

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 12th November, 1998

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Buffalo Springs Lodge for the year ended 30th June, 1991, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Buffalo Springs Lodge for the year ended 30th June, 1992, and Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Buffalo Springs Lodge for the year ended 30th June, 1993, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Buffalo Springs Lodge for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mountain Lodges Limited for the year ended 30th June, 1995, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Catering Levy Trustees for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Utalii College for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mara Lodges Limited for the year ended 30th June, 1995, and the Certificate thereon by the Auditor-General (Corporations).

(By the Minister for Tourism)

Annual Report and Accounts of Kenyatta National Hospital for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Tourism on behalf of
the Minister for Health)*

Annual Report and Accounts of Kenyatta University for the year ended 30th June, 1993, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Tourism on behalf
of the Minister for Education and Human
Resource Development)*

ORAL ANSWERS TO QUESTIONS

Question No.662

SURRENDER OF GOVERNMENT VEHICLES

Mr. Speaker: Mr. Kombo not here? Next Question, Mr. Sungu.

Question No.636

NON-PAYMENT OF SALARIES TO KNFU EMPLOYEES

Mr. Sungu asked the Minister for Agriculture:-

- (a) whether he is aware that the Kenya National Farmers Union (K.N.F.U.) collected money from its members for the purposes of constructing premises along Langata Road;
- (b) whether he is further aware that the employees of the organisation have not been paid their salaries for the last six months and that these employees are about to lose their jobs; and,
- (c) if the answers to "a" and "b" are in the affirmative, whether he is satisfied that the money was properly used and when the employees will be paid their dues.

The Assistant Minister for Agriculture (Dr. Wamukoya): Mr. Speaker, Sir, may I request that I answer this Question next week on Wednesday afternoon.

Mr. Speaker: Mr. Sungu, what is your reaction?

Mr. Sungu: Mr. Speaker, Sir, before we came in, I had a word with the Minister. I think he can still be given some time to gather more information.

Mr. Speaker: Okay, the Question is deferred.

(Question deferred)

Next Question, Mr. Mugalla!

Question No.688

AUDITING OF SCHOOL OF FUNDS

Mr. Speaker: Mr. Mugalla not in? Next Question, Mr. Katuku.

Question No.512

NON-ADMISSION OF KCSE CANDIDATES
TO PUBLIC UNIVERSITIES

Mr. Katuku asked the Minister for Education and Human Resource Development:-

- (a) whether he is aware that the over 4,800 candidates who attained a B- (Minus), and 1,300 candidates who attained a B (Plain) were not admitted to any of the public universities during the 1997/1998 year;
- (b) whether he is further aware that the admission criteria was changed from cut-off points to cluster system without prior notification to candidates who sat their KCSE in 1996; and,
- (c) if the answers to "a" and "b" above are in the affirmative, whether, as a matter of urgency, he could consider admitting the 6,100 students.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Speaker, Sir, I beg to reply.

(a) All the 1996 KCSE candidates who applied for admission to university and obtained B plain were admitted. However, 5,494 applicants who obtained B- were not admitted because they failed to satisfy the cluster points requirements for all their four degree choices.

(b) Following the admission criteria change from the cut-off points to cluster system, the Joint Admissions Board (JAB), through the radio and print media, duly informed the 1996 candidates who applied for university admission to revise their degree choices.

(c) The JAB can only admit the number of applicants which the capacities and resources available in the public universities can support. This has already been met for the 1996 KCSE candidates.

Mr. Katuku: Mr. Speaker, Sir, the Assistant Minister has admitted, in his answer to part (b), that this

change in the system of admission was done through the radio and print media, which did not reach most of the students who had done their exams in 1995. In view of that, we had so many who did not get the information and, therefore---

Mr. Speaker: Order, Mr. Katuku! It was just yesterday I told hon. Members that they have four minutes for each Question. I am sure other hon. Members also want to ask questions. But you want to take two minutes for yourself.

Mr. Katuku: Mr. Speaker, Sir, could the Assistant Minister, therefore, consider their case because this was not their mistake? It was the mistake of the JAB. Could he consider admitting these 5,494 applicants, even it means a double intake?

