseudo-gangs in this country and their origins. These pseudo-gangs are not in this country by any accident. We do know that the pseudo-gangs that have perpetrated violence in this country are part of a deliberate political strategy by the KANU regime to perpetuate itself illegally in power.

Mr. Temporary Deputy Speaker, Sir, if you look at the geography of this country and see where these gangs and bandits are most active, you will find that they are in the so-called KANU zones. They are in North Eastern, Coast and Rift Valley Provinces. The gangs become active just before elections. The whole idea is, first of all, to safeguard the so-called KANU zones from infiltration by the Opposition and secondly, to change the demographics in multiethnic constituencies so as to create some purity in KANU. If you look at the Likoni clashes for instance, they were supposed to chase away upcountry people who were supposed to be Opposition *damu*. These were the Luos, Tharakas and the Luyias. If you look at the clashes in the Rift Valley Province, the victims were the Kikuyus, Luos and the Luyias again because of their support for multipartyism. I have been to Garissa where we sat down with some *wazees* who told us: "There are really no bandits in North Eastern Province. These are our children and the insecurity

there is deliberately created by the Government to make it impossible for the Opposition politicians to campaign freely in this area." So, all this question of political violence and banditry *et cetera* is really a Government and KANU strategy to make sure that it controls certain territories of this country.

Mr. Temporary Deputy Speaker, Sir, when NAC takes over this Government from next year, we are going to make sure that every Kenyan is secure and these gangs do not exist. The monopoly of violence will have to remain with the security agents who are paid by the state. We are going to disband all the *majeshis* like *Jeshi la Mzee*, *Jeshi la Embakasi*, *Jeshi la King'ole*, *Mungiki* and *Kamjeshi*. They will not be in this country next year when the NAC Government takes over. It is the role of the police---

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): Na wewe utakuwa huku!

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, unfortunately hon. Ojode will have to be in the Opposition despite having joined his Ministry for just a few months.

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for my friend, hon. Murungi, to suggest that the KANU Government will be defeated by NAC when he knows very well that once NAC names its torch bearer that will be the end of it?

**An hon. Member:** By now, you should be on this side!

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, my friend is welcome to NAC if he wants to be in the government. Some of these gangs are not genuine criminal gangs; some of these gangs are police gangs. You remember the gang which beat up Raila Odinga and Wambui Otieno at Ngong Town. I know hon. Ojode knows about that gang. They were calling themselves Maasai *morans* but they were carrying walkie talkies. Where do you see Maasai *morans* in shukas carrying walkie talkies? So, there are two levels of police in this country. There are those who wear uniforms and they have their colleagues who dress up as *morans* and they are the ones who are called Kalenjin warriors, Maasai *morans et cetera* and it is also a strategy to clobber us. We are using State resources to create and sponsor gangs in this country.

Mr. Temporary Deputy Speaker, Sir, we know that, as we go into the 2002 elections, the KANU Government will create more gangs to block the National Alliance of Kenya (NAK), but we will expose them. There is no person who does not have brothers or sisters in this country. We can get the names of those gangs and we will deal with them as individuals. There is no law which says that you will be excused because you were employed by the police or the Special Branch to do a dirty job. When we get to power, we will set up a tribunal like the one in Rwanda and any policeman, or DC, or DO, who has been supporting these gangs, will face the music. We are warning them.

Mr. Temporary Deputy Speaker, Sir, there is also the question of the Electoral Commission of Kenya (ECK). We know Mr. Kivuitu has been pretending that he has no powers to deal with political violence in this country, while we, in the IPPG, gave the ECK powers to disqualify any candidate or any political party which participates or organises political thuggery during elections. We have seen candidates being prevented by gangs from presenting nomination papers and nothing happens to them. We have also seen political parties, like KANU, openly using violence and the *Chingororo* and *Amachuma* intimidating even election officials in South Mugirango and nothing happens. When the elections are over, you do not hear about these gangs, again. The ECK has to wake up and implement the laws and the powers that we have given them. It is no use for Mr. Kivuitu to say that he does not command an army. He commands the law.

Mr. Temporary Deputy Speaker, Sir, the reason why we are saying that the Government is behind these gangs is because, recently, when President Moi banned *Kamjeshi* and *Mungiki*, the following day, they were all rounded up.

With those few remarks, I beg to support.

**Mr. Wamae:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. It is true that we have encouraged the formation of pseudo-groups by some people, something which threatens the stability and lives of Kenyans. We have created fear and tension. It seems as if our police force and the security system has been unable to control them. It is important that we investigate thoroughly why this position has remained so and to do that we need to set up a Select Committee.

Mr. Temporary Deputy Speaker, Sir, we are aware of the 1992 tribal clashes where many people were killed by agents of certain politicians throughout the country. There is no doubt that Kenyans will continue to ask why this has to be accepted. There is no way we will accept a situation where people lost their lives and the Government did not take any action even to arrest the perpetrators of those atrocities. Maybe, the Government was party to what happened. Otherwise those perpetrators should have been arrested and taken to court. In 1992, more than 1,000 Kenyans lost their lives just before the elections and nothing was done by this Government. They should realise that Kenyans have not forgotten what happened in Molo, Nandi and other places during the clashes. These clashes were organised because arrows had been imported from Korea and other places to threaten the lives of innocent Kenyans. The Government opposed a Motion which was brought to this House calling for the establishment of a Truth and Reconciliation Commission. Now, I hope that they will accept that a Select Committee of this House be formed to

pursue these gangs which have been threatening the lives of Kenyans.

Mr. Temporary Deputy Speaker, Sir, we are also aware of the 1997 tribal clashes in Likoni. These clashes caused many deaths in the Coast Province. They also affected our tourism industry and this country has incurred huge losses as a result of that. Hotels were closed down and 150,000 Kenyans were sacked from their employment. Police officers in Likoni Police Station also lost their lives and nobody was arrested and charged with murder. Again, the Government must have known what happened. Maybe, that is why they did not take any action.

**An hon. Member:** Kamolleh!

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you heard Mr. Mutahi mention my name---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order!

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Mutahi to mention my name in relation to those clashes? Did he see me there?

**The Temporary Deputy Speaker** (Mr. Imanyara): Where did he mention your name?

**Mr. Kamolleh:** Mr. Mutahi has mentioned my name! Is it in order to do that? Could he substantiate?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! He was not contributing to anything and I never heard him. Mr. Mutahi, did you mention Mr. Kamolleh?

**Mr. Mutahi:** No, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Do you want information, Mr. Wamae?

**Mr. Wamae:** Yes!

**Mr. Kihoro:** On a point of information, Mr. Temporary Deputy Speaker, Sir. Mr. Kamolleh and Mr. Shakombo were mentioned in the Report as having lived for a long time in the Kwale caves, and having met so many of the people who caused trouble in Likoni. This is on record and it is not a matter for Mr. Kamolleh to protest. He should have protested there.

*(Applause)*

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, it is true that many people lost their lives and some in this House, like Mr. Sajjad, who was here, was the commander-in-chief!

**Mr. Shakombo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Whatever report Mr. Kihoro is referring to, could he substantiate that we were actually there and we participated in the clashes? He should not just tell us about reports. Which report is he talking about? Could he substantiate that or bring a Substantive Motion to discuss our conduct?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Kihoro, do you have that Report?

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I have seen the Akiwumi Commission Report and I have a copy. Their names are there. The two hon. Members did appear before the Commission in Mombasa. Mr. Shakombo bought breakfast for these people before they went to cause trouble and mayhem.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order!

Proceed, Mr. Wamae!

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, it is unfortunate that the Government has refused to release the Akiwumi Commission Report. That is why the names of some hon. Members are being mentioned. This Report should be released so that we can know whether they are mentioned and if they are mentioned, what role they played in those clashes. One of the nominated Members of Parliament from the Coast Province was controlling the police during the Likoni clashes and he was mentioned everywhere, even in the newspapers. He was here and he just left before I could mention his name so that he could defend himself. This is not a simple matter. Until these issues are resolved, Kenyans who lost their relatives and friends cannot forget what happened in 1992 and 1997. Even if it takes ten or 100 years, the truth must be told and those who were responsible must be brought to book.

Those who are responsible must be brought to book because Kenyans are not cows to be slaughtered like that while the culprits get away with it. So, if you are responsible for these crimes, you should repent and ask Kenyans for forgiveness. Hiding the Akiwumi Report will not solve the problem. Kenyans must be able to live in peace wherever they are in this country. We must respect human life. We will take it that those who oppose this Motion do not want a Select Committee to find out the truth. The truth will set us free. If you speak the truth, your conscience will be free. Some people here cannot eat properly because they are living with a guilty conscience. They know their hands are stained with blood. They were party to this exercise. If you were used for slaughtering others politically, you should remember that your day will come.

