

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 29th April, 1998

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.063*

### IMPORTATION OF SUGAR AND RICE

**Mr. Gatabaki** asked the Minister for Finance:-

(a) how many tonnes of sugar and rice were imported into Kenya between January, 1998 and 31st March, 1998;

(b) how much money was paid by the importers for the produce; and,

(c) how much duty was paid by the importers to the Kenya Revenue Authority (KRA).

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

(a) The tonnage of sugar and rice imported into the country between January, 1998 and 31st March, 1998 was 67,397.85 metric tonnes and 40,811.00 metric tonnes respectively.

(b) The total amount the importers paid in respect of sugar was Kshs1,151,335,315, and for the rice was Kshs428,068,697.

(c) The amount of duty and VAT paid to the KRA in respect of the imported sugar was Kshs665,075,521, and that paid for rice was Kshs217,729,736. Thank you.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I must thank the Assistant Minister for that comprehensive answer to my Question and for giving specific figures. But we are talking about rice and sugar importation between January and March, 1998. This is a specific Question covering three months of January, February and March. Importing over 40,000 tonnes of sugar and over 60,000 tonnes of rice shows that Kenya does not grow rice or sugar-cane. Could the Assistant Minister tell this House whether there is a deliberate policy by the Government to destroy the sugar and rice industry by systematically importing so much sugar and rice?

**Mr. Keah:** Mr. Deputy Speaker, Sir, there is no deliberate or systematic policy to destroy the sugar and rice industry. You will recall that before the *El-Nino*, we had drought. After the drought, we experienced heavy rains that devastated the crops in this country. In this regard, it was necessary to make huge importations in order to have an adequate supply of these commodities in the country.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House, how much tonnage of sugar, that he cited here was destined for other countries, but found its way into the country illegally? Is that sugar included in the figures that he gave us? If it is not, how much of the sugar found its way in the local market? Has the tax been paid? Recently, they said that they are pursuing some people to pay tax. Has the tax been paid, and if so, how much and by who?

**Mr. Keah:** Mr. Deputy Speaker, Sir, the figures that I have given relate to the sugar that was imported into this country, whether it was directly imported or purported to be imported as transit sugar and later on, utilised for home consumption. The records that I have appertains to all the sugar and rice that the country and KRA have within the law.

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

**Mr. Deputy Speaker:** Order! Let him finish his answer first!

**Mr. Keah:** Simply, the answer is what I have given. The figures that I have given appertains to all the sugar and rice that we have received in Kenya, whether it was originally destined here, or whether it was on transit and converted for local consumption.

**Mr. Maore:** Mr. Deputy Speaker, Sir, my point of order---

**Mr. Deputy Speaker:** Order, hon. Maore! You ought to know that you must be recognised first!

**Mr. Maore:** I was recognised!

**Mr. Deputy Speaker:** You were not! But now, you can go ahead!

**Mr. Maore:** Mr. Deputy Speaker, Sir, is the Assistant Minister not deliberately misleading and distorting the question by hon. Anyona? This should have been the gist of the question. There is massive diversion of transit sugar meant for other countries like Tanzania, Uganda, Zaire, Rwanda, Burundi and Sudan, by large sugar importers. The Commissioner of KRA talked about it and some people have been taken to court. Is the Assistant Minister not misleading this House by trying to pretend that he is not aware of any transit sugar that was meant for other countries, but landed here? The question was: How much of the sugar that was meant for transit was diverted to the local market, and whether duty was paid for it? The sugar that he has talked about was meant for this country.

**Mr. Keah:** Mr. Deputy Speaker, Sir, I have no analysis showing how much of the 67,397.85 and 40,811 tonnes of imported sugar and rice were on transit. However, the point is that whether it was a direct import or sugar on transit, the total of what was consumed or received in Kenya adds up to 67,397.85 and 40,811 tonnes respectively.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, we are trying to help the Assistant Minister collect revenue and not witch-hunting on him. Some sugar was diverted into the local market and the Minister admitted that. We were told that they are pursuing people to pay the money. In fact, two days ago they said one person had paid Kshs29 million. Now, we would like to know how much money is involved and whether they have collected all of it? If the statistics show that this sugar left the country, how would those figures reflect as sugar that was imported? I do not want to pursue that question, but I would like to know how much money is owed and how many culprits have been caught?

**Mr. Keah:** Mr. Deputy Speaker, Sir, that is a different question all together. I do not have the answer here but if the hon. Member would like to get an answer, he can put a separate Question. I do not have the answer because it was not part of the Question. In so far as the Question goes, those are the correct figures and I am not trying to hide anything from you. That is what we collected during the three months.

**Dr. Leakey:** Mr. Deputy Speaker, Sir, would the Assistant Minister agree that it is very discouraging to a rice farmer that up to this very day, imported rice is considerably cheaper than the local rice and would the Government ensure that this unfortunate state of affairs is put to an end?

**Mr. Keah:** Mr. Deputy Speaker, Sir, there are many things, including rice, that are imported into this country whose prices are much cheaper than locally grown or manufactured goods. That is a fact. The Government is ensuring that within the Structural Adjustment Policy, enough emphasis and encouragement is given to the farmers to grow more and more crops cheaply. To this end, we have done a number of things, including reducing duties for some of the imported implements for agricultural production.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in the case of rice and according to the Member of Parliament for the area, the Mwea rice growing farmers are holding 1 million bags of rice and they have not been paid for their rice since 1996 due to this importation of rice? When are these policies going to be implemented to help farmers of that kind? Why should we import rice if there is no ulterior motive?

**Mr. Keah:** Well, I am not aware of the exact figure of bags of rice held by farmers in the Mwea Irrigation Scheme but certainly 1 million bags need to be complemented for purposes of food security in the country. To answer the second part of the hon. Member's question, the policies are already in place.

**Mr. Raila:** Mr. Deputy Speaker, Sir, the Assistant Minister is not addressing one of the major reasons why imported rice is cheaper than locally produced rice. Rice is imported from subsidized sources where the Government subsidize the farmers and no duty is actually collected at the Port of Mombasa. That is the reason why rice is dumped here and it is cheaper than the locally produced rice. What action is the Government going to take to ensure that revenue is collected? With regard to the importation of sugar, a list was tabled here sometimes last year and the year before of several companies that are known to have been importing sugar intended for export but dumped on the local market increasing the quantities of sugar that have been brought and dumped into the market. What steps is the Government taking to ensure that all the money is recovered and how much more is still owed? I was told that last week Mr. Sajjad paid Kshs29 million in form of tax.

**Mr. Keah:** Those are two questions. The steps being taken are intensive and rigorous. Revenue collection by the Kenya Revenue Authority is at the moment in process. Recoveries have been made and they are being made openly. As one hon. Member mentioned, figures have already been quoted. To answer the second question, I do not have the figures because I did not anticipate that question.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I want to thank hon. Members for participating on this

Question. In 1970s, Kenya was self-sufficient in sugar production. In fact, the European Union gave us a specific quota for the importation of Kenyan sugar. Kenya was a net exporter of sugar and it was increasingly becoming a net exporter of rice. From 1980s, a member of a sugar importing company was deliberately brought to this House---

**Mr. Deputy Speaker:** Order! Order! You know what the Standing Orders state in respect to discussing an hon. Member. If you want to move a Motion to discuss hon. Sajjad, do so.

**Mr. Gatabaki:** Can the Assistant Minister be honest to this House and the farmers of Kenya - and hon. Raila must increasingly impress on the President that co-operation must think of the Western economy---

**Mr. Deputy Speaker:** Hon. Gatabaki, ask your question.

**Mr. Gatabaki:** Can the Assistant Minister assure Kenyans that the Government will henceforth allow and encourage sugar-cane farmers to enjoy the comparative advantage that Kenya has, by completely and effectively banning rice and sugar imports in the country?

**Mr. Keah:** Mr. Deputy Speaker, Sir that was mouthful but if I can decipher, the gist of the question is: Can the Government give assurance to the farmers? As far as I can say to this House, that assurance has been given and it remains the Government policy to ensure that we encourage our farmers to produce as much as we are capable of producing. I must say that there is an issue of liberalisation which we must recognise.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, this is a very important Question and the Assistant Minister has fairly stated that there are certain figures which he does not have. I think in all fairness to the Assistant Minister the country and the House, it would be proper if the Assistant Minister is given some opportunity to come back and give those figures so that we can get confidence. If we leave it hanging, that will mean that this House does not pursue serious issues to their logical conclusion. Would I be in order to request that the Assistant Minister comes back with those figures in good time so that we are all assured?

**Mr. Keah:** Mr. Deputy Speaker, Sir, that probably could have been point (d) of this particular Question. There is no problem on our part in producing whatever figures this House wants. But to be fair to the Question, may I through you, ask that, that question comes in as another Question and not as a supplementary question on the Floor of this House.

*Question No.005*

REHABILITATION OF WATER PROJECTS

**Mr. Onyango** asked the Minister for Water Resources what plans the Government had to rehabilitate water projects in Kogore and Obware divisions to alleviate the sufferings the people in the area continue to face.

**Mr. Deputy Speaker:** Is there anybody from the Ministry of Water Resources? That Question will be stood over for the moment. Next Question, hon. Maitha!

*Question No.059*

REALLOCATION OF RIBE PRIMARY SCHOOL LAND

**Mr. Maitha** asked the Minister for Lands and Settlement:-

(a) whether he was aware that land allocated to Ribe Primary School by the Methodist Missionaries was reallocated to individuals; and,

(b) whether he could take urgent steps to revoke the allocations.

**The Minister for Lands and Settlement (Mr. Ngala):** Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House that we be given time to answer this Question tomorrow because the information we have received is not satisfactory.

**Mr. Deputy Speaker:** Mr. Maitha, are you satisfied with that?

**Mr. Maitha:** Mr. Deputy Speaker, Sir, the Ministry of Lands and Settlement is known for bringing unsatisfactory answers to this House---

**Mr. Deputy Speaker:** But are you satisfied that they should be given time to answer the Question tomorrow?

**Mr. Maitha:** I am satisfied but he should bring a satisfactory answer.

**Mr. Deputy Speaker:** Very well, then. Hon. Ngala you will answer that Question tomorrow afternoon.

*(Question deferred)*

*Question No.031*

MISAPPROPRIATION OF FARMERS' MONEY

**Mr. Anyona** asked the Minister for Co-operative Development:-

(a) whether he was aware that between 30th July, 1996 and 30th April, 1997, the Chairman and Committee Members of the Girango Farmers Co-operative Society Limited in Kitutu Masaba misappropriated and misused

Kshs643,464 belonging to the coffee farmers in the area;

(b) what measures he has taken against those involved; and,

(c) when the farmers would be paid this money with interest.

**The Minister for Co-operative Development** (Dr. Anangwe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the Chairman and the Committee Members of Girango Farmers Co-operative Society Limited in Kitutu Masaba misappropriated and misused Kshs643,464 belonging to coffee farmers in the area.

(b) Given the answer to part (a) above, part (b) does not arise. I do not intend to institute any measures.

(c) Given my answer to parts (a) and (b) above, part (c) does not arise; that is, the question of farmers being paid money with interest does not arise.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, these are very fresh Ministers. Some of them have come from respectable national institutions. We thought they would bring some fresh air into this new Parliament. I am very disappointed by that answer from the hon. Minister, whom I was beginning to cultivate some respect for. Are we going to accept in this House a situation where one brings to the attention of the Government certain facts and they come back here and say they are not aware?

Mr. Deputy Speaker, Sir, on 24th August, 1997, the farmers of Girango Farmers Co-operative Society wrote to the District Commissioner, Nyamira, complaining about the misappropriation of their money. The DC rightly ordered a probe headed by the District Co-operative Officer. On 19th November, 1997, the District Co-operative Officer came out with a report which established that funds had been misappropriated. Some action was ordered but nothing happened. On 22nd January, 1998 the farmers wrote back to the District Co-operative Officer, Nyamira, and the Manager of the Co-operative Bank branch where the money was withdrawn from. I have a copy of that letter detailing the figures and this Minister comes here and says he is not aware. What will he do now that he is aware? He should first apologise to the House for making such statements.

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, the preamble to the remarks he made after I had given the answer did suggest something to the effect that he was questioning my credibility and credentials. He has no competence to question my credibility!

**Mr. Deputy Speaker:** Order, Dr. Anangwe! If you want a private debate with hon. Anyona, you can do it outside this House.

**Dr. Anangwe:** As regards the correspondence and the communication between the hon. Member and one member of the Co-operative Society, that is one Nelson Momanyi, purporting to suggest that---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. There was no communication between me and anybody else. This is a letter written to the Government! Where does he get that information from? The farmers have not written to me. They have only given me a copy of the correspondence with the Government. So, what is he referring to?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, a copy of a letter is communication. It does not mean that if it is a copy to you, then you have not been communicated to.