Mr. Awori: I cannot give that consideration. In any case, we had informed them through the *Daily Nation*, *Sunday Nation*, *the East African Standard*, *Kenya Times* and through the radio. We can only admit according to the capability of the universities and, therefore, we cannot consider double intake. I really regret that.

Mr. Sungu: Could the hon. Assistant Minister confirm or deny that this cluster system actually amounts to discrimination against students from poor families who cannot make it to Nairobi to lobby for places in the universities?

Mr. Awori: I deny that, Mr. Speaker, Sir.

Mr. Kamande: Could the Assistant Minister tell us the number of students who got less points, like C+, and were admitted in the same university?

Mr. Awori: Mr. Speaker, Sir, there was none at that time. We only admitted those who had B plain.

Question No.594

REPAIR OF LECTURERS' QUARTERS

Mr. Speaker: Mr. Mwakiringo is not here? That Question will be stood over for now. Next Question, Dr. Oburu!

Question No.251

CONFISCATION OF PROPERTY BY
SIAYA COUNTY COUNCIL

Dr. Oburu asked the Minister for Local Authorities:-

(a) whether he is aware that the Siaya County Council enforcement officers invade business premises allegedly to inspect trade licences and end up illegally confiscating property from the business premises;

(b) whether he is further aware that confiscated property is never returned to the owners even after they have paid for the licences; and,

(c) if the answers to "a" and "b" above are in the affirmative, what urgent steps he is taking against the offending officers and to arrange for compensation to the victims.

The Assistant Minister for Local Authorities (Mr. Mwakalu): Mr. Speaker, Sir, I would like to apologise for not having that answer ready. It is still being prepared. I would kindly ask the Questioner, hon. Dr. Oburu, to allow me to respond to that Question earliest next week.

Mr. Speaker: What is your response, Dr. Oburu?

Dr. Oburu: Mr. Speaker, Sir, while I appreciate that the Ministry is still looking for an answer, I would have liked the Assistant Minister to tell us exactly when it will be ready.

Mr. Speaker: It is the Chair to decide because he cannot control it. So, I will defer it to next week.

(Question deferred)

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The Standing Orders require the Ministers to respond to Questions within ten days. He is claiming that they are still preparing it. They are in breach of the Standing Orders.

Mr. Speaker: So, what do you want me to do, Mr. Anyona?

Mr. Anyona: Mr. Speaker, Sir, I would like him reminded that the Standing Orders require him to get

the answers here within ten days.

Mr. Speaker: Mr. Mwakalu, you have heard that. Next Question, Mr. Mwenje.

Question No.625

RELOCATION OF DUMPING SITE

Mr. Speaker: Mr. Mwenje is not here? That Question will be stood over for now. Next Question, Mr. Anyona.

Question No.524

COMPLETION OF KISII-CHEMOSIT ROAD

Mr. Anyona asked the Minister for Public Works and Housing:-

(a) whether he is aware that construction work on the Kisii-Chemosit Road (C21) has stalled yet again since March, 1998; and,

(b) if the answer to "a" above is in the affirmative, whether he could inform the House the total amount of money allocated for the completion of the road; the amount of money already spent on the road; the reason for the stalling of the construction work, and when it will start again and be completed.

Mr. Speaker: Mr. Khaniri, that is your Question.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Speaker, Sir, the Minister will answer the Question in a few minutes' time.

Mr. Speaker: That Question will be stood over for the moment. Next Question, Dr. Ali.

Question No.601

REHABILITATION OF BUNA HEALTH CENTRE

Mr. Speaker: Dr. Ali is not here? That Question will be stood over for now. For the second time, Mr. Kombo!

Question No.662

SURRENDER OF GOVERNMENT VEHICLES

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

(a) whether he could inform the House about the number of vehicles that have been surrendered by each Ministry as directed by the Government; and,

(b) whether he could further state how the extra surrendered vehicles, if any, have been utilized.

The Minister of State, Office of the President (Mr. Ndambuki): Mr. Speaker, Sir, I beg to reply.

(a) A total of 11 extra vehicles have been surrendered by various Ministries and Government Departments as directed by the Government. The vehicles surrendered are five Mercedes Benz, two Volvos and four Peugeot. The Office of the President, Cabinet Office, surrendered three vehicles; Ministry of Planning and National Development surrendered six, while Ministry of Public Works and Housing and Ministry of Co-operative Development surrendered one vehicle each.