I hope people will not be used politically to threaten other people's lives either through pseudo-gangs or

organized groups like the *Mungiki*, *Kamjeshi* or *Jeshi la Mzee* whose members we saw beating Rev. Njoya out there and nothing happened. A member of that gang went to confess in church that he is the one who beat up Rev. Njoya, but the police did nothing to arrest and take him to court. A man who confessed to assault should have been imprisoned immediately, but he was not because the system was involved. I hope that, that is the last time we will see the Government and the security forces who are paid by taxpayers being used by some politicians in power to threaten the lives of others. I still hope the truth will come out. In South Africa, they set up the Truth and Reconciliation Commission so that people could be forgiven and this has cleansed the society. Here, the KANU Government has been opposed to the setting up of a similar commission here. Sooner or later the truth has to come out because that is the only way the society can be cleansed of its problems and the guilty conscience it is living with.

I do not see how you can sleep in peace if you have been involved in murder. How do you sleep in peace when you know you have taken other peoples' lives and you have neither been forgiven nor punished for that crime? These are matters of very great importance and, therefore, this Motion is important. Let people remember that nobody will forget what happened. Whatever role you played, there is somebody somewhere who saw you doing it. It is not possible for us to forget matters which happened in 1992 and 1997. Now that we are going for elections, we hope that this sort of thing will not happen this time round. This is a transition period, so it is a very sensitive time. I hope pseudo gangs will not be formed to threaten other people's lives so that people can get elected. I hope Kenyans will be allowed to freely elect the leaders they want, either at parliamentary level or in the presidential elections. I hope that no group will be used to intimidate others and that the police will do the work they are supposed to do.

With those few words, I very strongly support the Motion.

**Mr. Kamolleh:** Asante Bw. Naibu Spika wa Muda kwa kunipa wakati nizungumze katika mjadala huu.

Kwanza, ninamshukuru sana mhe. Kituyi kwa kuleta Hoja kama hii ili tuweze kuona kwamba kutakuwa na Kamati teule ambayo itaweza kuangalia mambo haya. Mambo haya yameleta utata wa kutosha, hivi kwamba watu wengi katika Jamhuri hii leo hawawezi kuishi kwa furaha kwa sababu ya watu wachache ambao wameunda vikundi vya majangili vinavyoweza kuharibu usalama wa watu fulani. Ni lazima roho zetu ziwe wazi na tuzingatie ukweli. Tunakimbilia tu mambo mawili. Kwa mfano, yale maafa yaliyotokea huko Bonde la Ufa au Likoni mnamo 1997, ni mambo mawili tu. Lakini tunazungumzia mambo mengi ambayo yanaharibu usalama, na uwezekano wa taifa kuendelea mbele ikiwa majangili wamekomeshwa kabisa na sheria inaendelea kuwa kitu cha maana.

Katika nchi iliyo na ukabila, ambao

unazusha shida hapa na pale, lazima kuwe na mambo kama hayo. Kuna haja gani basi tuwe na ukabila ikiwa tumesema sisi sasa ni Jamhuri moja? Kwa mfano, vyama vingi havina ubaya wowote isipokuwa sisi wenyewe tunawaambia watu wetu kwamba ikiwa sisi ni wa kabila fulani, basi sisi ni wa chama fulani. Jambo hili haliwezekani! Katika demokrasia, chama ni mwongozo, vile ambavyo watu wanafikiria kiakili kama vile, ubwanyenye, usoshialisti au ukoministi. Lakini haifai tufikirie kwamba kabila fulani ndilo linafikiwa kuwa chama fulani. Katika kabila hilo pia kuna watu walio na mawazo tofauti na nchi hii inafaa kuzingatia mambo haya. Sisi viongozi ndio tumeenda kwa wananchi huko mashinani na kuwaambia kuwa chama fulani ni cha kabila fulani. Huo ndio upuzi ulioleta haya mambo yote ya Bonde la Ufa, Likoni na kwingineko.

Lakini hayo sio mambo tunayozungumzia katika Hoja hii ya leo. Hoja hii iliyoletwa na mhe. Kituyi inasema kwamba hili Bunge liweze kuona kwamba kunachaguliwa Kamati Teule ambayo itaangalia haya mambo ya vikundi vya majangili ya kisiasa au yasiyo ya kisiasa lakini inayoharibu usalama katika Jamhuri ya Kenya. Hilo ndilo lengo la Hoja hii. Mambo yale yaliotendeka yameshaangaliwa na korti. Wabunge wengine hapa wanasema kwamba wamesoma kwenye ripoti fulani kwamba fulani ametajwa kuhusiana na mambo haya. Kilichobakia ni kuona kwamba mambo haya yanaangaliwa katika korti. Ikiwa wanasema kwamba ripoti hii imetolewa, ni jukumu la Serikali na korti kutafuta suluhisho la mambo haya na si mimi binafsi au mtu mwingine.

Ningependa kuwaambia hao Wabunge wanaozungumza kuhusu jina langu, ikiwa niliitwa kutoa ushahidi kuhusu mtu mwingine, na nikatajwa kuhusiana na mambo hayo, na unanifikiria kuwa jangili, basi nishtaki twende kortini. Niko tayari kujisafisha au kutosafika, niende kufungwa jela. Lakini wasiharibu jina langu kwa kusema kwamba nilitajwa kuhusiana na mambo hayo. Ninaweza kutajwa kwa sababu nilitoa ushahidi kwa mtu mwingine.

**Mr. Mutahi:** (Inaudible)

**Mr. Kamolleh:** Bw. Naibu Spika wa Muda, nafikiri umemsikia mhe. Mutahi akizungumza kama jambazi ambalo linakaa kwenye msitu lakini sisi hapa leo---

**The Temporary Deputy Speaker** (Mr. Imanyara): You are completely out of order! Hakuna neno kama "jambazi" katika hili Bunge! You must withdraw that remark. Hakuna Mbunge aliye jambazi hapa!

**Mr. Kamolleh:** Bw. Naibu Spika wa Muda, kwa hivyo, inafaa tumpeleke shule Mbunge huyo wa Mukurweini ili aweze kusoma na ajue ustaarabu ni kitu gani ili aache kutamka maneno kwa ujinga.

**Mr. Mutahi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member was ordered to withdraw the word "jambazi", but he has not done that.



**Mr. Kamolleh:** Mimi siko hapa kuzungumza na watu ambao pengine hawaelewi wanaenda upande gani. Nina kichwa changu timamu ambacho kimejazwa mambo ya kisasa. Kama kuna watu ambao wana mambo ya kizamani, basi wakae nje ili tuweze kuendelea na mambo ya kisasa. Ikiwa ustaarabu haujafika mahali pengine, ulianzia kwetu na ndio sababu ninazungumza kama mstaarabu.

Ningependa kusema kwamba hii ni Hoja nzuri. Ni lazima tuunde hiyo Kamati Teule ambayo itatuonyesha mwangaza ili tuwe na mipango ya usalama wa kutosha. Tusitaje majina tu; kwamba Embakasi kuko hivi, bali tuweke mpango kabambe ambao unaweza kuonyesha kwamba hatutaki tena maafa kama hayo ya majangili kutoka katika vitongoji vya miji na kuja kufanya mambo ambayo hayafai kama kupora mali ya watu au kuua watu bure. Haya ni majadiliano mazuri sana. Tusianze kutotora mambo ambayo hatutaweza kuyaendesha tena. Kutotora ni jambo nzuri, lakini tukitotora mzinga wa nyuki, tutaumwa. Tumeanza kutotora mzinga wa nyuki na hii si sawa. Ni lazima tuangalie vile Hoja inavyosema; kwamba tuunde Kamati Teule ambayo itaweza kutupa mwongozo sawa sawa. Hiyo itawezesha Bunge kutoa mwongozo mpya kupitia Kamati hiyo. Nasi tuangalie mwongozo huo utatupeleka namna gani, tuweze kuishawishi Serikali ili iweze kuweka mambo ya usalama sawa sawa. Lakini tusije tukaanza kuzunguka huko vitongojini tukizungumza mambo ambayo hayafai. Tukifanya hivyo, tutaleta mambo mabaya, na wakati tulio nao si wakati wa kusema mambo haya.