Anyhow, as regards the allegations he has put across, I have additional evidence, as a way of clarifying the matter, if that could satisfy the hon. Member for Kitutu Masaba. Further details as to the allegations and breakdown of the Expenditure is as follows:

The Committee spent on Nairobi International Show in 1997 Kshs65,000

Purchase of shares from the Co-operative Bank vide cheque No.178394 of 24th September, 1996, amounting to Kshs379,400.

Processing of materials amounting to Kshs120,000 vide cheque No.206412 of 21st February, 1997.

Expenditure for transport of coffee to KPCU amounting to Kshs44,064.

Expenditure of Kshs35,000 on members' education and the payment voucher number was No.47 of 17th April, 1997 and all the recipients of the payments with respect to that voucher have been given as follows:-

Nelson Nyakundi - Kshs5,000  
 Jackson Barongo - Kshs5,000  
 Andres Misianyi - Kshs5,000  
 David Masabuni - Kshs5,000  
 Ongao Omwamba - Kshs5,000  
 Nelson Ochago - Kshs5,000  
 William Momanyi - Kshs5,000  
 The total is Kshs35,000.

**Mr. Deputy Speaker:** Hon. Obwocha!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I do not want to cast any aspersions on the Minister but, at least, he should perform better than hon. Shikuku. It appears to me that this committee, actually, misappropriated the money. If you look at the list the Minister has just read out, it is trying to [Mr. Obwocha]

see a way out how this money was spent. They are saying that they spent Kshs65,000 on the Nairobi International Show. Now, can the Minister tell us who the beneficiaries of this money are? How much money was withdrawn from the Co-operative Bank of Kenya, Kisii Branch, and how was it accounted for?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, I think that is an additional Question, but I have already given the figures on the Nairobi Show expenditure as Kshs65,000. The said amount was used as per the explanation by the investigating officer in that particular district.

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. My question is very specific. The Kshs65,000 that they spent is a rounded off figure. Who are the beneficiaries of this money? I want to know them so that we can pin them down.

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, with respect to that particular question, I do not have the answer. We shall investigate further and next time we should be able to respond to it to satisfy your anxiety.

**Mr. Deputy Speaker:** Hon. Minister, when will you bring the answer to that question?

**Dr. Anangwe:** Give us two weeks.

**Mr. Deputy Speaker:** Hon. Anyona, are you satisfied with that reply?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I cannot be satisfied with a situation where a Minister starts by denying the facts, then he purports to answer the question, explains and justifies, ending up with a pledge to investigate further. That is hardly satisfactory. We are talking about nearly Kshs1 million. This letter is signed by 31 farmers on behalf of the rest. This is a serious matter but the Minister does not take it seriously! This matter has been there for almost a year now. Can we be assured of a clear answer next week?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, my denial was on the alleged misappropriation; it was not that there was no satisfactory explanation regarding the expenditure. Additional information will be provided, as I stated earlier, within two weeks. Because it takes time to comb through documents it is not all that easy to find the required information, given that some time has already lapsed with respect to this particular matter.

**Mr. Deputy Speaker:** Very well. Hon. Onyango's Question for the second time.

*Question No.005*

REHABILITATION OF WATER PROJECTS

**Mr. Onyango** asked the Minister for Water Resources what plans the Government had to rehabilitate water projects in Kogore and Obware divisions to alleviate the suffering the people in the area continue to face.

**Mr. Deputy Speaker:** Is the Minister for Water Resources here? The Question is deferred. Hon. Basil Mwakiringo's Question by Private Notice!

*(Question deferred)*

QUESTION BY PRIVATE NOTICE

## DESTRUCTION OF SCHOOL DORMITORY

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education and Human Resource Development the following Question by Private Notice:

- (a) What caused the destruction of the Girls' dormitory at Mwangogo Secondary School in Tausa Division of Voi Constituency on 31st March, 1998?
- (b) What was the estimated cost of the damage?
- (c) What action does the Minister intend to take towards the rebuilding and refurbishing of the dormitory to relieve the over-burdened parents?

**The Assistant Minister for Education and Human Resource Development (Mr. Awori):** Mr. Deputy Speaker, Sir, I would like to seek the indulgence of this House that I answer this Question tomorrow afternoon because up to now we have not received the required information.

**Mr. Mwakiringo:** There is no objection, but I hope that he will be serious this time round. He is an old man for whom I have respect.

**Mr. Deputy Speaker:** Order, hon. Mwakiringo! Are you satisfied with his promise to answer the Question tomorrow afternoon?

**Mr. Mwakiringo:** Yes, and I have no objection.

**Mr. Deputy Speaker:** Thank you. Next Order!

## MOTIONS

## FINANCING OF POLITICAL PARTIES

THAT, while noting that Kenya is by virtue of its Constitution a multiparty democracy; considering that viable political parties are critical for the existence and survival of any multiparty democracy; and thanking the Government for accepting the proposal that parliamentary political parties be funded directly by the State from the Consolidated Fund with effect from July 1998; this House resolves:

- (a) that the Annual grants be made to parliamentary parties through the budget in each Financial Year;
- (b) that the amount of such grants be the number of votes secured by the parties in the immediately preceding general elections multiplied by Kshs100 each; and,
- (c) that the Government, as a matter of urgency, establishes a clear legal framework to ensure transparent, fair and just financing of all political parties.

*(Mr. Kibaki on 22.4.98)*

*(Resumption of Debate interrupted on 22.4.98)*

**Mr. Deputy Speaker:** Hon. Poghisio!

**Mr. Poghisio:** Thank you very much Mr. Deputy Speaker, Sir.

As I said at the beginning, I do support the Motion, but with an amendment. I also said that if supported and passed as it is now, this Motion will be subject to abuse, and I gave a number of facts to illustrate my argument. We are in an economic crisis as a country, and that has become an obvious fact. We need to choose very carefully what we finance. In fact, coming from West Pokot, where we have no hospitals or government secondary schools where there are no good roads, I cannot vote for things that I consider to be luxuries when we have not met the basic needs.

Mr. Deputy Speaker, Sir, I mentioned some of the problems of West Pokot. I would now like to zero-in on Kacheliba Constituency. Many Members do not know the history of this constituency. Many Members in this House always jump at condemning the people of Pokot and Kacheliba Constituency. This constituency was carved out of Uganda not too long ago. It became part of this country in 1970. We are, therefore, as a people, part of what came to be known as "Kenya mpya".

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, is the hon. Member on the Floor in order to claim to be informing us of a history we do not know? It is grievous to claim that that part of land has been grabbed from another country.

**Mr. Deputy Speaker:** Order! Order! Proceed hon. Poghisio.

**Mr. Poghisio:** Thank you, Mr. Deputy Speaker, Sir, for protecting me. I was saying that this is not part of Uganda. This was part of Kenya, but due to some administrative problems in the colonial Government, which I do not understand, we were sent into the Ugandan administration in the year 1929/1930. We were lent, literally, by the British Government, to the Ugandan Government to be ruled for 40 years under the Karamoja Administration. Now, we were saved from that situation in 1970 and became part of Kenya. Now, we are beginning to run after the rest of you. We have to be attended to, as a people, to be able to catch up with the rest of Kenyans. We need that kind of money. I wish we could get all that Vote to help Kacheliba Constituency.

Mr. Deputy Speaker, Sir, the constituency is surrounded by several unfriendly groups of people. We sometimes just fight for survival. To our West, we have the notorious Karamojong people of Uganda who attack us all the time. To the East, are our partial friends, the Turkana. To the South-East, are the Sabei people of Uganda. This situation does exist.

Mr. Deputy Speaker, Sir, because we are Pokot people, we do not get the recognition we deserve in the Press, and that is why you never get to know why we are attacked and how many livestock we lose. You will never get to know the problems that we face. But on the other hand, our neighbours get so much attention that, all the time people will be faced with the option of deciding who is the aggressor, and the conclusion seems to be that the people of West Pokot are the aggressors. I would like to challenge those of you who do not know the situation in West Pokot, especially in Kacheliba, to visit Kacheliba Constituency and find out what the survival of the people is very important.

Mr. Deputy Speaker, Sir, when I talk big parties start being funde, these people will begin, therefore, to support other parties or individuals in various areas and we will have problems because these monies will just be extra money that will be used to confuse people and to create disturbances in many areas. I would suggest that we do delete part (b) of that Motion; which details the amounts of such grants as being the number of votes secured by the parties in the immediately preceding general elections multiplied by Kshs100.

Mr. Deputy Speaker, Sir, I also do not agree with the part of the Motion which says that funding shall start in July 1998, because that to me seems to indicate that if I know that the economic situation in the country is not so good, I will not begin to vote from 1998. I will begin to think about the period when funds will be available and when we are ready to support this matter. Then I agree with part (a) of the Motion that annual grants be made to Parliamentary parties through the Budget in each Financial Year, beginning with the year that we will agree upon. But I do not agree with part (b) of the Motion. So, we should delete part (b) and part (c), which states that "the Government," as a matter of urgency, establishes a clear legal framework to ensure transparent, fair and just financing of all political parties, including accountability of these funds.

Mr. Deputy Speaker, Sir, I said at the beginning that we are lacking so many social amenities in many parties of this country. I had said in this House that Kacheliba Constituency does not have even one secondary school that has been funded directly by the Government. We do not have those schools and we need them. One of the reasons why you blame our people sometimes is the fact that they do not have schools. If people have not been educated, they will not abandon some of their habit because education tends to open up the world to people. Let us give education to these people.

Mr. Deputy Speaker, Sir, I would like to comment on the recent conflict between the Marakwets and the Pokots. I speak as a Kenyan, I do not speak as a Pokot. I feel hurt because I am a Kenyan and I do not want to see people die or livestock lost. As a practising Christian I feel hurt because I view human beings as being created by God and do not necessarily approve of any person getting killed. But we do add fuel to these conflicts when we set what goes on in the Press. I am extremely shocked to read about someone who is a prominent person and who knows the Government well, saying that Pokot young men do leave the uniformed army and join a standing army. Such wild allegations do not help at all in trying to find the solutions. What standing army is this? The Government is there. Why do these people not bring evidence to this House; that the Pokot people have deserted the uniformed army. Those allegations are made by a Government person and they do not help. Investigations need to be done thoroughly and let people come up with facts, otherwise, we are going to cause further conflicts between our people.

Mr. Deputy Speaker, Sir, I need to request hon. Members to speak responsibly. Members on the other side have been interviewed and I have heard on the Floor of this House. Some hon. Members saying that the Pokot are finishing the Marakwets. One community is finishing another community and yet none of these people has set foot in any of these areas. Those of us who are leaders in these communities have resolved that we are going to handle these matters ourselves. If we do not do things in accordance with the powers vested in us instead allow our people to get killed---

**Mr. Munyao:** Mr. Deputy Speaker, Sir, for giving time to support this very important Motion. Needless

to explain, the Leader of the Official Opposition, hon. Kibaki, took time to explain to all of us, including those who were not here last year, about the deliberations of the IPPG. I would take this time to congratulate the IPPG for the beautiful job they did last year because although I was not here last year, they saved this country from what it was getting into. With that commitment, and many others, it is therefore, my request to the Government side and the Opposition side, to seriously deliberate on Motion this taking into account the mood of the IPPG last year when it saved this country. It is my belief, because I followed all what happened, that both sides, in fact, had to take time to even go across to County Hall and constitute themselves as Kenyans, not as parties into a committee to deliberate on this issue. Therefore, the issue under discussion now was already discussed and agreed upon last year. I was so surprised to see an Assistant Minister standing up to oppose what they had already deliberated upon.

Mr. Deputy Speaker, Sir, if Kenyans must be believed, this is the time they must be speaking with one voice. What has already been discussed, like this one has already being discussed, and many more issue were discussed and agreed upon among which was the Chief's Act which in the past has been disturbing hon. Members--- Because of that, the elections went on smoothly last year. It is for this reason that I am asking the hon. Member from the Government or the KANU side, who were here last year, and who took enough time actually to deliberate on this issue, to come out this time and support it. I cannot see any fear at all in what is happening. We know that, perhaps, the KANU side might be a little bit scared because perhaps, they feel that the party is shrinking and it will have less Members of Parliament in future.

Mr. Deputy Speaker, Sir, we know that DP is growing---- Although this Motion is said to be a party Motion, but it is supposed to support parties to grow in this country.