(b) The surrendered vehicles have been utilised as indicated below. A Mercedes Benz, GK Q943 was allocated to the Permanent Secretary, Ministry of Environmental Conservation. This is a new Ministry and had no vehicles. KAC 879J, a Mercedes Benz from the Ministry of Planning and National Development was allocated to the Minister of State in charge of Provincial Administration and Internal Security. KAC 882 J, a Mercedes Benz from the Ministry of Planning and National Development was allocated to the Minister for Environmental Conservation. Peugeot 504, GK Y585, from Ministry of Planning and National Development was allocated to the Government Vehicle Check Unit. Of the remaining seven surrendered vehicles, six are serviceable and are in the custody of the Chief Mechanical Engineer, Ministry of Public Works and Housing, awaiting re-allocation while

one is in garage being repaired.

Mr. Kombo: Mr. Speaker, Sir, following that laughable answer from the Minister, the issue of returning vehicles was supposed to be a major Government action to save money for this country, in order to improve the economy. Obviously, seven cars cannot save money and improve the economy of this country. Could the Minister tell us why they made the issue look so big if there were only 11 vehicles to be returned? Can he give us the list of what they thought or expected to be the oversupply of vehicles in the Government that led the Government to this situation of being a laughing stock? They have cheated the country and everybody in the world in this matter!

Mr. Ndambuki: Mr. Speaker, Sir, we have not cheated anybody. The directive was that all the excess vehicles were to be returned, and what I have said is what we have in our hands. But in the districts, there are so many boarded vehicles which are not serviceable and we are taking inventory of them and once that is ready, those vehicles are going to be sold.

Mr. wamae: Is the hon. Minister aware that by surrendering only 11 vehicles and re-allocating six of them to other Ministries, the Government has not made any saving? This was announced by the President as a major saving measure to revive the economy of this country. Is there any way where more vehicles can be surrendered from the Ministries so that we can have the necessary saving?

Mr. Ndambuki: The vehicles which were surrendered were 11. I do not know whether there is any other Ministry which is having more. The Ministry of Environmental Conservation was new and they did not have any vehicles, and that is why those vehicles were given to them. As I said, there are six of them which have not been allocated. That is what we have so far.

Dr. Oburu: Mr. Speaker, Sir, I would like the Minister to confirm or deny that instead of reducing the number of vehicles in the Ministries, the Government is increasing them by buying useless and weak Daewoo vehicles, which are being distributed to the PCs who have got four each, and each DC in this country has got two. Instead of reducing, they are increasing the number of vehicles.

Mr. Ndambuki: Mr. Speaker, Sir, I am not aware that the Government is increasing the number of those vehicles. What I know is that at the moment, the Government is not buying any more vehicles.

Mr. Kombo: Mr. Speaker, Sir, could the Minister confirm or deny that, in fact, the vehicles were not returned because senior Government officials cannibalised the good vehicles that were supposed to be returned and all they have are the shells lying in the graveyards?

Mr. Ndambuki: Mr. Speaker, Sir, I am not aware of that.

Question No.688

AUDITING OF SCHOOL FUNDS

Mr. Speaker: Is Mr. Mugalla still not here? The Question is dropped.

(Question dropped)

For the second time, Question by Mr. Mwakiringo.

Mr. Mwakiringo: Mr. Speaker, Sir, before I ask my Question, I apologise for coming late.

Question No.594

REPAIR OF LECTURERS' QUARTERS

Mr. Mwakiringo asked the Minister for Education and Human Resource Development:-

(a) if he is aware that the quarters occupied by lecturers of the University of Nairobi along Mamlaka Road are in a decrepit state with leaking roofs, missing roofing tiles and no running water;

(b) if the answer to "a" above is in the affirmative, if he could tell the House how much money the Ministry has set aside during the current financial year for the repair of these houses; and,

(c) what plans the Ministry has to ensure that the lecturers are provided with decent housing.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) My Ministry gives the University of Nairobi a one-line grant which the University utilizes according to its priorities. However, due to the prevailing economic situation, provision for development items, including funds for operation and maintenance, has not easily been forthcoming from the Exchequer in a way that we would like to cover all needy areas.