Pili, kuna wale waliosema eti Serikali ndio imeleta makundi hayo. Hiyo sio kweli. Tunajua pia kuwa kuna watu wa Upinzani ambao wana makundi yao na kazi yao ni kuharibu sehemu hizo ambazo Serikali ina kura nyingi ili waweze kuonyesha kwamba nao pia wanaweza kupata kura kutoka sehemu hizo. Hakuna haja kulaumu mtu kuwa yeye ndiye alifanya hivi ikiwa wewe mwenyewe unafanya mambo kama hayo. Mimi sitaki kujua wala sitaki kusema kama ni Serikali au Upinzani ndio walioanzisha vita huko Likoni, wala Bonde la Ufa. Lakini katika ile hali ya kuwadanganya watu wetu, wakiwa hawako katika chama ambacho sisi tunafikiria si sawa, tunaanza kusema kabila hili lazima wapige kabila fulani kwa sababu hawako katika chama fulani. Huo ni upuzi! Viongozi hawatakiwi kujiingiza katika mambo hayo kwa sababu yanaharibu akili na tabia za wananchi wetu ambao wako mashambani. Yanaharibu hata ule utu wa watu katika Jamhuri hii, na ni mambo maovu.

Sisi viongozi lazima tusimame imara ili tuhakikishe watu wetu wanaongozwa vyema; kukanya wale wanaoongea vibaya ili wazungumze lugha nzuri. Kila Mkenya ni ndugu, jirani, ama anatoka katika familia moja. Sisi sote tunatoka katika Jamhuri ya Kenya. Hata ninaona haya au wivu kwamba wenzetu wa Tanzania wameweza, katika miaka 25, kuwa Jamhuri moja, na sisi leo bado tunafikiria mambo ya ukabila. Huo ni upuzi! Wakati umefika tuwe pamoja na tujenge Jamhuri ambayo ina nguvu.

Hivyo basi, ninamuunga mkono mhe. Dkt. Kituyi kwa kuleta Hoja hii ili tuweze kuunda Kamati Teule ambayo itaweza kutuongoza na kuishawishi Serikali yetu ili tuweze kuondoa ujangili wote ulioko katika nchi hii.

Nashukuru.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! It is now time for the Government official response!

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I take it that the import of this Motion is in the section of the words that appear in the Motion which read out as follows:

"--- that the presence of armed pseudo-political gangs constitutes a potent threat to peace and security in our country---"

Only recently, I gazetted the proscription of a number of organisations present mainly in Nairobi and a few of them outside Nairobi. This was as a result of the realisation that, in fact, there were people who were running organisations in the country which were going to pose a serious threat to the security of our country. Once the Government had proscribed those organisations, members of those organisations who continued to behave as if those organisations were lawful have been arrested and charged in court. I was of the opinion that hon. Members, especially the Mover of this Motion, would have been happy with that action.

Before I say more, I must say that a number of these organisations are present in Nairobi, organised by politicians here in Nairobi. Of course, the political fact which we hope to change in the next elections is that the majority of elected politicians in Nairobi are from the Opposition. Both of these organisations have been their "tools" to get themselves into elective positions.

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to indicate that these gangsters are supporters of the Opposition in Nairobi without naming the particular politicians?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! He said that Nairobi is controlled by Opposition politicians. That is what he said.

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister should not hide under the name of the politicians of Nairobi who are in the Opposition. He must name these politicians!

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, of course, I will name them, but before I do so, I hope Mr. Muchiri does realise that some people have been blaming the

Government. I just want to disabuse this House of that notion because when you say that the Government--- Nobody identified those persons in the Government behind that, but I will give names of those in the Opposition.

Mr. Mwenje stood here and said in no uncertain terms that he runs one of those organisations. He says that *Jeshi La Embakasi* is a small army which is totally in his control. It is not I who said so. It is in the HANSARD. *Jeshi la Embakasi* is just one of those organisations. All the others that you see are tools of the Members of the Opposition. That is how they got themselves elected by terrorising the City residents and KANU politicians using those organisations.

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister says that Mr. Mwenje has been on the Floor and confirmed that he is in control of *Jeshi la Embakasi*. Is he not being biased by not saying that an Assistant Minister, Mr. Gumo, has been on the Floor to say that he is in charge of *Jeshi la Mzee*?

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I am saying that the majority of those organisations are controlled by Members of the Opposition. I think it is important that we have---

**Hon. Members:** Which ones are controlled by the Government?

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, none is controlled by the Government, and that is why we have proscribed these organisations because they are not good for the security of our country. I think it will be good---

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While we are very much interested in getting the facts from the Minister, and I hate to interfere with his speech, is he in order to say that the majority of those organisations are controlled by the Opposition and yet he has named only one? Is "one" a majority?

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, Prof. Anyang'-Nyong'o is very educated and he does understand when I say, for instance---

**The Temporary Deputy Speaker (Mr. Imanyara):** Order, Prof. Anyang'-Nyong'o! He mentioned "one" and Mr. Katuku mentioned another, and he said that the majority are controlled by the Opposition.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, why do they not allow me to make my contribution? They have already made theirs.

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Minister says that the majority are controlled by the Opposition, I think he is misleading the House. Why can he not be honest? This is because you know also *Jeshi la King'ole* is controlled by Mr. Mwau who is a KANU operative. So, we have "two" against "one." Therefore, the majority are controlled by KANU.

(Applause)

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, as I said, I am describing a situation before the last elections. There are quite a number of our colleagues who believed that violence is the way to do politics. You know that those things that happened in Kamukunji all the time, before the 1997 elections, were meant to intimidate the people of Kenya not to vote one way, but to vote the other.

I do agree with Dr. Kituyi to the extent that he says that these organisations should not exist. To the extent that this Motion sensitizes Kenyans against these organisations, it ought to be supported. But my point of departure is not because of the danger that is posed by these organisations. It is the quest that is being made by the Mover of the Motion. The hon. Member has identified the problem, that these organizations have been started in order to deal with politics in another manner, other than reasoning and campaigning. What, therefore, is the cure for this? Dr. Kituyi suggests that the cure is a Select Committee of this House. That is where I do not agree.

Mr. Temporary Deputy Speaker, Sir, a Select Committee of this House, will be a Select Committee of these politicians. We have a history with Select Committees in this House. These Select Committees do not go to the field to kick the ball, but to kick the legs of other people. Not to play a fair game, but to play politics.

A few years ago, before many of us came to this House, a committee called the Kiliku Committee was selected to go and look into the tribal clashes in Kenya. It spent a lot of public funds and wasted a lot of public time. It went around the country and collected nothing better than gossip, and introduced into the Kenyan language the word "named". They would go to a particular place, and political opponents of a particular person would name him and Mr. Kiliku would jot down the name and tell Kenyans that so-and-so has been named. There was no connection at all. You were just named. Nobody was given a chance to defend himself.

**Mr. Wamae:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to say that the Kiliku Committee named persons wrongly, while they were the same people who were named during the Akiwumi Commission of Inquiry?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, gossipers do not stop there. They continue with the exercise of naming people. They do not say whether somebody addressed a meeting for the clashes to begin, or bought the nails for the arrows. They do not say exactly what an individual did; they just name him. Because they were just looking for names, they collected names all over the country and then they laid the list on the Table of this House, and said: "Mr. Speaker, Sir, these are the people who have been named". Justice in this country ought to be done and ought to be seen to be done.

They select a Committee of politicians who want to go and prove that the Government is wrong. They go to the breadth and length of this country and bring only names of those who support the Government and lay them on the Table. It takes two to tango. Where were the other names?

**Mr. Kathangu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to anticipate the names which will be selected to form the committee or is the Minister telling us that the Members who served in the Kiliku Committee will also be Members of this particular Select Committee we are talking about?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, we go to the same church with Mr. Kathangu, and I think we better go there on Sunday and pray for this country. If we continue having Select Committee of this kind---

A few years ago, we selected another committee called the Kombo Committee or the Anti-Corruption Committee. This Committee went with a net to fetch out corrupt people in this country. This was a net which was able to catch certain people and make sure that the usual names of people who are known to be corrupt in this country were never caught by that net. It was very easy to see, even from the Kombo Committee---

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is a Government Minister and knows proceedings of this House. Is he in order to besmirch the character and work of a Select Committee of this House whose report has been discussed in this House and adopted, and whose report has been the basis of formulating a Government Bill that has been brought to this House?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Sunkuli, I doubt whether that is in order.

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, could you give me the guidelines? We are discussing about setting up a Select Committee and I am just trying to convince my colleagues why we should not select another committee because it is not against the Standing Orders, and I hope you will bear me out.