Mr. Deputy Speaker, Sir, democracy is growing in Kenya and this is the only way of funding parties so that they will be able to entrench themselves and at least, function. Without funding, where do we expect some of the smaller parties to begin? It must be born in mind that 35 years ago, we all started KANU, developed it and although we went multi-party in 1991 and other parties came up, some parties are too young and they must have the required support which can only come from Kenyans. In fact, as we now speak, it is an agreed fact that even on ordinary basis, if one owns a company with another person, if they disagree, they have to disband whatever they had invested, so that one keeps his part. It is high time KANU must accept that we developed it for over 30 years. In [Mr. Munyao]

fact, today, all KANU offices throughout the country were built by all of us when we were in one party. It is, therefore, right that KANU must give up its offices in the country-side to the Provincial Administration and begin hiring offices like we do. That reminds me that KICC is a building owned by Kenyans and KANU must move out and rent offices elsewhere. It is very embarrassing when the Democratic Party (DP), FORD-K and other parties keep on looking for offices, when KANU sticks to an office which we all built and invested in. It is totally embarrassing. We are now sharing out assets and it is correct that, most offices which were jointly owned must be disbanded. I have got in mind some districts where some offices were fully developed. For instance in Ukambani, there are very good KANU offices which were developed by all of us jointly, and it is high time now KANU moved out of these offices because they are joint assets. There is no reason why one party should own them.

Mr. Speaker, Sir, the fear I could see from the eyes of hon. Members from the KANU side is that they feel KANU is shrinking. Because of that, they feel that, their share in future, will be small. That is not a factor. We know that the DP and several other parties are growing, but that is not the reason why this Motion has been brought to this House. I am asking Members of Parliament in this House to treat themselves as individuals and support what they jointly come up with. In fact, I would like to commend and congratulate KANU Members who, after taking two days in Mombasa deliberating on a joint forum on the economy of this country because when they were challenged, they had the guts of coming out and standing firm and said: "Look, we joined these deliberations because we thought it was the fairest issue to be discussed." In that mood, I am also asking KANU to stick to this issue, because they joined in the discussions of the IPPG last year.

Mr. Speaker, Sir, it is true that KANU is funded totally from the Exchequer and having taken so long being a party jointly built by all of us, this time we are only asking KANU to support the Motion, so that we come out with a total builder of democracy which we are building in Kenya.

Mr. Speaker, Sir, this is a very clear Motion and I would like other Members to discuss it and I see no reason I should continue. I request and appeal to both sides of this House to support this Motion and in fact, we must get the Minister for Finance assuring us--- And I see his Assistant Minister ready to talk there and he should assure us that, this kind of requirement will appear in the next Budget. In fact, the figures could be discussed. The fact that we have proposed Kshs100, it may not be so. Anybody can come up with their suggestions of different figures, even if it is Kshs50, we are going to accept because it is going to benefit both sides. But it is not useful to bluntly say: "We cannot afford it." The IPPG which was composed by Members from both sides of the House discussed this issue. In fact, I did not think we would need to discuss this issue this year. Those of us who were out



of this House last year thought this issue had already been discussed and a decision made. In January when we were going to our offices, we went there knowing that funds had already been scheduled and would appear in the Budget. I was surprised when I came in January and I found, as a Secretary-General, I had still to go up looking for offices and how best they would be funded. I, therefore, request both sides of the House to support this very clear Motion and the Minister for Finance should come out and tell us how much he is going to provide for the funding of parties.

With these few remarks, I do support the Motion.

**Mr. Waithaka:** Thank you, Mr. Deputy Speaker, Sir. I would like to support the Motion. During the deliberations last Wednesday and today, two issues have been raised. The first is that parties cannot be funded because some parties are tribal and secondly is the fact that there is no money.

Mr. Deputy Speaker, Sir, on the first issue, I would like to say that if parties cannot be funded because they are tribal, that is clear explanation why some constituencies are not developed or are lacking such necessities as roads, hospitals and schools, because they are inhabited by certain tribes. As hon. Members, we should forget about our tribes. From the wording of this Motion: "While noting that by virtue of its constitution a multi-party democracy--" Kenya is multi-party democracy and it is going to remain so. We should not argue that, because a certain party is headed by a certain person who happens to belong to a certain tribe, that party is tribal. If that is the case, all parties are tribal because all heads of parties belong to certain tribes. There is no party which is headed by all the tribes. All parties are headed by individuals who happen to belong to a certain tribe, and the fact that a certain individual of a particular tribe is heading a political party, does not mean that party is tribal. We cannot say the NDP is tribal because it is headed by an individual from a certain tribe. We should, as hon. Members, try to see if KANU, as has been well argued, is receiving rent from KICC which was built by public funds and transferred to KANU in May 1989. The Government has continued to carry out the renovation of Kenyatta International Conference Centre (KICC), even as recently as in 1994 and 1995, using money borrowed from the Treasury and thereby breaking the relevant provisions. The building is a property of the ruling party KANU and injecting funds into it, is tantamount to funding KANU.

Mr. Deputy Speaker Sir, that Motion is an extension of the co-operation the ruling party is seeking from other parties. The ruling party and the Opposition sat down in the IPPG forum and agreed unanimously that the Government should fund all political parties. Now, a Government Minister is saying that we cannot fund political parties because they are tribal. Others are saying it is impossible to fund political parties because the Government has no money. We will reach a certain stage when KANU will demand funding after they are out of power and they will be forced to retract that statement.

Mr. Deputy Speaker, Sir, we are doubting whether the co-operation between KANU and other Opposition parties will succeed, if this behaviour exhibited by KANU is anything to go by. They betray people in the middle of discussions. This is a Motion which should not be opposed, as it requires the support of all Members. Let us fund selective political parties and not all political parties, to avoid funding all mushrooming political parties. This House should lay down a certain criteria to identify which political parties should be funded. As stated by hon. Kibaki, parties should be funded according to the number of votes they received during the last general elections. So, some parties did not get any vote and therefore, they will not receive any money. KANU got 2.4 million votes, and they will be paid on that basis.

Mr. Deputy Speaker, Sir, the number of votes received by each party will determine the amount to be given by the Government. I strongly support this Motion, but was embarrassed by a certain Member who said that if parties are funded, the money will be diverted to clear personal debts. I did not know what that Member had in mind because it is my contention that, every person who is in the business sector is subject to incur debts. The money we are asking for is public money and once earmarked for any party, it will be audited by relevant authorities. Moreover, a party does not belong to an individual as it belongs to the public. When we fund political parties, we will in turn avoid the practice of some rich party officials assuming that they are more powerful than others in the party, just because they contribute financially to those parties. Those officials become godfathers and they create emperor-worshipping among the party followers.

Mr. Deputy Speaker, Sir, all political parties have got their policies. The chairman cannot use money allocated for political parties for his personal use, as the public will give closer scrutiny of how the funds are used.

Through this, party officials and members will be spared the routine financial contributions they make to their political parties and thereby sacrificing their meagre resources. I ask my colleagues from the KANU side to consider that Motion and support it in the spirit of good-will, so that there is a provision that directs the Government to fund all political parties. If the Members of KANU support this Motion, they will show that they are serious with their intention to co-operate with all parties and can keep that promise. The provision to fund all political parties was provided by the IPPG forum, as expounded by hon. Munyao. Therefore, KANU should

support this Motion to prove to us that it respects the resolutions reached during the IPPG meeting. Otherwise, we will continue believing that KANU was taking the Opposition Members for a ride by enlisting them into the IPPG forum and cheating them that they will fund their parties. That shows KANU officials never speak the truth.

Mr. Deputy Speaker, Sir, hon. Biwott, being a member of the IPPG, should lobby among his party members to support the Motion.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the honourable Member in order to ask me to rob my fellow colleagues from the KANU side?

**Hon. Members:** The word used is "lobbying", not "robbing".

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Mr. Deputy Speaker, Sir, I beg your pardon. I thought he meant robbing. So, it is lobbying.

*(Laughter)*

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I feel this Motion will be supported once Mr. Biwott lobbies among his colleagues, as he shows them the Government direction. He is the one who controls the direction of other KANU Members. They should support that Motion, so that we can continue trusting Mr. Biwott.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, on a point of information. The whole problem why the KANU side backtracked on this matter is because some of them, especially my friend hon. Biwott, do not believe, up-to-day, that multipartism is here with us. That is why.

**Mr. Deputy Speaker:** Order, order! Proceed, hon. Waithaka.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I think we should rule hon. Biwott out of order and throw him out. If this animosity between KANU and the Opposition parties is to end, we should be seen to have mutual understanding on common issues as agreed upon. One party should not backtrack on the promises entered, as hon. Ndicho has noted. I am urging hon. Biwott to support this Motion, notwithstanding the contentious amount of money quoted. Hon. Biwott can suggest or move amendments to parts which he disagrees with. The Government should support the Motion at all costs.

**Mr. Deputy Speaker:** Order! Order! Because of the limitation imposed on this Motion, I now call upon the Government to respond to it.

**The Minister in the Office of the President** (Mr. Ndambuki): Mr. Deputy Speaker, I will first move an amendment to that Motion, bearing in mind that it is a crucial one. It is true that we need to fund all political parties, as that principle is agreeable to the Government.

Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended as follows;

By deleting the words "with effect from July 1998" appearing in the fifth line and also words appearing in parts (a), (b) and (c).

By inserting the following words;" The political parties should sit down and draw modalities of effecting the funding and ratifying of political parties".

Mr. Deputy Speaker, Sir, the reason for that arises from what hon. Kibaki has noted in the Motion. The people who voted in the last general election were six million and if multiplied by Kshs100, it becomes Kshs600 million. Also, taking into consideration the fact that the Ministry of Finance is in a financial quagmire, it cannot raise such an amount of money. We would like the political parties concerned to sit down and come up with the modalities of funding.

Mr. Deputy Speaker, Sir, there are some political parties which might not be represented in this House, but would like to be funded from the public coffers. With the IPPG spirit, all the political parties should agree on the modalities of funding because giving Kshs100 for every vote, is a colossal amount of money. We are not objecting that political parties should be funded, but we want to establish modalities of funding which are going to cover all political parties. Therefore, all political parties should agree on the modalities of funding.

Mr. Deputy Speaker, Sir, I beg to move the amendment.

**Hon. Members:** Which amendment?

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I rise to second the amendment that was moved by the Minister of State, Office of the President. He proposed that the Motion be amended by deleting the words "with effect from July, 1998" appearing in the fifth line and also all the words in parts "a", "b" and "c" and inserting the following words in place thereof:-

"THAT, the political parties should sit down to draw modalities of effecting funding of the

political parties."

Mr. Deputy Speaker, Sir, because of the urgency and the spirit of the Motion, even if it was proposed in the IPPG, we need time to consult among the parties. The IPPG proposal probably has elapsed and we need to sit down and draw modalities of funding the political parties. The spirit that we are carrying here should be accepted.

But because of the current situation it will be an exercise in futility if we pass this Motion for the sake of it when we know that the Government will not fund these political parties at this moment in our history. As politicians from different political parties, it would be good for us to slow down and consider the more urgent matters facing the Government and mwananchi so that those things can be placed in their proper perspective before we start shopping for funds for political parties. This might be misunderstood because it is not the right mood at the moment. We feel that this amendment would carry all of us in the spirit of the co-operation.

Mr. Deputy Speaker, Sir, I beg to second the amendment.

*(Question of the first part of the amendment,  
that the words to be left out  
be left out, proposed)*

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I am somewhat in a dilemma because on one hand we have a very good Motion and on the other hand the ingredients in that Motion clearly do not go down well. I will do my best to see if we could iron out those problems.

Mr. Deputy Speaker, Sir, on 12th April, 1995 this Parliament did debate a Motion in which one of the elements was the funding of political parties. In fact, the bit that is referred to in this particular subject read as follows: "Providing a mechanism for adequate funding of all political parties from the Consolidated Fund." That was the Motion that was unanimously passed by this House on 19th April, 1995. The principle of the funding of political parties is well in place. The second development is the IPPG. We considered that it is important that we have viable political parties and that parties cannot be viable if they are in the pockets of individuals who bankroll them or if they are controlled and dominated by tribal superiority. We felt that for political parties to emerge and grow, based on ideology and principles, it is important to give everybody an equal chance. Also, it is in the interest of the State that there should be viable political parties. So, the IPPG in its wisdom decided [**Mr. Anyona**]

to endorse the funding of political parties. I must say that the Motion goes a little beyond what the IPPG did decide and anticipate. We did not decide on the modalities or the mechanism, but we enshrined on the principle of funding political parties.

Mr. Deputy Speaker, Sir, in as far as this Motion embraces the principle of funding political parties, I think we are all in agreement. The only slight difference is that this Motion is taking away something that is already in that package and that is the question of political parties. This is narrowing it down to parliamentary parties. What is a parliamentary party today may not be a parliamentary party tomorrow. We are talking about giving everybody a chance to participate in the political process. The first element that does not go down well with me is this limitation to parliamentary parties. I think even though we are not going to propose an amendment at this stage; it should be understood that the spirit is to consider funding all political parties.

Mr. Deputy Speaker, Sir, the second thing is the question on the formula of funding. Again, the formula must be equitable. I listened to the debate last week and there was this idea that this might be abused and that is true. I feel that when we come to lay down the formula for the funding of political parties, we will have to be very careful so that we do not open the floodgates for tribal, sectarian and religious political parties which can very easily derail this young democracy. They have, therefore, a place, but until this nation matures politically, it is very dangerous to open the floodgates.