(c) My Ministry and, indeed, the Government, is encouraging lecturers to own and live in their own houses. However, plans are under way to renovate the existing houses when the state of the economy improves.

Mr. Mwakiringo: Mr. Speaker, Sir, as you realise, this answer is not satisfactory. If you see the condition of these units, especially Mamlaka Estate, it is deplorable. Can the Assistant Minister order the Vice-Chancellor of Nairobi University not to be wasting money by attending political functions and spend that money to restore water in those units, repair worn-off floor tiles, and the leaking roof? In his reply, he said: "However, plans are under way to renovate the existing houses." Which houses will be renovated and which ones will not? The condition of all those houses is deplorable.

Mr. Awori: Mr. Speaker, Sir, I agree entirely with the hon. Member that the conditions of those units are terrible. Regrettably, we have not got the funds to repair them. The University of Nairobi was given K£10,000 by the Exchequer during 1997/98 financial year for renovation of those houses. That was all. As far as 1998/99 financial year is concerned, there is no allocation for renovation of those units. So, there is very little that the University of Nairobi can do without money.

Mr. Anyona: Mr. Speaker, Sir, we appreciate the position that the Assistant Minister is describing. But the point is: This is like a patient who is dying and you are saying let the patient die because you do not have drugs to save his life. If these units collapsed, it would be disastrous. Can the Assistant Minister ensure that some money is secured to renovate these houses so that they do not collapse?

Mr. Awori: Mr. Speaker, Sir, it is impossible to renovate these houses with nothing. I would like to satisfy my colleagues because I am concerned about the plight of the lecturers, but we have no funds to renovate these houses.

Mr. Ndicho: Mr. Speaker, Sir, you heard the Assistant Minister saying very clearly that they are encouraging lecturers to own and live in their own houses. Can the Assistant Minister tell this House that the sole reason why the Ministry is declining to repair these houses is that, eventually, when all the lecturers own their own houses, these houses will be condemned in order to create a conducive environment for their grabbing, and that these houses are already earmarked for the people who will own them from the Ministry officials, senior university officers and the top KANU fellows? Can you tell us that is not why you are refusing to renovate these houses?

Mr. Awori: Mr. Speaker, Sir, I definitely deny that. I happen to be a KANU top fellow, as the hon. Member says, but no house is earmarked for me in any way.

Mr. Mwakiringo: Mr. Speaker, Sir, we wonder where the cost-sharing money from the students goes to, if it cannot be used to renovate these units. Why can lecturers not be given a priority to purchase these units so that they are not grabbed by these people?

Mr. Awori: Mr. Speaker, Sir, there are no people here in this House. There are only hon. Members.

Mr. Katuku: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to refuse to answer a very legitimate question from hon. Mwakiringo? He was asked if he could consider selling these houses to the lecturers themselves. He is evading that question. Is he in order to do so?

Mr. Awori: Mr. Speaker, Sir, I have not evaded any question. There is no intention of selling these houses.

Mr. Speaker: Mr. Katuku, just to put you right, the Assistant Minister was asked to consider. When you ask somebody "to consider", he may choose to consider or not to consider at all.

(Laughter)

Mr. Mwakiringo: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to avoid answering my question? I asked him: Where does the cost-sharing money go to, if it cannot be used to renovate these units?

Mr. Awori: Mr. Speaker, Sir, although that is a separate question, I will still answer it. As the hon. Member knows, when the money comes, it goes into the kitty and then it is reallocated.

Mr. Speaker: For the second time, Mr. Mwenje's Question.

RELOCATION OF DUMPING SITE

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Considering the importance of this Question, I beg the Chair to defer it, instead of dropping it.

Mr. Speaker: Which Question?

Mr. Ndicho: Question No.625.

Mr. Speaker: Order, hon. Ndicho. If Mr. Mwenje knew the Question was important, he would have been here or instead got in touch with the Chair. It is dropped.