**The Temporary Deputy Speaker** (Mr. Imanyara): Are you suggesting that the Kombo Committee was fishy and had gossip and yet this is a report that was debated and adopted in this House?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I hope you know that the Kombo Committee brought a report here, and the substantive part of the Report contained names and that part was cut out by this House and thrown to the dustbin just like the Kiliku Report.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious point of order, because I was a Member of that Committee. Is the Minister really in order to say that the substantive part of the Report was axed from the Report, when he knows very well that the part he is talking about was an annexe to the Report?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will, therefore, not discuss about the main Report. Let me discuss about the annexe. The Committee brought such an annexe that did not contain the actual substance of the people who are corrupt and went about to talk about people who they did not allow to defend themselves, and then told the whole country that these are the corrupt people of Kenya. This type of Committee---

**Mr. Kombo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Report that came to the House was passed. If the Minister read the Report very clearly, it said that those people should defend themselves. We gave them room to defend themselves, and because they were guilty in their own minds, they were not willing to go and defend themselves. Is he in order to claim that the committee did not give them the chance?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, that is exactly what I am saying; that there were some people who were required to defend themselves, and there were others, most of whom from the hon. Member's tribe, who were not required to defend themselves. Why was it not necessary to ask them to defend themselves?

**Mr. Kombo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to impute improper motive on my tribe, and who were those from my tribe who were left out? Could the Minister name them?

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, they were very conspicuous by their absence, and that is why I am saying that if we Select Committees that are just going to

do politics rather than do the real job---

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is important that we do not lower the dignity of this House. The Minister knows very well that as a citizen of this country and a Minister in the Government, he had the opportunity to present himself before the Committee and tell the Members the perpetrators of corruption in this country. He never took that opportunity, and yet today, he tells us very well that he knows people from Mr. Kombo's tribe who are corrupt. Is he in order now, in retrospect, to produce his knowledge of corrupt people in Parliament on a completely different issue?

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I have never known Prof. Anyang'-Nyong'o to be a dictator. When I appeared before that Committee, it purported to listen to me, but they said that I own 18,000 acres of land.

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

**The Minister of State, Office of the President (Mr. Sunkuli):** Could you let me respond first? If they are trying to muzzle my---

Mr. Temporary Deputy Speaker, Sir, 18,000 acres of land is not like money. The committee should have shown us where the land is. Land is not something you hide. When I defended myself, it still appeared in the Report. Those are the kind of issues that annoyed people. Where are the 18,000 acres of land? They went ahead to state so, because they must name somebody in the Government.

**Mr. Kihoro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do remember that I was a member of the Committee and the Minister is misleading the House! There was no allegation that he had become the owner of 18,000 acres of land. The allegation was that he had expunged a list of people who had been allocated the land, and he had because of using his high office, ordered a new list to be prepared and allotted the land to other people. That was the allegation and that is what the Minister should be speaking about!

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I know that my learned friend was not there when the final report was written. I think he should read it and see the way justice was done. I do agree if he had said that kind of thing because I am not an allocation officer.

**The Assistant Minister, Office of the President (Mr. Haji):** On a point of information, Mr. Temporary Deputy Speaker, Sir. I was among the people who were named, and the Chairman here is my witness. I appeared before him and other members of the Committee and produced all the necessary documents. They wrote to say that I produced all the necessary documents, but "he should be investigated". The question is: If they were really convinced that I had produced all the documents, was it necessary for them to put my name in the list of shame, if they were not targeting certain people?

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied with the way the debate is going? We are discussing Dr. Kituyi's Motion. Are you satisfied that the Minister should open a debate which was passed and adopted in this House?

**The Temporary Deputy Speaker (Mr. Imanyara):** You are the people who are raising points of order!

**Mr. Katuku:** No! Could you compel the Minister to debate the Motion before the House?

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, let me come back to the topic. Therefore, because of the track record of those Select Committees, it is very easy to read the report of the Committee that is going to be selected today. I can even read it in advance. I can tell you exactly what that Committee is going to write. It is going to say that the Opposition has nothing to do with those organisations, although they are the ones who started them, and also continue to propagate them. It is going to be that the Government is totally to blame. It will be one of those political tools that will be used by the Opposition to attempt to do the only thing that they will never succeed to do; that is, to come to the Government. Those type of Committees are not necessary. I have taken action as the Minister responsible, and I ask hon. Members to take my action as sufficient and oppose the Motion.

With those remarks, I oppose the Motion.

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, I would like to donate a minute each, to Mr. Katuku, Mr. Ndicho and Prof. Anyang'-Nyong'o.

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I would like to thank Dr. Kituyi for giving me one minute. I would like to be on record as having said that this Government has failed Kenyans in eliminating those gangs! That is why we, as the representatives of the people, need to get involved in that matter. I disagree with the Minister that Parliament has failed. When the Minister says that the Committees which had been selected before have been witch-hunting, I find that as belittling this House. We have been terrorised by *Jeshi la King'ole* in my region. We have reported them to the police and nothing happens. A Member of this House, Mr. Kikuyu, was beaten by *Jeshi la King'ole*. He reported the matter to a police station which is under the same Minister and he never took action. I

think it is high time Parliament did the right thing.

Thank you.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I thank Dr. Kituyi for giving me a minute. I think there was some misconception about what Dr. Kituyi is looking for. Dr. Kituyi is asking for a Select Committee to be formed to look into the origin and nature of those groups. I just wanted to say that the origin of those groups--- First and foremost, let us look at the age group that is involved. It is those aged 25 years and below. Those are people who have been pushed into those groupings because of poverty in this country, resentment and population explosion, which has brought unemployment and retrenchment by the Government, parastatals and other organisations that provide employment. There are school dropouts because of lack of school fees. There is also harassment of hawkers and *Jua Kali* artisans by local authorities in cities and towns like Thika. In Thika, we have a Town Clerk who is harassing hawkers and *Jua Kali* artisans. There is no way that those groupings will not be there, if the Government and everybody else will not provide a conducive environment for survival. When everybody is surviving, those groupings will go.

Finally, I would like to respond to Mr. Mwenje. We are waiting for the National Alliance Party (NAK) to name their leader. If NAK will bring their leader, we can see there is seriousness in this business.

Thank you!

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I would like to support Dr. Kituyi's Motion, and say that it is extremely important to be open-minded. I think that Select Committees have done a good job in the past. We may disagree or agree with what they have done, but we should not kill the principle of Select Committees in this Parliament.

Secondly, part of the origin of pseudo-gangs and political gangs is the assassination of politicians. Those things began in the late 60s and 70s, after a series of assassinations. If we could stop the politics of assassinations or violence from the top, we would be able to reduce it.

Thirdly, I, personally, have been a victim of pseudo-gangs twice. On Easter Day, in April, 1984, I was attacked in my own home by a gang carrying pellet guns and I have a big scar. Again, in 1995, after the Lugari by-election, a gang of 40 attacked my village. I was not there, but they killed my uncle. So, some of us have personal experiences about those gangs and we should take what Dr. Kituyi is saying very seriously. That is because one of these days, you may be a victim; you never know! So, if we take preventive action, it is much better in the national interest.

Finally, in South Africa, at every polling station, they have what they call "the peace committees", comprised of clergymen, elders and important persons; to whom citizens can report incidences of violence during polling days. They are capable of bringing about peace during polling days. I think if that Committee is allowed to sit and make proposals, the Government will get very good ideas not only about the origin of those gangs, as Mr. Ndicho has said, but also learn how to deal with them in terms of formulating laws and policies. That is because quite a lot of violence is associated with elections. I would appeal to Mr. Sunkuli to be humble enough to say the action he has taken is not enough. He needs more ideas and input from this House, from the kind of proposals that Dr. Kituyi has proposed. So, I hope he will not be hostile to the idea, but be a friend of the House and welcome Dr. Kituyi's proposals.

With those few remarks, I beg to support.

**Dr. Kituyi:** Thank you very much, Prof. Anyang'-Nyong'o. Thank you very much, Mr. Temporary Deputy Speaker, Sir. In the month of September, 1992, at about 7.00 p.m., one Monday evening, a group of about 15 goons scaled a perimeter wall into my homestead in Mountain View Estate and forced their way into my living room. My wife and I were not at home. But they got my four-year old son watching television. With a sledge-hammer, they smashed the television, my computer and Hi-Fi. They took a knife and cut my four-year old son on the head and said: "Tell your father to read what message is written here." Up to this moment, when I see the scar on my son's head, the scar on my emotions runs deep. But for ten years, I have tried to hold back and say: "What is my responsibility as a leader? Is it to seek to also have gangs that will hurt another person's child, or is it my responsibility, as a leader, to stigmatise and alienate that kind of force from our society?"

If the hon. Minister had read the substance of my statement when I was moving this Motion, he would have seen that I resisted the temptation to play politics with emotions. I resisted the temptation to point fingers at KANU. I know him to be a very intelligent Minister; and very intelligent by KANU standards. I would have loved that he tried to defeat this Motion on the basis of logic. You see, there are two things that he has said. The first one was that there was a Select Committee or two which did a job that he was not very happy with and, therefore, this Motion should not be allowed.