Mr. Deputy Speaker, Sir, I remember one of the arguments in the IPPG against the question, of what we called independent candidates, was the fact that if you open the floodgates to independent candidates, this Parliament will be flooded with independent candidates who do not belong to any political party and you cannot even form a Government. Contrary to what is sometimes believed, I would like to tell you that I was in that meeting and the main objection actually came from the Opposition which said that that is one way of marginalising them. So, the formula that is proposed in the original Motion again tends to introduce a negative element. Unfortunately when you talk about the votes that you got in the Presidential elections, then you are really basically thinking about yourself. Now, what about SAFINA? SAFINA is represented in this House and it did not put up a Presidential candidate. They are qualified also to be funded and as I said so are other parties. I think this is a Motion where we must avoid controversy. I think we want to build consensus on the fact that the future of this country depends on viable political parties that will eschew tribalism, sectarianism and fundamentalism.

Mr. Deputy Speaker, Sir, therefore, I would like to support the amendment on the basis that it protects the principle that we have established and also on the basis of the fact that the political parties will equally sit down and agree on the formula of funding. I listened to some debate and there was some exchange of insults. This is not a KANU matter unfortunately. If you think it is; it is not. KANU is simply one of the political parties in this nation today. I do not even know for how long they are going to be either in existence or even on that side of the House.

Mr. Deputy Speaker, Sir, so what we are saying is that in this particular matter, let us work together. Let us find a formula that is good for us whether we are on that side or whether we are on this side. I think it is important that we send the correct message to our people that this Parliament is thinking not just of now or today, but of the future of this nation when we are not there. Our job today is to lay a lasting foundation. There are some words that I like very much in the Constitution of Kenya Review Act. I am talking about the phrase: "A Constitution that must stand the test of time". If we rush this thing, since we are talking about July, already some of my colleagues that are talking about July are saying that the economy is in the ICU. I do not know whether it is getting better or getting worse or whether it is already dead. That is what is being said. Obviously if it is in the ICU, you are not going to be able to get any funding in July and we have not, as I have said worked out the formula.

Mr. Deputy Speaker, Sir, I think after we finish with this Motion, let us create a mechanism among the parties including the parties that are not represented in this House. Let us sit down together. Let us find out how we can fund our political parties so that in the next general elections we shall have vigorous and vibrant political competition that when we have the next Government in the new millennium, there will be no question of whether we think that you won fairly or you did not win fairly.

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

*(Question of the first part of the amendment,  
that the words to be left out be left out,  
put and agreed to)*

*(Question of the second part of the amendment,  
that the words to be inserted in place thereof  
be inserted, proposed)*

*(Question of the second part of the amendment,  
that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Assistant Minister for Finance** (Mr. Keah): Thank you, very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute and support the Motion as amended. The Motion as amended has really captured the spirit that currently prevails in all the political parties. It is the spirit of togetherness and co-operation. This Motion could have been defeated in totality, but we felt that this would not be in conformity with the spirit that at the moment prevails.

Mr. Deputy Speaker, Sir, I, therefore want to thank the House for accepting the Motion as amended. I also want to particularly thank hon. Anyona for articulating very precisely what has preceded this Motion and, in fact, has gone into the spirit of the Motion as amended. It is, indeed, true as one hon. Member said, that we must be believed. Yes, we must be believed and we need to be believed within the spirit of the IPPG which some of you never attended. We need to be believed by showing the way forward and the way forward is not to kill this Motion, but to walk along with it and what we have done here from the Government side is to walk along with the spirit of the Motion.

Mr. Deputy Speaker, Sir, another hon. Member said that KANU is scared that it will have fewer Members of Parliament. Let me assure this House that there is no question of being scared from the KANU side because we believe and we know that KANU is the mother of all the parties and we will continue to be the mother of all the parties for all the time. The mother cannot, therefore, be scared by the children that she has given birth to even if they grow stronger and stronger. Let me say that we need to confer and consult in the spirit of the IPPG and the amendment calls precisely for that spirit of consultation.

Mr. Deputy Speaker, Sir, one further thing is that at this point in time, last week, we did say in Mombasa

that the economy is in the ICU. We need to confer and factor in the budgetary process like what the funds available would be within the Budget. We cannot pass a figure here which cannot be factored in or contained within the Budget. It will be an exercise in futility and, therefore, it is important that we defer any figures at this point in time so that we can sit down, consult and confer together as parties and the Ministry of Finance and, indeed, factor in what is capable of being factored in and what we can effectively carry out. This is really the spirit and I felt a little bit that the Mover of the Motion while having the right intention really to put it, perhaps more mildly, wanted to hijack the whole lot. I would have expected the Mover of the Motion to call all the parties together. For example, when we were in Mombasa, this could have been one of the items of the agenda.

Mr. Deputy Speaker, Sir, all that I am saying is that the spirit of co-operation and consultation is what is prevailing at the moment within the political set-up in Kenya. We should carry it forward rather than "kill" it. We should not bring Motions into this House that will render that very spirit inapplicable. I would like to thank the hon. Minister of State, Office of the President, for moving the amendment to this Motion and, indeed, for the support that the amendment has received. It does ensure that the spirit of co-operation lives on. I would like to give a few minutes to my colleagues to also contribute. I support the amended Motion.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, in replying to a very seriously amended Motion, which in many ways defeats its purpose, I will say that it is a great pity that we are hiding behind the fact that we have economic problems and saying that is why we cannot finance one of the essential aspects of a democracy. Political parties are a very essential component in a democratic system. We should treat them as a priority item for financing. Therefore, in bringing the idea that we start funding them immediately, probably in July this year, I was thinking that we would be prepared to promote democracy without delay. We do not have to wait to promote it.

I am sure that you will be amused, like everybody else, that our colleagues on the other side of the House, who were yesterday subjected to a bit of "whipping" for having attended the Mombasa meeting, are now saying that this subject should have been discussed in the Mombasa meeting. You will also be amused that the Mombasa meeting, which was a very serious meeting--- We deliberated, as hon. Members of Parliament representing Kenyans, and arrived at very practical suggestions and recommendations on what should be done. But somehow somebody somewhere thought that the meeting was of no consequence. There are some things which are truly amazing to the citizens of this Republic. One hundred and sixty two hon. Members of Parliament, elected by Kenyans, met in Mombasa for two days, deliberated very seriously and in a very focused manner and came to formal resolutions on what needs to be done to salvage the economy. Then that meeting was declared to be of no consequence because Opposition parties, the National Convention Executive Committee (NCEC), representatives of World Bank and the IMF attended. The problems facing us in this country will not go away, even if we refuse to see them. So, equally, we should take steps to revive the economy. In fact, the recommendations made in Mombasa are what we shall finally implement because there are no other options. If there were other options, they would have been applied long time ago. There are no other options, and that is what we know.

*(Applause)*

I do hope that when the dust has settled, everybody will realise that we do not have very much time before the economy totally collapses. That is not what anyone would want for this nation. Therefore, we are expecting the measures agreed in Mombasa to be implemented during this year's Budget. I am sure that if the Government is serious they will implement them during this year's Budget.

Mr. Deputy Speaker, Sir, on this Motion, let us agree to meet and resolve the modalities of how to finance the political parties. I hope that the amendment Motion does not show that some people have doubts about its sincerity, and how essential it is to finance the political parties. Excuses about political parties being religious or tribal are in the minds of people who are themselves tribal. Everything, whether a political party or company, will be founded by somebody. He will start somewhere and then it will grow. Other parties around the world started somewhere and then grew. The parties that we have now will grow as the nation grows. New ones will also come up and grow.

Let us not be diverted by people who always see tribalism and so on. There are some people who only dream tribalism. At night they are disturbed by it because it is what they hear. There are others who cannot see any valid argument unless it is about tribalism. They always think about what tribe they belong to. The tribe one belongs to is an accident. We were born into our tribes by accident and not because you chose your tribe, or had anything to do with it. If we are intelligent enough the best thing to do about our tribes is to forget them. It is neither your credit nor your debit, because we were just born into our tribes. We did not do any Harambee about it. We did not contribute anything to it. We found ourselves born into our tribes, given names and brought up. So, let us not have people who have no other thoughts except tribalism.

We want to promote the development of political parties. Funding them is one of the ways of making

sure that they have that independence and will be able to grow. If political parties have to go begging and soliciting for funds they will not grow in the right way. Let them have minimum funds in order to maintain their offices and survive all through. We do not want parties which only come up during elections. We want parties which have time to think out policies and propose new ones all the time, and not only during election time. Funding them has been found to be very effective around the world, where it has been done. So, I wish that we could start funding them immediately.

When the economy is revived by adopting the measures of the Mombasa meeting, it will no longer be in the "intensive care unit" (ICU). Indeed, one of the great things which has put the economy in the ICU is direct robbery by Government officers. So, that is what has to be stopped. People who refuse to pay taxes, take taxpayers' money and sell properties belonging to the State at a throw away price, are the ones who have put the economy in the ICU. We must take it out because it is not theirs. They are pretenders. They may become multi-billionaires, but eventually they will go to hell without clothing. When they die they will not take even Kshs5, or whatever they have amassed, with themselves. So, let us not worry about them. Instead, let us try to correct the things we must correct as of this moment.

Finally, the fact that we have a multi-party system in this country has already brought a measure of peace. This is so in the sense that everybody has his own opinion wherever he is. He is not submerged inside a monolithic political structure. Therefore, there is freedom in our system and we want to preserve it.

Mr. Deputy Speaker, Sir, I cannot thank anybody other than those who wanted this Motion to go ahead as it was originally. As much as we regret the amendment, we have to go along with it. But I do hope that the Leader of Government Business, myself and other leaders of the political parties represented here can get together quickly so that we can set up what is now being recommended in the Motion. That is the way in which we are going to be tested for our seriousness. If we are serious we shall set up this Committee next week and start some discussions. Let us sit down somewhere and; if we begin to do so next week, then we shall be taken seriously.

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

*(Question of the Motion as amended  
put and agreed to)*

*Resolved accordingly:*

THAT, while noting that Kenya is by virtue of its Constitution a multiparty democracy; considering that viable political parties are critical for the existence and survival of any multiparty democracy; and thanking the Government for accepting the proposal that parliamentary political parties be funded directly by the State from the Consolidated Fund; this House resolves that political parties sit down and draw up modalities of effecting funding of political parties.

ESTABLISHMENT OF TRUTH AND  
RECONCILIATION COMMISSION

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

THAT, in view of the fact that the resurgence of ethnic violence has caused the death of thousands of innocent Kenyans, the destruction of property and the displacement of hundreds of thousands of Kenyans from their homes, farms and places of business and schools; and considering the adverse effects of persistent ethnic violence on the economy and the socio-political development of our Nation; this House urges the Government to facilitate the establishment of a Truth and Reconciliation Commission with judicial powers and authority to carry out extensive investigations into this matter in order to establish the root cause(s) and remedy.

Mr. Deputy Speaker, Sir, may I preface my remarks by first of all acknowledging the supremacy of Parliament in our country. Parliament is supreme because it is a legislative authority, it levies taxation and it controls the Government. In fact, it is this Parliament that has the power to dismiss the Government. That is the source of its supremacy. Because of that particular role which is central, Parliament must also set the highest moral standards in this country. I am saying this because it requires courage and humility. The purpose of this Motion, therefore, is that this Parliament will provide leadership to this country on all matters. The issue of ethnic violence in our country is a serious issue. It is an issue which threatens civil war and the very survival of this

country. If this country plunged into civil war, with Parliament not taking steps to stop that civil war, it will be condemned by generations to come. We must, therefore, have the courage and the humility to provide moral leadership.

In this Motion, the Truth and Reconciliation Commission will help our people to come to terms with self-made human tragedy. It is interesting to note that I am speaking on this Motion today. The last time that I spoke on this Motion was in 1991. It was on the basis of this Motion that I quit my position as the National Chairman of KANU and also my position in the Government. This is because at that time as the National Chairman of KANU, I objected strongly to the meetings which were being held in the Rift valley, Kapsabet, Kapkatet, Narok, Machakos and ended in Mombasa. These meetings, in my considered opinion as the National Chairman of KANU, were subversive and were undermining national unity. In fact, more than anything else, these meetings which were politically motivated are the ones which prepared this country for ethnic violence. At that time they were intended to forestall what was the Ouko Commission of Inquiry in Kisumu, so that the truth does not come to the surface. It was meant to rally support from certain individuals who were being adversely mentioned in Kisumu. The truth stays and I have always stood by that.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Dr. Kituyi) took the Chair]*

I got the courage to quit the Government and my position as the National Chairman of KANU because I felt that these meetings were wrong. I said so publicly and refused to attend any of the meetings and they ended without me as the KANU National Chairman appearing at any of them. I had the courage to tell the President that this was wrong, with all due respect. If you love and support the President, then you must advise him correctly. I told the President that those meetings were divisive, they were undermining KANU and that they were going to lead this country into a civil war. Even though I was told to attend the meetings I refused to do so. Not only that, I had the courage to return to this House and condemn mafia politics.