(Question dropped)

Question No.525

COMPLETION OF KISII-CHEMOSIT ROAD

Mr. Anyona asked the Minister for Public Works and Housing:-

(a) if he is aware that construction work on the Kisii-Chemosit Road (C21) has stalled yet again since March, 1998; and,

(b) if the answer to "a" is the affirmative, if he could inform this House the total amount of money allocated for the completion of the road; the amount of money already spent on the road; the reason for the stalling of the construction work, and when it will start again and be completed.

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, first, I apologise for coming late. I beg to reply.

(a) I am aware that the construction work on Kisii-Chemosit road has stalled since March, 1998.

(b) (i) The total amount required for the completion of the project is Kshs819,804,445.38.

(ii) The amount already spent on the project is Kshs115,492,000.

(iii) The project stalled due to non-payment of the contractor certified certificates due to the prevailing economic situation during the last half of the 1997/98 financial year.

(iv) The contractor will be paid Kshs24 million, which is to be provided by the Treasury, to enable him to re-mobilise and resume work. He will be fully mobilised by January, 1999.

(v) The project will continue into the 1999/2000 financial year, and the Treasury will provide the required funds to facilitate payments to the contractor with a view to ensuring that the project does not stall again, and that the contractor continues until the project is completed towards the end of 1999/2000.

Mr. Anyona: Mr. Speaker, Sir, this is a "political road", which has been on the drawing board since 1965. My last contribution in this Parliament in 1977 was a Motion on this road. I was detained as a result of that Motion. I raised this Question many times in the Seventh Parliament. In the Eighth Parliament, we are still nowhere near ending this problem. The Minister says that the road will be completed by the year 2000. We are again targeting the next general election. Could he tell us what is the political part in this thing? Who is the owner of HZ Construction Company which has messed up with this road for all these years? Could that particular contractor be disqualified? This is because the Kisiiis are very angry with him.

Mr. Kones: Mr. Speaker, Sir, I am not aware of the political part of this project, but I know that there was some delay in payment to the HZ Construction Company. Due to that, he had to pull out because, naturally, no contractor will want to work without being paid. However, the Ministry has identified how it is going to pay this contractor, so that he will not stop work again, between now and the end of 1999, when we think the road will be completed. It is not fair to say that the same contractor has been dealing with this road. In fact, he is the fourth contractor to work on the road. Other contractors abandoned the project because of lack of payment. It should be understood here that this project is solely funded by the Government of Kenya. Sometimes, when there are some problems with the funding, the work on the road has to stop. I have had a very serious discussion with the Treasury on this issue, and we arrived at this conclusion. This time round, the work on the road will not stop again because the Ministry has identified the source of funding.

Thank you.

Mr. Magara: Thank you, Mr. Speaker, Sir. As we sit here today, some ballast is being made on this particular road and sold to people secretly. The people are purporting to be crushing that ballast for work on this

road. Could the Minister clearly name the people who are selling this ballast, which is supposed to be used in the repair of this road?

Mr. Kones: Mr. Speaker, Sir, I would like to request the hon. Member to come up again with that question, because it is not very clear.

Mr. Speaker: Mr. Magara, what are you talking about?

Mr. Magara: Mr. Speaker, Sir, the ballast which is supposed to be used in the repair of the road is being sold to people as we are talking here.

(Laughter)

Mr. Kones: Mr. Speaker, Sir, I thought that the hon. Member should be talking more about the road than the ballast. But I am not aware of that transaction.

Mr. Nyagah: Mr. Speaker, Sir, this is a road on which work began way back in 1965. Between 1992 and 1998 a total of Kshs250 million has been voted by this Parliament towards the construction of this road, and yet only Kshs115 million has been spent. Why has the money allocated by this Parliament not been put into the construction of this road? By whose authority was this money diverted, when Parliament allocated the money to complete the road? I have the figures of the money which was voted by Parliament from 1992 to 1998.

Mr. Kones: Mr. Speaker, Sir, once money has been allocated to a project, one cannot really trace where it goes to.

(Laughter)

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Kones: Let me answer the question. What is agitating you? The entire Kshs250 million was not used on that road. However, this time round, the Ministry is committed to completing this road.

Hon. Members: No!

Mr. Anyona: Mr. Speaker, Sir, first of all, the matter raised by hon. Magara is true. The ballast is crushed at Kimera Trading Centre, where I stopped at one time with the Minister. In fact, he saw it! It is true that, that ballast has been sold. If he says that he does not know where it is, I would like to remind him that he saw it when he was with me. It has been sold! Therefore, he will have to explain that later.