The second one is that in the past, when the Opposition has pointed fingers at the Government, it means what we will hand in as a Committee will, therefore, also point fingers at the Government. Those are laughable arguments. The Minister knows that those are not serious arguments to sustain a position hostile to a Motion of this nature. We, as

a Parliament, owe it to ourselves that we energise our capacity to utilise provisions of Parliament to assist in the governance of this country. The good Minister said that he is aware that we are touching on a problem. He admits there is a problem. However, he has not told us about how the instruments of Government can fight that problem. He has not told us about why it will be inimical to good governance if Parliament, as an arm of Government, helps to deal, if not to solve the problem, but to expose the nature of that problem in order to help the Government more easily to deal with the problem.

Mr. Temporary Deputy Speaker, Sir, sometimes, you have to close your eyes and say: "Let me for a moment forget that I am a Minister in the Moi Government. Fast forward to 1st April, 2003, in the range of scenarios; where might I be? How does it help me that in the annals of history called HANSARD, I stood up and said: "An attempt by a collective leadership of Parliament to seek an understanding of the animal called political thuggery was defeated because I said Opposition will point fingers at the Government?" There is not so much of the Government to point fingers at, Mr. Minister.

The hon. Minister knows, as well as I do, that in the emerging political scenario in the country today, with the phenomenon or the political hydra called New KANU popping up with new heads, every direction and every week, you are threatened by political thuggery in-house. You have factions of KANU fighting other factions of KANU. We want to help you. We want to pre-empt some of the problems which you run a risk of suffering. There is nothing about pointing fingers at the Opposition or the Government side. The Minister understood me very much condemning what Mr. Mwenje stood for when I was moving this Motion.

Mr. Temporary Deputy Speaker, Sir, in my mind, I repeat what I said last time, in the anatomy of political thuggery in this country, the three types of gangs have nothing to do with the political parties. The first one is a gang that was created on behalf of a politician. If Mr. Gumo leaves KANU and joins the Opposition, he will go with the *Jeshi la Mzee*. That is not a KANU army, but Mr. Gumo's army. If Mr. Mwenje joins KANU, he will go with *Jeshi la Embakasi*. That is not a DP army. I said the second group is gangs for hire. They are available to the highest bidder. I gave an example of Baghdad Boys. One week they are hired by Mr. Raila to harass Mr. Orengo's boys. The next week they are hired by Mr. Orengo to harass Mr. Raila's boys. You cannot say you want to protect the sanctity of the Baghdad Boys because by attacking them, then you are attacking the Government.

Thirdly, I said desperate conditions that we operate under and the severe economic conditions are such that unemployed youths are vulnerable to misuse. It is in our collective interest as leaders to fight this phenomenon. But when we start defending it, to the banal level of saying somebody mentioned me in connection to allocation of land in a Select Committee; therefore, the Select Committees of Parliament are bad, you offend reason. You offend the highest honour I hold you in, in spite of the party you are serving.

Mr. Temporary Deputy Speaker, Sir, with those very many remarks, I beg to move.

*(Question put and agreed to)*

Next Order!

GAZETTEMMENT OF LAKE VICTORIA REGION  
AS ARID AND SEMI-ARID

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that climatic conditions obtaining in the lake region covering the following districts: Busia, Siaya, Bondo, Kisumu, Nyando, Rachuonyo, Homa Bay, Suba and Migori, are in the Climate Zone IV to VI with rainfall levels below 600mm per annum, thus falling within the criteria for inclusion in Arid and Semi-Arid Lands (ASAL); this House urges the Government to gazette the said districts under the Arid and Semi-Arid Lands.

Mr. Temporary Deputy Speaker, Sir, the reasons for moving that these districts be included in the ASAL are quite numerous. Our country comprises of 586,646 square kilometres. Out of this, 473,000 square kilometres fall within the ASAL. This is 84 per cent of the whole land mass of Kenya. This leaves a paltry 16 per cent under the high potential land development.

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

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

Mr. Temporary Deputy Speaker, Sir, it is important that development in ASAL is given the attention it deserves. As you are aware, Kenya is classified as an agricultural country. Agriculture as an investment which has high returns can only be addressed up to a certain extent. Even in investment, we have the law of diminishing returns. You cannot continue investing where you get less returns from what you invested. This is what has happened. If you observe the development of this country since Independence, you will see that there has been high movement of people from high potential areas into the ASAL districts. You will see a disproportionate population growth in some of the ASAL districts which is much higher than the actual population growth of the indigenous people there. Therefore, people migrate to the low potential areas, or rather Arid and Semi-Arid Lands (ASAL). For instance, you will find that the population growth in a district like Isiolo is 4.8 per cent; Kajiado - 5.6 per cent, and Laikipia - 5 per cent. These figures are above the national average figure of about 3.5 per cent. This is because it has become necessary for people to acquire livelihood in some of the areas which were hitherto regarded as low potential and, therefore, not suitable for human habitation.

Mr. Temporary Deputy Speaker, Sir, classification of ASAL is based on the ratio of the rainfall that a place receives in one year against the evaporation. This classification has become outdated over the years because there are other factors which now classify or identify difficulties and not necessarily lack of rainfall. You will notice that the climatic conditions in this country have changed drastically over the last 100 years. You will note that in the last 100 years, Kenya has experienced 28 droughts. In the earlier years, drought used to occur at an interval of 10 years, but this has reduced to less than 10 years in the last two decades. Again, from the last decade, drought now occur at an interval of two years, and thus Kenya now experiences drought after every two years. This means that the criteria of classifying the country according to climatic zones alone based on rainfall patterns is no longer tenable. This is because when there is drought, it covers the whole country and does not confine itself to the zones which are called ASAL.

In 1992/93 Financial Year, Kenya experienced the worst drought in the last 50 years. In the 1996/97 Financial Year, again, another drought hit this country and it was declared a national disaster by the Government. Again, the years 1999 and 2002 have experienced the worst drought. We are still experiencing this drought. These facts which I have enumerated here and many more indicate that the policy of basing the classification of the ASAL purely on rainfall patterns is no longer tenable.

Mr. Temporary Deputy Speaker, Sir, there is another aspect which should be taken into account. This is the erratic and unreliable rainfall patterns in this country. In the districts where ASAL programmes are in place, rainfall patterns are completely erratic and unreliable. Because of this, we should review our attitude towards development purely based on rainfall patterns.

There is another aspect which is not being addressed properly by the policies of the Government as far as development of some of the areas, like the ones I have enumerated here, is concerned. These are floods. Floods are as devastating as drought. When floods come, they destroy crops and sweep away animals. They subject people to untold hardship and, therefore, necessitate the inclusion of some of the districts which have never experienced food shortage in the famine relief programme. For instance, from the colonial time, my district has never been declared a famine relief area. But in the last few years, the Government has recognised the need to include this district in the famine relief programme because of difficulties in obtaining food as a result of drought and floods.

The Government continues to distribute relief food, but that is not a solution to the problems these areas face. We should establish sustainable programmes which will make these areas self-sufficient in food production. The last Economic Survey and the Poverty Reduction Strategy Programme have indicated that some of these districts are the poorest in the country. If you take, for instance, Homa Bay District and look at all the indices of poverty, you will find that South Nyanza is only second to Kwale District in the whole country. There is very high infant mortality, incidents of Kwashiorkor and stunting of children. It is for this reason that South Nyanza was identified by the UNICEF for programmes to assist in alleviation of some of these very serious problems of poverty. Therefore, poverty is one of the criteria which should be looked into when identifying districts and areas which should benefit from the ASAL development programmes.

Mr. Temporary Deputy Speaker, Sir, incidents of diseases as a result of floods and so on are also high in some of these districts. Diseases like typhoid, bilharzia, malaria and HIV/AIDS are more rampant in these districts than elsewhere in the country. The frequent outbreak of these diseases is an indication that there is need for improved development in these areas. Despite the fact that we have several rivers flowing into Lake Victoria, more than 90 per cent of them pass through all these districts which are listed in the Motion. These rivers are: Sio, Nzoia, Yala, Nyando, Miriu, Awasi, Gucha and Migori.

Mr. Temporary Deputy Speaker, Sir, there is lack of the necessary capital to harness that water for irrigation purposes. Some people who have not experienced life in Nyanza Province might be surprised to hear that we do not

have sufficient water. The areas around the Lake are rain shadow areas. The water evaporates from Lake Victoria and it goes to rain on Nandi Hills and the hills of Kakamega but not in areas around Lake Victoria. As a result of that, there is severe drought and crop failure in that area. We, therefore, need intervention so that water which is abundant there could be utilised for irrigation purposes, so that we can produce food. In fact, the area around Lake Victoria can be a granary for Kenya if proper injection of capital was made, in order to make proper use of the fresh water which drains into Lake Victoria and goes downstream to Egypt. That water benefits other areas and not the areas around Lake Victoria.