You might recall that I condemned the godfathers who were plotting what, in my opinion, was ethnic violence but would eventually degenerate into a civil war. I am suggesting to Members of Parliament to have the courage to tell our President the truth in the manner I took a stand against these so-called ethnic meetings which fanned ethnic violence at that time. That was in 1991. I preferred to quit my chairmanship of KANU, which I did and of course, I was subsequently sacked as Minister but I did plead with the President that it was far better that he sacks me as Minister than allow me to explain why I had to quit. I thank him for accepting my request. But I told him that his best friends are those who, like me, tell him to his face that it is wrong for a group of politicians who are under siege, and are being adversely mentioned in the Ouko Commission of Inquiry to try and rally the support of the country and plunge it into civil war.

I am glad that today I can speak with courage, having returned to this House, after leaving it on that principle. We Members of Parliament must have the courage to tell the truth. I have seen a little of it since yesterday. After the Mombasa meeting, hon. Members took a stand at the KANU meeting and they were able to defend what they believed in. That is what is expected of us - courage with humility. Humility means that we must be ready to apologise and be sorry when we are wrong. The myth that once you become a leader, whether a president, an MP or a Minister, you are a god and you do not fail, is false.

Mr. Temporary Deputy Speaker, Sir, great leaders are those that face their people, and apologise. But in this country, leaders do not know what apology is. They do not have the guts to say, sorry, even when they have committed the most blatant mistakes and crimes against the people. That day, when we shall acknowledge our shortcomings and publicly admit them, we shall be great people. This is why I am pleading to Members of this House, to have courage, humility and speak the truth, no matter how painful it is, and to be ready to pay the price. I once told my good friend, hon. Kones, when he was in trouble, that: "I have been in this water, but have courage and strength and most of all stand by your people". Do not betray the people. So, let us not betray the people of Kenya. I am glad hon. Kones is back in this House. Like me, he had the courage.

Mr. Temporary Deputy Speaker, Sir, if you love the President, tell him the truth and nothing but the truth. When you flatter the President and tell lies, you are a disgrace to yourself, this House and the country. This is why I am calling for truth. For those who have read *The Republic* by Plato, one of my best passages there is the *Allegory of the cave*. That,

"for the majority of us are quite happy to indulge in looking at the shadows, because they do not have the strength to look at the sunlight. They will be blinded by the truth of the sunlight".

We cannot reconcile this country until we tell the truth about the ethnic violence, tribalism and nepotism. We cannot bury these issues in the sand and pretend that things are alright.

Mr. Temporary Deputy Speaker, Sir, the Truth and Reconciliation Commission will help our people to come to terms with these self-made tragedies. These so-called, tribal clashes did not just start. Somebody planned, co-ordinated and executed them. As a result, about 5,000 Kenyans have died and are buried. They are also fathers, mothers, children of somebody and human beings. How can this country turn its back on the 5,000 people who have died because of our own incitement? It does not matter what tribe they are, they are Kenyans. They could be Kalenjins, Kikuyu, Luo, Kamba or El Molo, but first and foremost, they are Kenyans. Even this tribal labelling is an insult to our people.

Mr. Temporary Deputy Speaker, Sir, a Truth and Reconciliation Commission will identify where we went wrong. What happened, that, suddenly people who had lived together for a long time started fighting each other? We also want a Truth and Reconciliation Commission to recall and examine the historical injustices that have taken place in this country. Oftenly, I have listened to my friend hon. Ntimama, and I have agreed with him, that Maasais have suffered social injustice, that they have been deprived of their prime land in Nakuru and Naivasha. They must be heard; they must tell their story. That is what a Truth and Reconciliation Commission will do to this country; to heal the wounds.

Mr. Temporary Deputy Speaker, Sir, I am not here to condemn. This Motion is not vindictive or punitive. We are setting a mirror. As a nation, we want to look at our faces in the mirror and recognize the pimples and wrinkles, and find a solution to them. We cannot address the problems of this country until we are able to face the truth; to look at ourselves in the mirror and find out what went wrong.

Mr. Temporary Deputy Speaker, Sir, we must end the culture of violence in this country. The political assassination of fellow leaders must end. Somebody somewhere plots the assassination of their rivals as a way of silencing them. We have a litany from Pio Gama Pinto who was killed by somebody and some people planned that death. That is instituting a culture of violence so that you silence those with whom you differ. That must end. It is the same culture of violence that led to the death of the late Dr. Robert Ouko. There was no need to kill Dr. Ouko. The issues he raised are still with us today and the very killers are now talking more loudly about corruption. If you do not agree with me about corruption, convince me here in this House. Allow me to express that alternative view, but do not silence me with a bullet. We must end this culture of violence. It is the same culture of violence that causes ethnic violence, and which can plunge us into civil war. Because, murder, massacre and torture of people is part of the culture of violence and we must condemn it. We must condemn the assassination and the culture of violence which leads to murder and massacre of people, just because they differ with you and just because you want to preserve your political hegemony; just because you are a tribalist and you think only your tribesmen and women should benefit. In various cases, this tribal ideology is false. It is not usually the tribe that has "eaten", it is the individual and the people around him; a small clique of people. In their panic and attempt to survive and perpetuate their hegemony, they appeal to the best sentiments of their people; that they are under threat. Mr. Temporary Deputy Speaker, Sir, tribalism is with the leaders more than the people. I have travelled across the country like all of us do. The ordinary man and child, for example, in Mathare, do not know their tribe. They are not interested and concerned. It is those of us who want to protect our loot that invoke tribalism. That, to me, is the beginning. That is why we need truth and reconciliation. We need a national mirror in which we can look at our faces and examine where we went wrong.

Mr. Temporary Deputy Speaker, Sir, we all talked about the pain of the tragedy at Likoni in which Government officers were beheaded and ordinary people killed in the name of politics and perpetuating the hegemony of a few individuals. The entire Rift-Valley Province was aflame from 1992. While reading the newspapers this morning, I was even shocked - and this is why I am talking about the resurgence of this violence - that indeed, right in the headlines, we have the same tragedy in Njoro. That is a Kenyan. I do not care what tribe they are, it is our duty to protect that person. He is a Kenyan and his life and property should be protected.

Mr. Temporary Deputy Speaker, Sir, we must be peace makers, and peace can only survive when there is justice. You cannot expect peace if there is no justice. Both Members of the ruling party, KANU, and the Opposition here in the House have the responsibility of running this country. We must ask ourselves: If we genuinely support President Daniel arap Moi, what legacy do we want him to bequeath to posterity? We have a legacy of brutal dictatorship, massacre and murder left behind by Mr. Idi Amin, Mr. Mobutu Seseko and Mr. Siad Barre here in Africa. Is that the legacy we want our President to leave behind? If one is genuine, he or she must do everything to avoid what can plunge this country into civil war. Ethnic violence is the surest way to prepare this country for civil war.

With those few remarks, I beg to Move.

**Mr. Muite:** Mr. Deputy Speaker, Sir, first of all I would like to contextualise ethnic violence in this



country. I stand up here to second this Motion as a Kenyan. Ethnic clashes are not just in Njoro and Molo, but there were also clashes in Mount Elgon. Upto now, there are Kenyans who are still living as refugees in areas like Kimilili and Sirisia as a result of ethnic clashes. There are Kenyans who are still refugees in their own country. There were clashes in Sondu Miriu, Muhoroni, Gucha and Trans Mara which led to deaths. Likewise, in Marakwet and Pokot Districts many Kenyans have lost their lives and many others are now living as refugees in these areas. The whole of North Eastern Province is virtually a war zone, with most people resorting to organising their own militia for their own protection. This is something that practically engulfs 50 percent of the Republic of Kenya. It is a very sad situation, and yet section 71 of the Constitution of this country guarantees the right to life. It is the responsibility of the Government of the day to protect that life. Is the Government living up to its constitutional responsibility to protect the right to life? Why have we made human life so cheap in this country? It no longer matters or bothers anybody and yet the right to live is the most basic.

I do support this Motion most strongly because we need to find out the truth. First and foremost, we have to find the truth and once the truth is known, then justice should be administered before we can come to reconciliation. These three ingredients are essential. Without justice, there cannot be any reconciliation. How can anyone fairly ask the brothers, sisters and parents of this little girl, who was killed yesterday in Molo with arrows, to reconcile with the killers without justice being seen to prevail? It is not fair! There are many people who have witnessed their parents and children being tortured. Can you ask them to reconcile? They cannot reconcile without justice being administered in their cases. The first step is to establish the truth as to who did it and why. Justice ought to be done and then followed by reconciliation. You cannot ask the children of the late Cabinet Minister, Dr. Robert Ouko, to forgive the killers of their father, when they do not even know who the killers were. The first step is to establish the truth about who pulled the trigger. Where was he? Who has got a rough idea about the murder? Fortunately, this country does not have any secret at all, and above all this Government has no secret. So, we do know where this thing happened and who did it, but we wanted to establish who did it in a judicial tribunal court. We want to know who did it, why and who sent him to do it. Then those people should be charged in a court of law in order for justice to be seen to prevail. When justice has been done then you can ask people to reconciled.

This tribunal will demonstrate the seriousness of this Government, that it does not support the killings that have been going on under the title "ethnic clashes". Really, if the Government has nothing to hide, then it should support the establishment of this tribunal. I do know that the majority of the KANU supporters do not support ethnic killings. They feel horrified as are other Kenyans. It is a small clique that is responsible for these killings. When the tribunal will be established that clique that is also endangering the lives of the other KANU supporters, will face the music.

I was very gratified, some six weeks ago, when I wrote a letter to the Commissioner of Police, Mr. Duncan Wachira, saying that ethnic clashes were about to resume in Njoro and Molo areas. I had information about who was planning them, where the training was being done and the date on which they were intended to be carried out. When I shouted, they delayed them, but now they are going a head with them. At that time, the information came from KANU supporters who do not support the ethnic clashes. I do know that a majority of them will support this Motion because they are against the killings. The information came from senior KANU officials. They gave me the names of their colleagues who were involved in these clashes and told me where the training of young men was to be carried out. It is somewhere in West Pokot District. These young men were going to be transported to Molo and Njoro areas of the Rift Valley Province. These things do not go on---

**Mr. Poghiso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that there was training of raiders in West Pokot District? Can he substantiate what he is saying in this House?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I gave those names to the Security Committee in the Rift Valley Province and they are investigating the matter. You can see that the clashes are on.

**Mr. Poghiso:** Mr. Temporary Deputy Speaker, Sir I am not satisfied with that answer. Will the hon. Member be specific and substantiate that there was training of raiders in West Pokot District?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the name I was given of the person responsible for the training of young men in West Pokot District is that of hon. Lotodo.

**The Temporary Deputy Speaker** (Dr. Kituyi): No! No! I will not allow the important Business before the House to be redirected to a discussion about--- Hon. Muite, you will not discuss hon. Lotodo without a substantive Motion. For the time being, please stick to the Motion before the House.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I was only responding to the hon. Member's question. The importance of this tribunal, if it is established--- I personally visited the clash victims in Ol-Moran and talked to the security personnel, who were members of the General Service Unit (GSU). They were being fed by the people who were residing in the church compound because obviously sufficient food was not taken to them. I

was told by the members of the GSU that they were very frustrated. This was because, although they were taken there allegedly to ensure that the clashes ended, they were given specific orders that they were not supposed to shoot anybody. Today, one reads from newspapers that the ones who were taken to Molo are also saying that they have been ordered not to shoot anybody. We want to know the truth! These things do not just happen! How come that the Government is able to suppress a peaceful meeting using guns?

The other day, when I pulled down and burnt a fence on a grabbed land in Kikuyu, the Commissioner of Police had the money to send a lorry-load of armed policemen with helmets, and others in a Land Rover and a Peugeot, to arrest one person. Yet, the little revolver that I had was taken away by the Government in 1990. So, they know that I do not have a gun or anything. How is it that, when it is a peaceful citizen that you are going to arrest, you are able to deploy 20 to 50 armed policemen, but when it comes to suppressing ethnic clashes, you do not have the personnel?