The Minister is saying that the Ministry is paying Kshs24 million to the contractor to re-mobilise. I would like to know precisely - and our people will be monitoring the development of this project from now on - when the money will be paid. I would also like to know when the re-mobilisation, will begin? Finally, the Minister should make sure that when the contractor re-mobilises he does not hire services of casual labourers from HZ Construction Company headquarters and other places.

Mr. Kones: Mr. Speaker, Sir, the disbursement of Kshs24 million will be done from the beginning of December, 1998. The contractor is expected to mobilise his resources immediately. We have ordered the contractor to have all the equipment on the ground at the beginning of January, 1999. From that time on, work will continue.

Secondly, it is common practice that once the contractor is working in a certain area, he is required to get casual labourers from that area. This should not be avoided. I am not aware that the ballast is being sold at the site where it is being crushed. If it is being sold, it should be borne in mind that the ballast actually belongs to that contractor. So, if he sells it, he will eventually get some ballast from somewhere to use on the road.

Question No.601

REHABILITATION BUNA HEALTH CENTRE

Dr. Ali: Mr. Speaker, Sir, I apologise for being late. I agreed with the Minister that since he does not have the right answer again, the Question should be deferred.

Mr. Speaker: Very well. The Question is deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

ALLOCATION OF KARURA FOREST

Mr. Anyona: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Who authorised the allocation of parts of Karura Forest between 1992 and 1996 and what acreage was allocated in that period?

(b) Who were the original allottees?

(c) Who have purchased some of the land from the original allottees?

Mr. Speaker: I understand that this Question was fairly ventilated. The Minister was ordered by the Deputy Speaker to table the names of the allottees today.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, that was the understanding at the time. I was requested to bring the list of names of the people who were allocated the land, but I would like to answer the Question afresh.

Mr. Speaker: Go ahead!

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, I beg to reply.

(a) The allocation of parts of Karura Forest between 1992 and 1996 was authorised by the Government under the provisions of the Forests Act, Cap 385, and the Government Lands Act, Cap 280.

(b) The following are the original allottees of parts of Karura Forest between 1992 and 1996.

Mr. Ndicho: On a point of Order, Mr. Speaker, Sir. The Minister has gone to answer part "b" about the original allottees when he has not answered part "a" about the acreage that was allocated at that period.

Mr. Speaker: Please, have patience, Mr. Ndicho. When he talks about the allottees and the acreage, you should be able to find out that.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, the following are the original allottees of parts of Karura forest between 1992 and 1996. Mavodo Holdings Limited, Mambui Investments Limited, Fired Earth Company Limited--- Since the names are 76, I hope you will allow me to read all them.

Hon. Members: Table them!

Mr. Speaker: Order! Table the names.

The Minister for Lands and Settlement (Mr. Ngala): Before I table the names let me answer part "c". Once the Government---

Hon. Members: We cannot hear!

Mr. Speaker: Order! There is basically a problem at that corner. The Members sitting there are behaving in a totally different way from the rest of the House. Can you, please, come to terms with the rest of the House?

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, I was replying to part "c". Once the Government allocates land to a person, it becomes private property---

Hon. Members: We cannot hear!

Mr. Speaker: Order! What is wrong with this microphone?

Mr. Ngala: Mr. Speaker, Sir, I will now answer part "c": Once the Government allocates land to a person, it becomes private property and subject to normal business transactions. I do not have the list of names of the purchasers as the Ministry is normally not consulted in this transactions. I now take the opportunity to table the names here.

(Mr. Ngala laid the documents on the Table)

Mr. Speaker: Mr. Ngala, under part "a", the acreage is the only thing you have not covered. Would you like to deal with that?

Mr. Ngala: Mr. Speaker, Sir, I do not have the acreage, but if the House so demands, I will make it available.

Mr. Speaker: Could one of you put that microphone over there? Those ones handling that machine over there, can it be done in a proper fashion? I do not want this to happen any more.