Mr. Temporary Deputy Speaker, Sir, I know that the Lake Basin Development Authority (LBDA) is supposed to look into those issues of development in that area. The LBDA - though created to help and assist farmers in programmes of intervention that catalyse development - is dead because of lack of funding from the Government. In the Yala Swamp, the LBDA was supposed to produce seeds to be supplied to farmers, but it has turned into commercial farming and producing crops to sell, instead of producing seeds and citrus seedlings to support farmers. If that project is supported, we expect the Government and donors to improve on drought management and to focus their attention to those areas and also to improve on introduction of the early warning systems. By so doing, we will know when we are likely to experience droughts so that we can plan on food security in order to assist our people in times of need. We know that the Government has the machinery and the tools to do this.

Mr. Temporary Deputy Speaker, Sir, we also know that those districts which are classified under the ASAL areas benefit much more than the high potential areas. I have enumerated many reasons here and I hope the Government will not oppose the Motion, so that our people could also benefit from some of the interventions which are already happening elsewhere. We know that there are programmes in Keiyo and Marakwet districts where a very small portion of the land is semi-arid, and yet they benefit from ASAL programmes. As a matter of fact, Machakos is benefitting from the ASAL programmes, and yet it is not worse off than the districts I have listed in Nyanza Province. We know what happens in other places and we hope that this Motion will be looked at sympathetically by the Government, and the House will give the green-light, so that we are included in the ASAL programmes.

With those remarks, I beg to move, and ask Mr. Kihoro to second.

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I thank the Mover for giving me the opportunity to second this very important Motion.

Mr. Temporary Deputy Speaker, Sir, Dr. Oburu is a physical planner of great reputation in this country. He has worked his way up and he has found that there are benefits to be derived in the nine districts which he has proposed to be included in the ASAL programme. It is my hope that the Government will not oppose this Motion. The idea is to recognise the reality on the ground; the reality on the ground in respect of the nine districts which are supposed to be added to the 29 which are already recognised by the Government, to become part of the ASAL agro-ecological map of this country.

Mr. Temporary Deputy Speaker, Sir, the Government has been involved in the process of trying to up-grade the law in respect of ASAL areas in the country. Two years ago, this Parliament did enact the Environmental Management and Co-ordination Act. That was in recognition of the fact that matters of the environment keep changing. They never stay stagnant. There are very many factors, like climatical change, drought and even the change of the course of rivers, change in afforestation and agro-forestry in this country. That demands that the Government evaluates its agro-ecological map, and classifies the nine districts as proposed in the Motion, to be part of the ASAL areas of this country. It is accepted that there have been a lot of climatical changes not only in this country but across the world. That is why it is important to appreciate that rainfall is a very important ingredient in respect of climate. All areas with an annual rainfall of less than 50 inches are classified as ASAL. The nine districts which are included in the Motion do comprise the areas that would be classified as semi-arid.

Mr. Temporary Deputy Speaker, Sir, I am also persuaded by the fact that there are certain districts in this country which have been classified as ASAL areas like Marakwet, Keiyo and West Pokot, which, in my view, are endowed with more reliable rainfall. There are benefits to be drawn and to be realised by doing this classification. It is not that the hon. Member wants to reign misery on the nine districts by having them classified as ASAL areas. Indeed, the idea is for the Government to appreciate the facts of life in those areas about rainfall that is inadequate, the perennial floods and the climate change that has become a reality. It is important that the Government does accept this new classification because it would be possible to allocate resources in those areas and also solicit donor support, so that those areas can be able to support life as it is today.

Mr. Temporary Deputy Speaker, Sir, it is true that there are high levels of poverty in the nine districts as clearly stated by the Mover of the Motion. This is manifest in terms of malnutrition, life expectancy and calories intake in the nine districts. So, accepting that this area should be classified as Arid and Semi-Arid Lands (ASAL) will now give the Government an opportunity to provide more resources to this area and, maybe, set up an early warning system that would ensure that people are adequately warned about changes in climatic conditions leading to lack of rainfall; so



that they can prepare themselves with the necessary ways; so that they do not have to depend on relief supplies every time. It will also be possible to put the necessary infrastructure in place so that the ASAL areas can adequately be taken care of.

It is true that the Lake Basin Development Authority (LBDA) has been there and, indeed, you can only find so many reports which have been produced over the years and have enabled the LBDA to quantify research. But it is true that in terms of implementation of their findings, they have got a very big shortfall. Historically, if you look at the area that the hon. Member has proposed, it should be included in the ASAL areas. Even during the colonial period, such areas were being classified as hardship areas. If we can remember, from the time of the Nandi Rebellion in 1907, very many people, after the murder of Koitelet arap Samoei, were moved from that area into these other areas. Historically, these areas have been seen by the colonial government as hardship areas; the islands of Oyamo, Tendeta and Mageta, where some of these people had been moved to due to the internal exile.

Also, in 1952, some of the Mau Mau fighters were moved into these hardship areas, like Mageta and Sayusi Islands on Lake Victoria. So, it is true that during the colonial period and, indeed, during the tenure of this Government, it is important to accept the reality of life in this area and conclude that this is an area of high incidence of diseases; cases of malaria are rampant in that region. Today, this area is afflicted by HIV/AIDS scourge and typhoid in so many ways. It is important that the Government appreciates this fact and considers the area as semi-arid or arid land and classifies it accordingly, so that the necessary infrastructure and early warning system can be set up to assist the people in the area.

Mr. Temporary Deputy Speaker, Sir, there are many benefits that would be achieved by the people because more attention would be given to that area. There are cases of rampant malaria in all these districts, and it is important, therefore, that the Government accepts that due to changing patterns in climate and rainfall, we have always had emergencies about floods in this area and it will be of assistance to deal with rampant poverty levels in this area and, indeed, in the country. There is no reason why more of our people should from time to time depend on aid or relief supplies from the Government. What the Government needs to do is to appreciate that we need to re-map this country in a way that we can be able to know the difficulty areas and organize and set up the necessary infrastructural facilities that would make support for life possible.

Mr. Temporary Deputy Speaker, Sir, as I speak about land use, it is important also to accept that this country needs to be mapped anew in respect of land use. I know that there has been a need, and this Government has encouraged private and individual ownership of land. It is also true that this need to have private ownership of land should not be taken to the absurd levels, where we destroy land because of how much it is divided into uneconomic units.

I know that in the Land Control Act, one requirement before land is given consent for subdivision is that, it should not be subdivided into uneconomic units. But, indeed, this has happened and it is important that this Government does introduce a new measure to ensure that we have a new land use map of this country that is going to make it impossible for land to be subdivided into uneconomic units.

With those remarks, I beg to support.

*(Question proposed)*

**Mr. Kanyauchi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I rise to support this very important Motion and wish to say that, it has, indeed, been very ably moved both by the Mover as well as the Seconder. I will say one or two things about this Motion in its support thereof.

Mr. Temporary Deputy Speaker, Sir, I come from one of the affected districts, that is Suba District. Indeed, as the Mover has indicated, Suba District is affected by unreliable rainfall. This is not applicable to Suba District only, but also to all that area around Lake Victoria basin in Kenya. This area is affected by rainfall shortfalls and unreliability. Because of this trend, we have had constant food shortages, which have led to high rates of poverty levels in the area, and there is constant famine and search for food. So, if the Government can implement ASAL programmes this region, there will be a bit of alleviation of the suffering which is currently being felt by the residents of this region.

Mr. Temporary Deputy Speaker, Sir, the biggest problem which this area has currently is the onset of the tsetse fly menace. The tsetse fly problem was thought to have been eradicated, and for a long time, this area enjoyed very quiet and reasonable life without tsetse flies. The Chair knows that tsetse flies attack animals and human beings. Animals are one of the main sources of income in this area. Recently, when tsetse flies came back, we have had cows and goats dying in droves, and this has led to immense poverty in the area mentioned; the districts near Lake Victoria. For this reason, I think it is important for the Government to consider these districts as ASAL areas.

Mr. Temporary Deputy Speaker, Sir, the third reason as to why this programme should come to the district is

the lack of infrastructure in Lake Victoria area. This is an area which is known to have no roads, electricity or telephone services. Due to lack of infrastructure, the area has lagged behind in terms of development. You cannot, for instance, keep your fish for three hours without it going bad. The fishing industry is one of the mainstays of the people who live around Lake Victoria. Without a proper road infrastructure, you cannot take your fish to the market.

Because of lack of telephone and other related services, areas around Lake Victoria have lagged behind in development. Consequently, the people living around those areas have been affected by poverty to a very large extent. If these areas are included in the arid and semi-arid lands (ASAL) category, they will benefit from the ASAL programme, just like other ASAL districts. Some of the benefits which ASAL districts enjoy come in the form of donor funding and increased Government funding because of the disadvantages associated with those districts.