*(Question proposed)*

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Bw. Naibu Spika wa Muda, kwanza nataka kumsifu mhe. Orengo kwa sababu ya ujuzi wake wa ubunge na uongozi. Amesema maneno yake kwa roho safi na anawapenda wananchi wa Kenya. Natarajia Wabunge wenzake kuiga mfano wake. Hatutaki watu wengine kutafuta maneno ya kuchafua, wakati sisi wengine tunataka ushirikiano, mashauriano na kuondosha fujo katika Kenya. Uhodari wa kuchafua hautatengeneza nchi hii bali ni uhodari wa kusikilizana. Makabila ya Kenya yanapendana kwa dhati. Lakini wengine waonapo kabila lao likipendana na kabila lingine, wanasema ni dhambi. Ni lazima makabila yote ya Kenya yapendane. Mtu anaweza kuwa ni tajiri na hataki ushirikiano, lakini mtoto wake anaweza kuwa ni maskini. Kila kiongozi lazima aonyeshe watu wake kupigana ni vibaya. Mambo ya fujo hayana uzuri. Sisi viongozi lazima tujihadhari sana katika matamshi yetu. Ndugu zetu wanaoandika magazeti lazima wachunge maneno ya kuchafua. Kuchafua ni rahisi sana.

Hata leo asubuhi, kuna maneno kwenye gazeti moja kuwa Wabunge walimsomea Rais Moi. Hayo ni maneno ya uongo! Mbona magazeti mengine hayakuandika hivyo? Lazima tuchunge damu ya Kenya kwa njia zote. Viongozi wanakuja na kwenda. Watu wasing'ang'anie bendera wakasahau kuna ndugu zao ambao wanaweza kuongoza. Nashukuru uongozi wa Rais Moi na Raila wa ushirikiano. Ushirikiano wao unaleta Kenya pamoja. Unafanya pia Kenya ionekane vizuri kule Ulaya. Wale wanaosema Kenya itaanguka kesho wasahau.

**Mr. Ndicho:** Lakini mnamdanganya Raila!

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Sisi tunapenda uhusiano wao. Lakini ikiwa wewe hupendi, huo ni ugonjwa wako. Ugonjwa wako na ukabila wako ni Mungu atakusaidia. Mwisho wa ukabila ni madhara. Kwa hivyo, lazima sisi tutafute kile kitu kibaya tukiondoe. Mheshimiwa aliyelea Hoja hii anatafuta njia ya kuondosha tatizo hilo. Hataki kutukana ama kulaumiana. Kutaja makosa si kitu kikubwa. Lakini kuondosha makosa katika nchi yetu kwa sababu ya watoto wa badaye ni kitu kikubwa sana. Watu wengine hawapendi kupendana na watu wengine. Watu wengine wanaona kwamba ukishirikiana na wengine, wewe si mwanasiasa. Mwanasiasa mbovu ni yule ambaye hataki kushirikiana na wenzake. Hakuna hodari wa mahodari. Hodari mkubwa ni Mungu. Lakini sisi sote ni vizuri kushikamana pamoja ili tuweze kuwasaidia watu wetu. Ndani ya Kenya kuna makabila mengi and dini nyingi. Kuna mahali pengine ambako kuna dini moja, kabila moja na lugha moja lakini wanauana kama paka. Leo, lazima tumshukuru Mungu kwa kutuweka hapa, tukiwa makabila mengi na bado tunapendana. Tuna taabu kubwa. Viongozi wa leo wakifa, wataulizwa kaburini, "wewe tulikufanya kiongozi, ulifanya nini kuwapatanisha wenzako waketi kama ndugu? Ni kitu gani ulichokifanya damu isimwagike?" Leo, tukiwa na viongozi kama mhe. Orengo, mimi nashukuru. Najua mimi nikifa, watoto wangu tisa wataishi pahali pazuri.

Lakini tukipata viongozi ambao ni hodari kwa kutoa makosa na kutukana, na wanajua zaidi kushinda watu wengine, itakuwa vibaya sana kwa Kenya. Watu ambao wanapenda amani ni lazima washirikiane zaidi. Urais wa Kenya utakuja na kwenda. Kila anayefanya kazi atajionyesha. Ukisoma magazeti leo, utaona vile wameandika fulani alikuwa mkali sana. Alichacha kweli kweli. Wakimpata leo wanamwambia, "mheshimiwa, jana ulisema sana katika Bunge na watu walikusikiliza kweli kweli". Lakini yale aliyoyasema hayana maana kwa wananchi. Wananchi walitupigia kura ili tuje tuone vile maskini watasaidiwa. Kuna matajiri wengi ambao wanawaweka maskini katika mlango wa siasa. Wanatia siasa na chuki na wanawaambia tukipenda zaidi mambo yatakuwa mazuri. Jana nilisema hapa kwamba kuna watu njiani ambao wakiona nina bendera inapepea wanasema, "kale kakitu pia kana bendera?". Wewe kama unanidharau mimi, mimi nakudharau mara mia. Mimi namwogopa Mungu tu peke yake, lakini wengine nawapa heshima. Mtu kama huyo akinipa heshima, sitaki heshima zake. Sitaki mtu anivunje heshima yangu. Mimi nawaambia viongozi kwamba yafaa tutafute njia za kushikana na kupeleka mbele nchi hii. Hatusemi mtu aache chama chake. Tunataka watu wabaki katika

vyama vyao. Kuna nchi zenye vyama vingi lakini hawatukanani. Nchi kama Italy ina vyama 101.

Bw. Naibu Spika wa muda, yafaa hawa waheshimiwa watafute mbinu za kuwasaidie wale waliowapigia kura ili wapate kuishi maisha mazuri. Tunaomba walio matajiri wasaidie wale masikini na Mungu atawapatia zaidi. Ukiwa tajiri, uwe kiongozi anayefaa kama mimi au mhe. Muite. Tuwaambie kweli namna ya kuhishi. Kama mini nina shamba ekari 10,000, yafaa niwapatie ekari mbili wakalime. Wakilima kando kando ya barabara, wanafukuzwa. Wanaambiwa wajenge vioski Mombasa au Nairobi, lakini siku moja, watatoka kwa sababu kioski hakiwezi kulisha mtu. Watarejea nyumbani na wale wenye ekari nyingi watagawanyia. Basi, tuwe na tabia ya kusema ukweli na tuwape wenzetu mawaidha jinsi ya kuishi.

Bw. Naibu, Spika wa muda siasa zilikwisha hapa Kenya. Baada ya miaka 45, hakuna siasa katika nchi yetu ya Kenya. Ilioko tu ni mtu kutafuta kura ili awe Waziri, Rais au Mbunge. Siasa zilimalizwa na Hayati Mzee Jomo Kenyatta, Oginga Odinga, Tom Mboya na marehemu Ngala. Hatuna siasa sasa katika Kenya hii. Kilichoko ni watu kujaribu kusema ukweli ili wapate kura. Lakini, msiwanyang'anye watu, hasa sisi ambao tuna magari makubwa kama vile Mercerdez Benze. Tutafute njia ya kusaidia nchi hii.

Kwa haya machache, naunga mkono.

**Mr. Wamae:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my contributions on this very important Motion.

Mr. Temporary Deputy Speaker, Sir, this is an important Motion because since 1992, we all know the problems which this country has gone through. There have been instances of tribal clashes, ethnic cleansing, loss of lives and property in the Rift Valley and other parts of Kenya. We also know the problems which have arisen since the clashes in Likoni.

Mr. Temporary Deputy Speaker, Sir, our economic problems have been made worse by the clashes in Likoni. These clashes made tourism to drop by 60 per cent. We used to receive about Kshs28 billion in foreign exchange from tourism and a drop of 60 per cent would mean that Kshs17 billion has been lost from this economy. This is the money which the Minister for Finance is looking for but it has been lost. Besides the loss of life which took place at Likoni, nearly 150,000 Kenyans have been sacked or are going to be sacked in the tourist industry. If there is no business, there is no employer or investor who can continue to employ these people. So, the desire to influence politics in Likoni has brought economic disasters to Kenya. It is for this reason that we must take this Motion seriously and we must find a way of ending these politically instigated clashes. We want to advance in this country. If we want development, we must find a mechanism to stop this. One way of stopping clashes and matters of this nature, is not to cover the people who perpetuate them. It is to expose them and let them be known, so that they do not continue repeating it, and anybody else who wants to do the same, will know that if he does it, he will also be exposed. That is how we can stop these clashes because loss of life and property is a matter which we must consider very seriously. This is a matter which we must discuss, not as political parties, but as Kenyans who want their children to live in peace and leave a united country which we can hand over to our children with some modicum of organisation. We want a country where there is hope, where people can feel that they are safe and where justice can be done. It is, therefore, very important that both sides of the House support this Motion. This Motion is not contentious and it is not asking for the punishment of those who have committed these crimes. It is asking that the perpetrators of these crimes be known.

Mr. Temporary Deputy Speaker, Sir, we know that the Truth and Reconciliation Commission which was established in South Africa has brought a lot of good will. We have heard of people going to that Commission to admit that they committed murder. We have read of some people who went to that Commission to reveal how they organised to kill Steve Biko and other people. They are admitting all that because they want to be cleansed. Once one is forgiven, he lives happily thereafter as a human being. But for you to live and die in sin, you will die a very miserable man. When one knows that he organised for people to be killed, his conscience will not be very clear. Even God will not receive him properly, because he has not yet repented. But if one can repent through such a Commission, I am sure that he will be closer to God because one will have repented to the people here on earth and to God for what he has done against fellow human beings. It is important that we cleanse our societies and the people and leaders who were involved in these clashes.

Mr. Temporary Deputy Speaker, Sir, these clashes do not just happen. They are planned, organised and financed. No young people will go to attack others without knowing what they will eat, what clothes they will wear, what guns they will use and what will happen to them when they have killed people. There must be a reward. Somebody must tell them: "I will reward you. For every house you burn and every person you kill, you will receive so much money." There has to be an incentive to kill. They may be promised land or something else. There must be incentives. Even cattle rustling is not done just like that! Cattle rustling is done because some people believe that they must have cattle and that, all the cattle belong to them and they must bring them to their side. That is their reward. But for other political clashes, there is a reward given by the people who

organised them. This is what we must realise. Money is being spent and promises are being made.

Mr. Temporary Deputy Speaker, Sir, the issue of *moranism* is something which this country must address. *Moranism* is a culture of some of our people. There is nothing wrong with *moranism*. Its purpose was to educate young boys to be men. But morans are now being used as an army. The *morans* are now being trained and used as an army by some people to attack others.

**The Assistant Minister for Environmental Conservation** (Mr. Maizs): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order, to allege that morans are being trained to kill? Can he substantiate that claim?

**Mr. Wamae:** The unfortunate thing is that the hon. Member does not understand English properly because I said, "some *morans* are being used". I did not say that all *morans* are being used, or all *morans*---

**An hon. Member:** How did you get to that in the first place?

**Mr. Wamae:** Well, everybody knows about this. It is common knowledge. I hope some of the tribal warriors will not start feeling aggrieved by this statement. We must stop this and continue letting them be used for the cultural purposes that *moranism* is meant for which I do not think was a bad thing as it was to initiate boys into manhood. But some politicians are trying to use *morans* as an army, and this is wrong.

**An hon. Member:** Who are the politicians using *morans* as an army?

**Mr. Wamae:** Do not ask me their names, because I might even mention yours. On a serious note, we want to have a peaceful country in which we will all live together. This country is big enough for everybody. There is opportunity for everyone. There is nobody who cannot live here peacefully. This country has the resources, if properly organised and managed, to enable Kenya become a newly industrialised nation. There will be plenty of opportunity for everyone. What we need is peace and understanding. Nobody will do farming if there is no peace. Nobody will invest in this country, either local or foreign investors, if there will not be peace. Nobody will develop this country unless they can feel that they are protected while they do their businesses. Part of the current problem of food shortage is because, instead of farmers thinking about cultivating their land, they are thinking about organising themselves against attacks. Instead of thinking about how they are going to grow maize and beans, they are thinking of how to protect themselves. We are wasting our time in some unnecessary matters which will not bring development to this country. We are diverting our attention from production to defence, and this is something which all of us must stop. It must be stopped by leaders in this House who, together with Members, must show leadership by accepting this Motion which says that a Truth and Reconciliation Commission be established. I would like people like my friend, hon. Kones, whom I respect very much, to come and say "I am not involved in any one of those things; I am not a tribal warrior, I am not anything."

(Laughter)

**The Minister for Public Works and Housing** (Mr. Kones): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor, who I used to respect until today, to start mentioning me and saying I should appear before the commission to clear my name? What for?

**An hon. Member:** That you have stopped!

**The Temporary Deputy Speaker** (Dr. Kituyi) Do not veer off the course of the Motion.

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, I do not want to veer off the course of the Motion. I did not say that the hon. Minister is--- Even myself, I would like to go to the commission and say that I have not done anything wrong. It is not meant to be an attack on him. I was only giving him as an example. I am not saying that my good friend has done anything wrong. I only said that anybody will be called to the commission and be asked to defend himself. If, by doing this, we can heal the wounds of this nation, then we can start a new life and start looking ourselves straight in the faces towards the 21st Century. We will have done good for our people and the nation at large.

Mr. Deputy Speaker, Sir, with these few remarks, I support the Motion.