Mr. Anyona: Mr. Speaker, Sir, in actual fact, this Question was not ventilated at all because when the Deputy Speaker ruled on the procedural aspect, the Question was deferred entirely. So, today, we are really beginning afresh. I never asked any supplementary Question. Would the Minister---

Mr. Speaker: You are not entirely right. You did ventilate, although, of course, I take note that the Question was deferred. But you cannot forget the fact that a lot of questions were asked. I do not think it is in the

interest of the House to repeat what you said last time. So, I think the only thing you can ask is what was not asked the last time.

Mr. Anyona: Mr. Speaker, Sir, part "a" of the Question asks who authorised, and the acreage. So, the Minister cannot say he does not have an answer. In answering part "a", he said that the Government authorised the allocation under two different statutes. I would like the Minister to tell us, in addition to giving us the acreage, the process of Cap.385 where the Minister degazettes the forest and the Government then takes over. How was that done? Who did the degazettement and what was the purpose of doing that?

Mr. Ngala: Mr. Speaker, Sir, you will agree with me that, that is not my process. That is not my business because the degazettement is done by the Ministry of Natural Resources. As far as the process is concerned, the Ministry of Natural Resources is the one that does the degazettement. Once it degazettes obviously the land now reverts to the Government and then it comes to the Ministry of Lands and Settlement. So, the process that achieved this is not mine, it is now for the hon. Member to put it to the right Ministry.

Mr. Twaha: My question is---

Mr. Achola: Mwizi!

Mr. Twaha: Mwizi babako!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I am sure you have heard the exchange of insults in this House. Is it in order for an hon. Member to call another hon. Member a thief and then he responds "mwizi babako"?

Mr. Speaker: Mr. Ndicho, you are not making the House better. In fact, you are now becoming an amplifier.

Mr. Twaha: Mr. Speaker, Sir, my question had to do with the double standards adopted in dealing with the people who protest against land grabbing. Some gentlemen who were protesting against land grabbing in Mombasa have been arrested while those who protested at Karura Forest have not been arrested, and they are free. Why adopt these double standards?

Mr. Speaker: Would you like to answer what he has said?

Mr. Ngala: Mr. Speaker, Sir, I cannot answer that because that concerns a different Ministry where people are going against the law. I think there is a Ministry that deals with that.

Mr. N. Nyagah: Thank you, Mr. Speaker. Deregistration seems to be done in retrospect after the titles have been given, which means the Minister for Lands and Settlement has the power and authority to make sure that the titles are null and void. However, can the Minister confirm that out of 1041 hectares, 476.96 hectares have already been allocated and that only 564.14 of the land in Karura Forest is left?

Mr. Ngala: Mr. Speaker Sir, I do agree that there is a balance of 501 hectares, which is about 1000 acres of the forest intact. In fact there is a title deed that has been issued now for the remaining acreage. It has been issued to the Government. The custodian of any Government property is the Permanent Secretary in the Ministry of Finance.

Dr. Ochuodho: On a point of Order, Mr. Speaker, Sir. Ever since these Government officials were told not to use the term "word from above" they have resorted to another term: "the Government", as if there is somebody called the Government. Looking at the answer he gave to part "a" of the Question, he says the authorization was done by the Government. Now, he is telling us it is in the name of the Government. Is there somebody who he seems to be referring to when he talks about the Government?

Mr. Ngala: Mr. Speaker, Sir, I have to refer, at some point, to the Government because there are some regulations which apply to the Government. In this case, if he wants me to be specific, the Permanent Secretary in the Ministry of Finance is the custodian of Government property. So, the title deed is with the Permanent Secretary of the Ministry of Finance.

Mr. Badawy: Mr. Speaker, Sir, I would not like to underrate the importance of this Question, but at the same time, may I ask the Minister whether Karura Forest is the only forest that has been allocated from 1963 to date, and who are the beneficiaries of this allocation? Are they the same beneficiaries on the list laid on the Table by the Minister, and if not, which ethnic community has benefited most from 1963?

Mr. Ngala: Mr. Speaker, Sir, if it is the wish of this House to give the ethnic distribution of those who benefited most from the Karura Forest---

Hon. Members: From all the forests!

Mr. Ngala: Mr. Speaker, Sir, I thought the Question was asking about Karura Forest, or is he asking about all the forests?