Another benefit which will accrue from the inclusion of these areas into the ASAL category will be the putting in place of an early warning system to monitor drought and famine. It is, therefore, imperative to have in place this kind of system in Lake Victoria region. Districts under the ASAL programme have proper management of drought.

Mr. Temporary Deputy Speaker, Sir, another major problem encountered by the people who live around Lake Victoria is infection by waterborne diseases like bilharzia and typhoid. Due to lack of medical facilities, it has been very difficult to treat these diseases. It is, therefore, important that the areas mentioned are included in the ASAL category, so that they can also receive extra attention. As Dr. Oburu said, some of the districts which benefit from the ASAL Programme are much better off than the districts we are talking about. As a matter of fact, parts of Machakos District even grow coffee. If you visit some of the districts I am talking about, you will certainly witness the high level of poverty in them due to lack of rainfall. Therefore, I hope that the Government will support this Motion, so that the districts mentioned in it can be included in the ASAL Programme.

With those few remarks, I beg to support.

**Dr. Omamo:** Mr. Temporary Deputy Speaker, Sir, I hope you will excuse me for my hoarse voice; I have a sore throat.

I would like to thank Dr. Oburu for bringing this Motion, in which he has brought out salient features, which qualify the particular named districts for inclusion in the ASAL Programme. The question that the Minister concerned should ask is: "Is it true that these districts would qualify to be included in the ASAL areas category?" I would like to say that they are more than qualified. Historically, we know that these areas lie in the rain shadow; rainfall in these areas is not reliable. I remember that when we were boys, we lived together and benefitted from folklore and stories; many stories about serious droughts were told to us. It is now that I realise that those areas have been dry for many years. Drought in those areas is not a recent phenomenon. Those areas have been dry from time immemorial.

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

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

Mr. Temporary Deputy Speaker, Sir, in 1963, I happened to join a team of young agricultural officers who were interested in finding a solution to non-existence of cash crops in those districts. We found out that if you drew parallel lines from Muhuru Kadem on the lake shore, at an angle of 45 degrees to Port Sio, the rainfall increases as you move away from the lake shore, and that the rainfall diminishes along these lines as you approach the lake shore. The lake shore is in the rain shadow. I would like to thank Dr. Oburu for making this point clear.

If you visit these areas during the long rains, you will see lush vegetation. However, after one month, the lush leaves and twigs will suddenly drop and whole areas turn brown. Why is this the case? Vegetation in that area has over the years adapted itself to the environment just to escape drought. The vegetation in those districts belongs to a drought-escaping species of plants. The thorny trees there merely survive because they have adopted a way of escaping drought. The cactus, the euphobias and the beranitis have all adopted to escape drought. I would like to suggest that the Government should tackle this area very specifically. We cannot behave like the grasses that stay for two months after producing seeds and wait for the next long rains. Human beings are not like that.

Mr. Temporary Deputy Speaker, Sir, the Lake Victoria region is suffering double injury. There is drought because of shortage of rainfall, but also floods are there, as has been mentioned. The region receives little rainfall but floods come down in full force to cause a lot of trouble, sufferings and deaths. There are endemic diseases that affect human beings and livestock along the lake shore. There are also mosquitoes and tsetse flies which cause diseases both to human beings and livestock. I think that something must be done.

Once again, I would like to say that the Almighty God knew that this region would be in trouble as far as

rainfall is concerned. That is why he created hillocks that I have talked about in this House from time to time, that should be used to pump water from the lake to the top of the hillocks. The water should be let to gravitate from the top of the hillocks to support irrigation schemes in this region. If this was done, this country would write a different economic history for the lake region. People along the lake basin would irrigate their farms using water that flows into the lake and the lake water itself.

I am sure the Ministry of Agriculture and Rural Development will take this matter seriously because the Lake Basin Development Authority (LBDA), as we all know, is not authoritative. It is like a toothless bulldog, which cannot bite. The LBDA should take up this matter. These areas are suffering because the LBDA is not authoritative. It has no money, yet the Government, in its wisdom, created the Authority so that something could be done to make use of the lake water for irrigation and consumption by livestock and human beings.

When foreigners tour this part of the country and look at the lake, they say that we are living on liquid gold. The lake water is the gold. If you turn the lake water into crops and grains, lives of the people will definitely change. I fully support that time has now come for this region to be gazetted as an Arid and Semi-Arid Land, and aid should be given to it, as is given to other ASAL regions.

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

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I thank you for also giving me a chance to contribute to this Motion. I will begin by thanking Dr. Oburu because of his wonderful foresight and the little research he did to come up with the areas which fall under ASAL. I am also very happy to see that the Minister for Water Development is here. He either shadows me or I shadow him.

**The Minister for Water Development (Mr. Ng'eny):** You shadow me!

**Mr. Munyao:** Okay, that is fine. Mr. Temporary Deputy Speaker, Sir, although the Motion is related to the Office of the President, it is only there because most of the funds originate from that office, but the implementor of this Motion is none other than the Minister for Water Development.

Mr. Temporary Deputy Speaker, Sir, I would also like the Minister to go deeper and look at the other areas which qualify and are not covered under ASAL programme, to be included. This is because, today, Dr. Oburu had to do some little research and he got some other areas which should be included under the ASAL programme. We should understand that Kenya is ours and every part of Kenya which qualifies to fall under the ASAL programme should be gazetted. Therefore, it should not be a trend for hon. Members of Parliament to come with piecemeal approaches to various issues whereby, today, one hon. Member brings two or three districts, and then tomorrow another one brings another Motion on three or four districts. Kenya is ours and, therefore, we are asking the Minister in charge to include those areas which are not included in the ASAL programme to be included because every area will need funding under the umbrella and functions of the ASAL programme.

Mr. Temporary Deputy Speaker, Sir, we have already mentioned a few areas which are covered under the ASAL programme, but very little is done in those areas. What is the problem? This is because when the areas were declared ASAL areas, we knew that they would be funded. The ASAL areas should be a little bit different from the other areas. However, if you move into those ASAL areas, you find that there is not a single difference at all from those that are declared as ASAL areas. If that is so, how are we going to differentiate ASAL areas from those ones which do fall under this category? In Kenya, today, how can the ordinary mwananchi differentiate between ASAL areas from the others? I am told that Machakos, Makueni, Kitui, Mwingi and such other areas fall under ASAL, but if you move into those areas, you will not notice any difference between them and those areas which we are asking to be gazetted as ASAL areas. At one time, I thought that Bondo District was enjoying the facilities and benefits of ASAL more than Machakos District, but that is not so. If it is in terms of suffering, parts of Ukambani are bigger recipients of the famine relief. What is happening? Could the Ministry, and in particular, the implementors, try and check and make sure that the areas enjoying the facilities and funding under the ASAL programme, at least, look as though they are enjoying?

Mr. Temporary Deputy Speaker, Sir, we have talked many times here about the big rivers in this country, which run from the Aberdare Mountains. In Ukambani, we have got four rivers. We have the Athi River which runs from the mountain to the sea. We have got Thwake River and Tana River. Those three rivers are the main rivers which traverse the area. When this country receives rainfall, these rivers burst their banks and carry the top soil to the Indian Ocean. I have severally said that if the Indian Ocean was a limited company, Ukambani would be the chairman because we give out most of the water. Why is this water let to flow into the Indian Ocean without being conserved? Is it possible to conserve it?

Mr. Temporary Deputy Speaker, Sir, there was a project that was intended to let water flow from Mt. Kilimanjaro to this area. Pipes were laid down but it appears as if it ended there because the areas that were intended to get water from there do not even get a drop. What was the use of putting so much money into such a project? When funds were given from Italy, people in Ukambani suggested to the Government to build wells so as to tap water

from all the streams, which could be used later on. I am repeating this because if we had blocked these small tributaries which run into River Athi and Tana River, we would be holding more water, which would be used for irrigation by farmers.

Mr. Temporary Deputy Speaker, Sir, there is even a better idea which has been invented by the Ministry of Agriculture and Rural Development. It is high time that this Ministry, together with the Ministry of Environment and Natural Resources, shared the modern technology. Even now, with the Galvanised Corrugated Ironsheets (GCI) roofed houses in most of the areas, we can harness more water. When it rains, a lot of water flows in all these areas. We should make use of the modern technology to harvest this water so that it can be useful later on.

Mr. Temporary Deputy Speaker, Sir, this country must have learnt from the past drought. I think the Ministry of Agriculture and Rural Development and the Ministry of Environment and Natural Resources have confirmed that it is high time we stopped relying on rainfall. This will not give us enough food. If we have got to think about food security, we have to make use of all the proposals we are getting from various people. We are a signatory to the Lome Convention on Food Security, and a meeting will be held soon in South Africa. We should do all we can to make sure that this country has adequate food supply. If we apply all latest technologies, we will not lack food. But how do we get irrigation done? We have got to learn to get out of rain-fed farming and encourage irrigation farming. If we can block the big rivers, we can create bigger man-made lakes which will later be used in those areas for irrigation. We have got a lot to learn from countries in the south, like South Africa, Botswana and Swaziland.