**Mr. Temporary Deputy Speaker** (Dr. Kituyi) Hon. Julius ole Sunkuli!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Thank you Mr. Temporary Deputy Speaker, Sir. I just wish to say that I am not the Official Responder, but I am just speaking in my own capacity as a Member of this House.

Mr. Temporary Deputy Speaker, Sir, this is a Motion that hon. Members from both sides of the House should unite to support. I think the most important thing is to have a terminology with which all of us will agree. One that does not bring in the connotations of another country. That is why I want to propose an amendment to this effect.

I propose that the Motion be amended by deleting the words "Truth and Reconciliation", which appear on the sixth line, and substituting in place thereof, the words "Unification and Peaceful Co-existence", so that the whole Motion will now read as follows:-

"THAT, in view of the fact that the resurgence of ethnic violence has caused the death of thousands of innocent Kenyans, the destruction of property and the displacement of hundreds of thousands of Kenyans from their homes, farms and places of business and schools; and considering the adverse effects of persistent ethnic violence on the economy and the socio-political development of our nation; this House urges the Government to facilitate the establishment of a Unification and Peaceful Co-existence Commission with judicial powers and authority to carry out extensive investigations into this matter in order to establish the root cause(s) and remedy.

Mr. Temporary Deputy Speaker, Sir, the effect of this is just to make it a Kenyan Commission and not a South African Commission. I am sure hon. Members have no objection to this. I know we have been importing very many things from South Africa of late, including juice. But surely, the connotation pertaining to the truth and reconciliation committee are far removed from the Kenyan reality. The reality of the South African Truth and Reconciliation Commission has something to do with the rule of Apartheid. Kenya has had a constitutional Government that respects human rights and, we on the Government side, and on the Opposition side, would like to strengthen respect for human rights and not to recognize a non-existent fact that, there has been a total collapse in this respect.

Mr. Temporary Deputy Speaker, Sir, it is not true that as one hon. Member has said that, you can calculate the areas affected by tribal clashes and arrive at an area of 50 per cent of the country. I think that is an overestimation. It is just good to recognize that there have been clashes in parts of Molo, Coast, Transmara and in some parts of Kisii. That does not amount to 50 per cent of the country and, therefore, I think a commission that the hon. Member for Alego-Usonga has just proposed will go a long way in establishing what actually happened. We all want to know what actually happened because the phenomenon of tribal clashes in Kenya has been a very perplexing one. This phenomenon has brought accusations and counter-accusations. I come from Transmara, as the whole House probably knows, and that area was also affected by tribal clashes.

Mr. Temporary Deputy Speaker, Sir, the Kisii and the Maasai people have always lived in peace and they always live in peace until towards the general elections. Towards the general elections, clashes do arise. We do not have a continuous practice of stock theft between the Kisii and the Maasai in the same degree that we have between the Kuria and the Maasai. The Kuria do steal a lot of our cows and I am sure, sometimes, the same happens to their cows. But there has never been a flare-up of tribal clashes. Why is it that, it is always between the Maasai and the Kisii? And, why is it that, every time the clashes arise between the Maasai and the Kisii along the border of Transmara and Gucha Districts, the result is that the Opposition ends up getting the highest number of votes around that area? Is it a coincidence? All the time, I hear my friends saying: "The Government has started clashes." How can the Government start clashes when it knows it will lose face and votes? Is that really logical? Who has actually benefited from the clashes? Is it the Government or the Opposition?

**An hon. Member:** The Opposition!

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Sunkuli to insinuate that these clashes in his area were caused by the Opposition, when he knows very well that, if it was not for his being rigged in, his constituency today, would have been represented by a DP Member of Parliament in this House.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, hon. Muite knows that, if there was any rigging that happened in this country, it was probably in Kabete where he comes from. The truth is that, during the clashes between the Maasai and the Kisii, a student from Kilgoris Secondary School was abducted from Nyangusu Market and taken a few kilometres away and the body was found grossly mutilated. During that time, the hon. Members from Kisii joined me at that time to condemn that act. A number of GSU personnel were also attacked and one of them was killed.

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

**The Temporary Deputy Speaker (Dr. Kituyi):** Disallowed!

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, those are the incidents that took place and, we must all be sympathetic to the situation. I would like to urge hon. Members to recognise one fact, I am not just trying to be controversial for the sake of it.

Mr. Temporary Deputy Speaker, Sir, there is a point that I want to state. Because the clashes happened in Transmara, Molo, the Coast and other places, let us understand that, wherever they happen, they are as grave as in

any other place. But I know that wherever they happen outside some areas, they seem to be of less importance than when they happen for instance in Molo or Laikipia. They become a national issue when they happen in Molo, but when they happen in Transmara, nobody ever mentions that. Why is that so? Are human beings not of an equal value?

**Mr. Maore:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for a lawyer, an Assistant Minister, Office of the President, whose docket involves internal security, to stand before this National Assembly and try to justify clashes and to apportion blame when he should have organised the arrest and the prosecution of the perpetrators and not the Opposition?

**The Temporary Deputy Speaker (Dr. Kituyi):** Order, hon. Sunkuli! My understanding of the argument of hon. Sunkuli, while not very much helping reconciliation, has not been an attempt to justify.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I will try and help reconciliation now, so that I can get full support from you. But in reality, we therefore, need to look at clashes as one matter that this country needs to address to in the future. I think, away from arresting and dealing with the actual incidents of clashes themselves, we must try to deal with; probably, in our constitutional reform or with this question of the fragility of the Kenya nation--- This is because somebody has just stood up and said; "Some people are dreaming tribalism. Some people wake up and dream about tribalism." Tribalism is not something you dream of; it is the reality of the Kenyan society today. If we do not recognize that fact, then we are behaving like ostriches burying their own heads in the sand. The fact is that, tribalism is what has brought certain Members into this House and it is what keeps them going. Tribalism does actually exist in this country and the next constitution, must indicate how we are going to deal with tribalism. If it does not say that, we are going to have a disease that we are ignoring; tribal clashes. It is very important that we start allocating, in the Constitution, the tribal rights of everybody.

Mr. Temporary Deputy Speaker, Sir, there is a very popular view around this House which says that, "because you are many, therefore, you have more rights and because you are few, you have no rights." I think it is important to realise that, whereas everybody is free to stay wherever they are, I think, the status quo should be maintained up to there now and we begin to say that wherever you are, you get your rights. But the communities must also be allocated their rights. There will come a situation, if we are not careful, where we say that, land rights mean political rights and they mean everything and, if you will get a society that is poor because somebody else has taken away their wealth and they are not represented because the immigrants are the majority and so on and so forth--- If we do not look after this fact in our new constitution, we are still not going to have a good country. We are going to suffer from the fragility of tribalism and it does exist. It does not need a Mombasa meeting.

Mr. Deputy Speaker, Sir, somebody was saying that there were 162 Members and that, whatever they resolved in Mombasa, should be adopted in the Budget. The truth is that, whereas the Mombasa meeting was a good meeting, we did make resolutions which are implementable in a Budget.

**The Temporary Deputy Speaker (Dr. Kituyi):** Order, hon. Sunkuli! You will say things which are relevant to the amendment you are moving.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I will say that on another occasion.

With those few remarks, I beg to move.

**The Minister for Public Works and Housing (Mr. Kones):** Thank you, very much, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank the hon. Aringo for bringing up this Motion. Although I am supporting the amendment, it is not negating the whole idea of the Motion.

Mr. Temporary Deputy Speaker, Sir, I think it is high time Kenyans regarded each other as brothers and sisters. Unless we address this issue of ethnic clashes, we are not going to be talking of any issue. Certain communities in this country have adversely suffered from these ethnic clashes. Some people would like to apportion blame on others, just because they want to please themselves. They know the truth, I am sure, but because they want to be heard as if they are the angels of this country, they want to be heard as being the best, and that they are always advocating for peace; they want to blame others.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about me concerning these clashes. But I would like to categorically state in this House that I have never, ever, been behind clashes in this country. My people have suffered a lot from these clashes. I have been called warrior and other unpleasant names, but I am above these things. I am too much of a gentleman to be a tribal clashes advocate. People talk about others as if they are angels. They say certain people are rewarded. We have no certain people who actually reward us. We know of certain times when clashes have occurred in Molo, for example, people who have been transported from Central

Province to Molo and have been arrested. Some of them, in possession of identity cards from Central Province have even been killed. What exactly had they gone to do there?

**Mr. Githioni:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Kones to continue condemning a certain community and saying people from that community were arrested in Molo, when he knows so well that the Kikuyus who were arrested were intended to be killed by the Kalenjins?

**The Temporary Deputy Speaker (Dr. Kituyi):** Just before you intervene, Mr. Kones, let us do it this way: The original Motion and amendments that you are seconding, are both emphasising the need for reconciliation. It does not help this National Assembly if our utterances are, in any way, going to negate the spirit of reconciliation. So, I propose that no ethnic apportioning of blame be done from the floor of this National Assembly. So, you may proceed, but carefully.

**The Minister for Public Works and Housing (Mr. Kones):** Mr. Temporary Deputy Speaker, Sir, I respect your ruling, but I was trying to also explain my position because certain Members who have stood to contribute have said the same. What I am trying to say is that there is no point whatsoever, in trying to apportion blame on others. Our people have suffered and it is high time that we, as Members of Parliament, get together and actually address this issue. Nobody wants it. I have said that members of my community have suffered a lot in both Njoro and Molo. You must have read about the clashes in Molo today. Some of those people who are fighting are from my community. In the 1991/92 clashes, several members of my community died. All I am saying is that there is no point of one community trying to claim they are clean while others are dirty. I am willing, though my other friend proposed it in a very negative manner, to support the setting up of this commission, so that I will go and tell it what I know about the clashes. I am prepared to be set free by that commission. I am prepared to ask several members of my community to come and tell the truth or whatever they know about the clashes. This is because it must. Kenyans must love themselves as a people of one country. We must not develop a culture of hate, where communities hate each other. There is no need for this tension. I have personally intervened in trying to solve these clashes. I was the man who cut a peace of cake between the Kikuyu and Kalenjin communities in Molo to try and bring the two communities together and reconcile them. I think it is important that people co-exist. Some people take this thing as a [The Minister for Public Works and Housing]

joke, because they live in a community which is totally homogenous, and when they hear of clashes, they think it is a joke. But when it occurs, it is no joke. In communities where people live--- Actually where one household belongs to a person of one community and the next belongs to a member of the other community, it is so bad. If it happens again today, like in Molo, things are not easy. We must try and tell our communities to be together. Let us not call each other warriors. All youths are warriors by standard. Not only Kalenjin or Maasai youth can be warriors. It is not only the Kalenjin youth who can carry bows and arrows. It is not true. We know certain other communities who could also have bows and arrows and they use them to kill. But every time people see bows and arrows, people assume they belong to a Kalenjin. That is not true.

Mr. Temporary Deputy Speaker, Sir, I support this motion and the amendment. But the fact of the matter is, we must establish a commission, which will look into this problem. We will never, ever, achieve any sensible development in this country, until we ask communities to co-exist as sisters and brothers. Until we reconcile various communities and until people are able to trade across tribal borders, we are never going to achieve any development. We must see each other as children of God and Kenyans.

Mr. Temporary Deputy Speaker, Sir, I would also like to say something about what causes these clashes. There has been a lot of mis-reporting about what happens. Every time a small thing happens, it is blown out of proportion. In fact, certain papers try to put a lot of fuel in it, until it becomes a big issue, when in fact it is a very small issue; something that could have been cooled much faster. But it is always escalated by the way it is reported. I would also like to appeal to the pressmen to investigate these issues properly, so that they do not give wrong reports. This is because it hurts others when they have been raided and it goes un-reported. That is what biased reporting does. The same case should apply to the religious leaders. They should not be biased. If a Kalenjin, a Luo or a Maasai has been killed, let us say so. We do not want to isolate other communities. Otherwise, I think it is high time that we address this issue and address it to its root. Let us stop the buck-passing. I know about this issue and I hate it. So, I wish to say that this commission be established, as proposed by hon. Aringo and amended by hon. Sunkuli. This is because I feel that communities should be able to stay and live together all the time.

With those few remarks, I beg to second the amendment.

*(Question of the first part of the amendment  
that, the words to be left out,  
be left out, proposed)*

**Mr. Magara:** Mr. Temporary Deputy Speaker, Sir, I want to confirm to my learned friend, hon. Sunkuli, that KANU lost in my constituency because it failed to deliver. The clashes were there but the KANU Government never intervened to assist. Victims of the clashes were rendered homeless and the Government ignored them. Because of these crimes, we decided to put KANU aside, for the time being.