Mr. Temporary Deputy Speaker, Sir, as I finalise I would like to say that I appreciate what the Minister for Water Development is doing, particularly in Makueni where so many boreholes have been dug. But he should equip these boreholes with pipes. A good example is the Kalawa borehole which is complete except for the pipes which we are still waiting for. When can we get these pipes?

With those few remarks, I support the Motion.

**The Assistant Minister for Education, Science and Technology** (Mr. Poghio): Mr. Temporary Deputy Speaker, Sir, I would like to thank my colleagues who have spoken before on this Motion. I stand to support this Motion.

Busia, Siaya, Bondo, Kisumu, Nyando, Rachuonyo, Homa Bay, Suba and Migori Districts are in the climatic zone IV to VI, and they would like to be gazetted as ASAL areas. This is a good idea. I know there are many other areas that require to be categorised as ASAL areas. I think this should be done once and for all so that we do not have to come back here and list every district. If one of the criteria for categorisation is 600 mml of rain, then this should be just done for those areas that qualify. I live and come from a traditional ASAL area. If I was the one admitting other areas into the ASAL category, I would definitely tell them not to come, but they want to come. To say you want to belong in a certain category, you have to find out if there is anything good where you are going.

I have been there, and I do not know why anyone would want to be part of ASAL. There is not anything good that comes out of being categorised as part of the ASAL areas. If anything, you may actually lose because, with the name ASAL comes other connotations. If you come from an ASAL area, you are looked at as a small brother. You are not expected to be equally yoked with the other so-called developed districts. This is a case of third-worldness in a country. So, when I see colleagues say they want to belong to the ASAL areas, I say that I definitely have no control over who becomes a member of these areas, but I have not seen any advantage that may accrue from an area being included in this category.

The reason I am urging members not to rush into being included in the ASAL category is this: If you take the example of areas that are traditionally ASAL, like Turkana or West Pokot, you will note that there are no services there. Most investors shy away from investing in ASAL areas. They would rather invest in areas with reliable rain supply. It is not surprising that the mobile phone providers have not extended their services to the ASAL areas. They do not care about those areas. They do not want to go there because they think that if you live in ASAL areas, it means that you are poor and that your pockets are dry.

We are suffering because Kacheliba Constituency does not receive any signal. We cannot watch television there.

**An hon. Member:** Who would watch television there?

*(Laughter)*

**The Assistant Minister for Education, Science and Technology** (Mr. Poghio): The area Member of Parliament would watch it, but he cannot do so. The fact that Kacheliba is an ASAL area, nobody wants to put any boosters there. The mobile telephone would be so ideal for the nomadic life. You do not have to go to your cows. You just call the herdsboy and say: "How are the cows doing?" It is a very ideal gadget and every herdsman would buy it, but nobody provides that service in that area. I do not have a quarrel with being excluded from provision of most

services. It is the stereo-typing that goes with being part of ASAL that I have a problem with. That is why I am trying to say: "Do not come. Stay where you are." You are probably sheltered where you are without having to come out and say you are part of ASAL.

There are certain projects which were designed to help ASAL areas. In our case, the Kerio Valley Development Authority which is supposed to be helping us out of the problems that we have has now become a shadow of the KENGEN and the KPLC. They initiated the KPLC and Turkwell Gorge Project. Now, they are just a shadow of that. They cannot even pay their staff. There is no project there. The intention originally was to build the Turkwell Gorge plant project and have water to irrigate between Turkana and Pokot.

Mr. Temporary Deputy Speaker, Sir, what is more important is the electricity; electricity has come out of that, and nobody has bothered about irrigation any more. Electricity does not even benefit the people of that area. There is not a single bulb in the entire Kacheliba Constituency. But I can see light across the river, where the Turkwell Gorge is. This is because of the name ASAL. So, electricity has to be brought all the way to Eldoret and from there, therefore, distributed in the main grid. Basically, it does not go back to Kacheliba.

What am I saying? It is about time that nomads - people traditionally in ASAL areas - made enough noise. It is about time when we made enough noise. We have been making noise, but now we are entering a situation where the further we go, the more of us get educated and into Parliament, and the more we are neglected. We are not going anywhere. I suppose that being part of the ASAL is a good thing because it is a classification by climatic change and conditions. But we need to change our attitudes towards these areas. We need to put priorities right and decide that these areas that have lagged behind, not because of choice but because of geography and climatic conditions, need now to be given a good opportunity to turn around.

Everything has gone wrong in ASAL areas. You do not have to be told that it is dry everywhere. Why should we be coming here to say that a certain area is dry and another area is not? We have all this information. The Government knows the dry areas, which automatically should be ASAL. But also, we do have money in our Budget. I would like the Ministry responsible for this to make a deliberate effort. Even today, the Minister should make a deliberate effort, when responding, by saying that ASAL areas from now on are our priority districts; that, ASAL areas have got so much money and we are going to be taking care of these areas in these particular ways. That way, we can be guaranteed a living. We have suffered for being in ASAL areas. I welcome the idea that we include many more, but I am saying that our attitudes must change towards these areas.

I have just given the case of television and mobile phones. The neglect in those areas shows. Because ASAL areas have been neglected, there are no schools there. Even when there are schools, the performance in examinations, because of those difficulties and infrastructural problems, cannot match the performance in areas that are otherwise endowed.

My concern is that we are not looking at a way of enhancing these people so that they are together with the rest of this country. If somebody gets a Grade B in Kacheliba in one of the secondary schools there, or in Turkana, and the other person gets a Grade B in Alliance High School, that Grade B from Kacheliba has value. It should be more valuable than the Grade B from Alliance High School. Those fellows hardly have textbooks to study in order to enable them take a course in the university. You should give some kind of value; a VAT type of thing. Add something to the "B" score from Kacheliba so that, that student can qualify to go and do medicine when the admission score is an "A". That is an ASAL problem. Let us not look at this issue as an isolated problem from us. These people should be allowed to do those courses. There are very few people from that area who are studying law and medicine. There will come a time when we will not even have a Pokot lawyer. In fact, we do not have any. It is not because they are not intelligent, but their primary schools do not have the capacity to produce students who can qualify to go to Alliance or Starehe, because of the primary education system. So, ASAL is a good thing for records, but in real life, we need to change our attitude.

I beg to support.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion and, of course, it is pleasantly surprising to listen to Mr. Poghishio mourning over the neglect of the arid and semi-arid areas. However, we know that it is the arid and semi-arid areas that routinely, over the years, support the Government of KANU which is impoverishing those areas. So, if you want to see improvement in those areas, the starting point is for the leaders from those areas to educate their people about the need to change the Government, so that we can start implementing policies that are going to elevate the economic situation of the people.

**The Assistant Minister for Education, Science and Technology (Mr. Poghishio):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think this is trivialising my concern. Since Independence, the ASAL area has remained the same. There was no single time that it was different. Is he in order to mislead this House that we are the ones causing these problems?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, that is hardly a point of order.

Mr. Temporary Deputy Speaker, Sir, through you, can I appeal to the Minister for Water Development, who is sitting next to Mr. Poghiso, to realise that classification is not an end in itself. It is the implementation of economic policies that would uplift these areas. That is what is important. The Minister for Water Development should use his clout - he was elected in Kasarani and given a very high position in the ruling party KANU - to implement policies that are going to elevate these areas.

The starting point should be for the Minister to initiate the revocation of the Treaty that gives Egypt the right to dictate how we deal with the water from Lake Victoria. This Motion is about the area around the lake. When you are flying from Kisumu Airport, you feel like crying when you look down and see the absolute non-implementation of policies. That area can actually be a grain basket of the whole country. That Treaty which was signed between Egypt and our colonial masters must be revoked. It even prevents us from using the catchment area and the rivers that flow into Lake Victoria. The Minister for Water Development should liaise with the Minister for Foreign Affairs and International Co-operation to initiate this discussion in the Cabinet and bring a law here, so that we can revoke it as a sovereign nation and start using that water.

Mr. Temporary Deputy Speaker, Sir, we need policies to cover the whole country. If you compared our country to Israel, you would not call some of these areas in Kenya arid areas. The problem is non-utilization. We need budgetary allocation to harvest water and develop the so called arid and semi-arid areas. The soils are rich and the growth will be fast. There were melons that used to be grown in Garissa---

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Kihoro): Hon. Members, it is time for the interruption of business. The House, is therefore, adjourned to this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.