Mr. Temporary Deputy Speaker, Sir, indeed, I come from areas rocked by clashes now and again. The truth of the matter is that, this is a Motion that everyone of us should support in its original form, without any amendments. There is nothing strange with the wording of the original Motion, "Truth and Reconciliation Commission", for any amendments to be done. There is no need of replacing the word, "Truth" with "Unification". There should be no fear that, because the names resemble the one of South Africa, it should be changed because our country has never had the kind of history witnessed in the past Apartheid system of South Africa. There is no mention of the Zulu community of South Africa in our case. My learned friend, hon. Sunkuli, knows that truth is something to be stated as a fact, as it is. It does not make any sense to amend the original

Motion. The use of the word, "Truth" is a terminology that does not make us behave as if we are aping the one of South Africa.

Mr. Temporary Deputy Speaker Sir, our people have suffered as they have been left without homes. We should not be surprised that even right now, there are clashes going on between the Maasais of Transmara and the Kisii community. Let us maintain the original wording of that Motion. Let us go to the root causes of the clashes in this country. I am happy that, hon. Kones, has commented on important issues in his contribution, which we need to take into account so that, that Motion gets support. There is no strange thing about this Motion. We should know the root causes of these clashes and this can be done by the formation of the Truth and Reconciliation Commission.

Mr. Temporary Deputy Speaker, Sir, Kenyans are always united but they want to know the root of these clashes. I believe the truth of these clashes is that, there are some opportunists who fuel these clashes by inciting people. This tendency is prevalent in my constituency, where parastatal vehicles ferry people from one place to another, especially at the onset of clashes. When this matter is reported to the District Commissioner or even the District Officer, no action is taken. The victims of these clashes are forced to stay at home as they fear to go to shambas and their crops get destroyed. Because of that destruction, the Government is importing some cereals from abroad. Brothers and sisters, it does not matter whether you are in which party, but this commission should be supported, to establish the truth. We do not want some people to hide the truth. We want them to reveal that to the commission. The original Motion should, therefore, be supported, as it will unearth the truth behind the clashes Kenyans have experienced.

Mr. Temporary Deputy Speaker, Sir, indeed, the administration officials are involved in those clashes. I did mention a particular district officer in Transmara during the time I made my Maiden Speech. His interest is always to cross over to Kisii and get animals from our people, and hand them over to the Maasais. When the matter is reported to the DO or the OCS, Nyamaiya Police Station, the police take no action. They watch as the animals cross over the border without pursuing them.

**Assistant Minister in the Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, could hon. Magara substantiate the specific claims he made against the Government official, knowing very well his people always lawfully take cattle to graze in Transmara and whatever he has uttered in this House, threatens our peaceful co-existence at home?

**The Temporary Deputy Speaker (Dr. Kituyi):** Order! Order! Hon. Members, I am not going to allow the Floor of the House to be used to move away from a very important business before us now. I know that the Kisii and Trans-Mara Maasai are neighbours and have had some skirmishes which are not very pleasant, but we are not going to let this Floor become the battle field for that. So will you both desist from making such remarks?

**Mr. Magara:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. There is a DO at Keyan Division in Trans Mara who is a Pokot and on 4th February, 1996, he witnessed cattle being taken away from the Kisii side. The following day when the residents pursued the cattle, this same officer summoned a public baraza where he told us that the cattle belong to the Maasai. It is not the Maasai who are raiding cattle, but the DO. The DO of Keyan Division is a cattle rustler and if he is transferred, there will be peace in that place. When we raise these issues---

**The Assistant Minister for Finance (Mr. Lomada):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that a Government officer is a cattle rustler and that he is a Pokot?



**Mr. Magara:** Mr. Temporary Deputy Speaker, Sir, I have confirmed that he always does that although he has never been reprimanded by the Government. This is a genuine Motion which all of us should support because at one time those hon. Members who are in the Government today might be in the Opposition tomorrow. We should support Motions tabled before this House irrespective of which party is sponsoring them because they are for the benefit of our country. These tribal clashes have caused a lot of untold sufferings to our people economically, politically and socially. Some schools have been closed because of these tribal clashes. So when we talk of establishing a Truth and Reconciliation Commission we should be serious. It should not be viewed as a way of uniting Kenyans because Kenyans were united a long time ago.

Mr. Temporary Deputy Speaker, Sir, I support the original Motion.

*(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)*

*(Debate on the original Motion resumed)*

**The Temporary Deputy Speaker** (Dr. Kituyi): Hon. Chrisantus Okemo, you only have about five minutes before the official Government Responder stands up to respond.

**The Minister for Energy** (Mr. Okemo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I was very much impressed with hon. Aringo's contribution because he brought out the salient features of the Motion that affect ordinary Kenyans today. I am not satisfied with the attempts by many hon. Members to address the issue of ethnic clashes. We cannot talk about ethnic clashes without talking about ethnicity because that is the root cause of these problems, and particularly tribalism. I am surprised that many hon. Members seem to talk about the history of Kenya as if it began in 1992. But it is quite clear that the problem of tribalism, corruption and other crimes started at Independence. So, if we want to trace the genesis of tribalism to the logical consequence which is tribal clashes, then we must reflect on what happened from Independence to date.

*[The Temporary Deputy Speaker (Dr. Kituyi) left the Chair]*

*[Mr. Deputy Speaker resumed the Chair]*

We cannot talk about tribal clashes unless we address ourselves to the issue of land tenure. If we look at the areas that have been affected by these tribal clashes, we will find that they are caused by land tenure system. How did we end up with one ethnic community moving in large numbers to some areas of Kenya where we have witnessed these land clashes? That is one thing that we must ask ourselves because at Independence we were all attempting to redistribute the national cake that was available at that time. Obviously, certain communities were disadvantaged in terms of ability to acquire land. That is how we ended up with movement of people from different communities to other communities where the indigenous people were. Let us not begin by apportioning blame to one tribe. I think the problem is purely economic; one tribe feels that it is being invaded by a tribe that was indigenously not there at some point in time. They are resenting this open grabbing of what rightfully belongs to them even if it was acquired through legal and normal land purchase transactions.

For example, the tribal skirmishes between the Maasai and Kisii are caused by the disproportionate distribution of land. Certain people had disproportionate advantages at some point in time which they used to acquire the land. I am talking about Independence because the problem of land acquisition and purchases did not begin in 1992, it began right from Independence. We all know that from Independence up to the era of multipartysm there were people who were advantaged and many of them are today in the opposite side. They benefited so much and yet at the moment they are talking as if they were angels. I do not want to name them, although I may be tempted to do so and I would substantiate my allegations.

**Mr. Kihara:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to tell us what he should be testifying before the Truth and Reconciliation Commission?

**The Minister for Energy** (Mr. Okemo): Mr. Deputy Speaker, Sir, why should we constitute a Truth and Reconciliation Commission if we cannot understand why we should have it in the first place? That is what we are discussing now; on whether we should have one or not. Probably that is not the issue, but it begins with

all of us. When I go to my constituency---

**Mr. Deputy Speaker:** Order! Order! Hon. Members, because of the time limitation on this debate, it is now time for me to call upon the Government Responder to reply.

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to thank all the Members who contributed to this Motion which is a very, very crucial Motion. The contents of the Motion as moved by hon. Oloo Aringo reflect what has been happening in certain parts of the country, namely, the clashes. However, we on the Government side tried to move an amendment which we believe should have carried the Motion in a more meaningful manner. However, since the proposed amendment was negatived, that puts the Government side in a difficult situation because we wanted to carry our position collectively so that we could look at this issue in a positive manner. I think the spirit of the amendment was actually noble.

Mr. Deputy Speaker, Sir, our position is that the Government would have liked to go along with this Motion. However, we now find that it will be a bit difficult for us to do that although the spirit of the Motion is good. We want to see whether we can go along with the Motion, but I think the amended Motion would have been more perfect because it was properly worded.

Mr. Deputy Speaker, Sir, therefore, while responding on behalf of the Government side, let me say that the view of the Government on this Motion is very clear. However, we are now in a very difficult position since we may not be able to go along with the spirit of the Motion. Therefore, we want to say that the language that has been used puts us in a difficult situation. We want the truth. We want everything to be done in an open manner as it was stated by the Government side. We indeed want this kind of Motion. However, we wanted to pass it with the amendments so that we can support it. This Motion is meant to benefit the House and wananchi. So, this puts us in a very difficult position. We are finding it very difficult to go along with the Motion as it is now. So, our position is that this Motion is going to have a problem with the Government side as it is now.

**Mr. Wamae:** What do you want to say?

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, what we had wanted were the amendments, but since the vote was put---

**Mr. Deputy Speaker:** Hon. Ngala, say what you want to say!

**The Minister for Lands and Settlement** (Mr. Ngala): So, Mr. Deputy Speaker, Sir, I would like to say that as it is now, we on the Government side, would have liked to go along with this Motion, but because of the current situation, we now feel that we have no option, but to vary to oppose this Motion.

**Mr. Oloo-Aringo:** Mr. Deputy Speaker, Sir, before I respond to the Motion, I would request that you allow me to give hon. Murungi five minutes of my time.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, I would like to support this Motion. I would like to speak the truth and ashame the devil. We are seeing in front of our very eyes Parliament losing its credibility as the guarantor of the lives of people of Kenya. This Motion was very good. We want a Truth and Reconciliation Commission. The question is: Who is afraid of the truth? You can only be afraid of the truth if you were involved in the

clashes. You can only be afraid of the truth if you are one of those planning the killings of the people of Kenya. So, we should not stand idle here, while the role of Parliament is being changed from that of protecting the people of Kenya to that of protecting a few criminals. We all know that Parliament has remained "impotent" as the people of Kenya are killed in Likoni, Nakuru, Laikipia and other places in this country. We also know that Parliament "killed" the Kiliku Report because it exposed the criminals behind ethnic clashes in the Rift Valley.

Mr. Deputy Speaker, Sir, if we are really serious about sorting out ethnic clashes in the country, we should support this Motion. The people of Kenya will be watching to see who voted for this Motion and who did not. It is by that roll-call that they will know who supports the tribal clashes and those who does not.

*(Applause)*

It is not true that tribal clashes are caused by ethnicity or tribalism. Hon. Kones is not from my tribe, but I am not killing him here. He is also not killing me. So, if tribalism was responsible for the killings hon. Members in this Parliament would have killed each other. The cause of ethnic clashes is primitive politics. The clashes are caused by what we say when we go to the Rift Valley and Coast provinces over the weekends. You can read the newspapers if you want to confirm this. Tribal clashes always start after prominent personalities in this House go to the rural areas and incite their communities.

Mr. Deputy Speaker, Sir, between 1963 and 1990, we had a way of dealing with politicians whom we did not like: We killed them. We targeted individuals like the late Mboya, Pinto, J.M. Kariuki, Ouko and others.

But from 1990 we changed our style. Now, we are killing members of the community we do not like. We have moved from killing individuals to killing members of communities.

We should look at the problem in that broad way and we should also learn from the experiences in Rwanda. The late President Habyarimana and his gang organised ethnic genocide in that country, in the hope that they would defeat change and survive. I would ask those who are opposing this Motion: Where is Habyarimana today? His generals, the chief architects of genocide in Rwanda, are before the International Tribunal in Arusha. Let us not have a situation where our friends here, who are wearing ties today and who are smiling, will end up in Arusha in future.

**Mr. Oloo-Aringo:** Mr. Deputy Speaker, Sir, I thank hon. Members who have spoken on this Motion. I am proud today, because eight years ago, I quit my position as the national Chairman of KANU, because I objected to the meetings which were going on in Kapsabet, Kapkatet, Narok, Machakos and Mombasa, because I saw them for what they were. They were planting seeds of civil war in this country. I proudly stand here today and say, eight years later, the same people are speaking the same language in this House. That is the courage that is expected of us as Members of Parliament. We should be the conscience of this nation. And, we must not abdicate that responsibility. Indeed, you must be prepared to die for that responsibility. If you are not prepared to die in defence of this country and our rights, you should not be representing your people. But, eight years later, I can proudly stand up and say, I came back to this House almost alone and attacked the politics of mafia which was creeping in our society. It is the politics of mafia that led to the assassinations of our colleagues. It will also lead to the assassinations of more Members.

Mr. Deputy Speaker, Sir, I would plead that this House passes this Motion even if we have to go to a Division, because, we are the conscience of this country. This House must not be intimidated. Never again, shall it be intimidated. We must rise to defend our people. We cannot allow a few people to conspire, plot and plan assassinations, murder and massacres. I am appealing to this House to be united and to force a Division if there is an attempt to stop the conscience of this nation from speaking on behalf of the people of this country. I had the courage to say so eight years ago. I have returned here, and I am proud that my people have brought me here, because at that time, I was the conscience of this country in terms of taking a stand.

Mr. Deputy Speaker, Sir, I would like to wind up by saying, let us pass this Motion even if we have to go to a Division.

I beg to move.

*(Question put and agreed to)*

#### ADJOURNMENT

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

The House rose at 12.25 p.m.