Mr. Speaker: Order! What do you want to ask, Mr. Badawy?

Mr. Badawy: On a point of order, Mr. Speaker, Sir. If the Minister wants me to be specific, I want him

to tell me who are the beneficiaries of Kinale, Marmanet, Olorua, Lake Kenyatta and Diani indigenous forests?

(Applause)

Mr. Ngala: Mr. Speaker, Sir, I can prepare a list for all those forests which have been converted into settlements as mentioned by the hon. Member, to be laid on the Table of this House. We will do that, and he will get it.

Mr. Anyona: Mr. Speaker, Sir, I think it is important to exorcise this nation of this demon of land grabbing. Could the Minister, in respect of part "a" of the Question, and the answer in respect of part "c" of the answer, tell us the acreage? This is because when the transactions take place, the records are in the Ministry of Lands and Settlement. So, when he comes with the other list, can he break it down and tell us: "This was the original allottee, and he sold the land to so-and-so", right across, so that we can, once and for all, put this case to rest?

Mr. Ngala: Mr. Speaker, Sir, I do not think it would be appropriate for me to do that. Last week when the House was so much concerned about this Question, I was taken to task to give the list of the original allottees only. I have given the names, and I did say that it is not possible to give details of the other subsequent changes because when you have a plot, as I have said in my answer to part "c" of the Question, it is your property. I do not get consulted in the whole thing. So, it is not easy for me to give all these details, and I do not think I can do that.

Mr. Speaker: Very well. Mr. Raphael Wanjala's Question.

(Several hon. Members stood up in their places)

Order! Order! I have given that Question 20 minutes instead of four! Mr. Raphael Wanjala's Question!

REPAIR OF DYKES ALONG NZOIA RIVER

Mr. Wanjala: Mr. Speaker, Sir, I beg to ask the Minister for Rural Development the following Question by Private Notice.

(a) Is the Minister aware that the dykes built in 1982 along Rive-Nzoia in Budalangi Constituency are broken and that as a result, there has been continuous flooding in the area?

(b) Is he further aware that the deluge has submerged roads, farms, houses and schools, thereby forcing over 13,000 families to camp at higher grounds in Budalangi?

(c) If the answers to "a" and "b" above are in the affirmative, what urgent steps is the Minister taking to repair the dykes in order to end the suffering of the local people?

The Assistant Minister for Rural Development (Mr. Sirma): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the dykes built in 1982 along River Nzoia in Budalangi Constituency are broken and as result, there has been continuous flooding in the area. This was more prominent during the *El Nino* induced rains of 1997, which contributed to the breaking of the dykes, resulting in urgent preparation on resealing of the bridges using the *El Nino* Emergency Fund.

(b) I am aware that the deluge has submerged roads, farms, houses and schools, forcing families to camp on higher grounds.

(c) My Ministry, through the Lake Basin Development Authority (LBDA), has made preparations which are at an advanced stage to embark on resealing of the bridges, but due to lack of funds, the LBDA has been unable to undertake the necessary repairs. However, since the damage to dykes was caused by the *El Nino* induced rains, the rehabilitation work has been taken over by the *El Nino* Project, which is under the Office of the President. The repairs are estimated to cost Kshs29 million. The *El Nino* Project--

(Loud consultations)

Mr. Speaker: Order! Order, Members! The hon. Member for Budalangi, Mr. Raphael Wanjala and others, and the people of Budalangi, are interested in the substance of the Question put by the hon. Member. As it is now, they cannot follow what the Assistant Minister is saying. So, there is injustice done to Mr. Wanjala and the people of Budalangi and other hon. Members who are interested. Can we consult in reasonably low tones?

Proceed.

The Assistant Minister for Rural Development (Mr. Sirma): Mr. Speaker, Sir, however, since the

damage to dykes was caused by the *El Nino* rains, the rehabilitation works have been taken over by the *El Nino* Project in the Office of the President and are estimated to cost Kshs29 million. The *El Nino* Project has appointed consultants who are currently in Busia District assessing the repair of the dykes. The rehabilitation work will include the resealing of the broken dykes, compacting of the weaker areas along the dykes, draining of the river and its tributaries to flow smoothly to Lake Victoria, clearing of the blocked drainage and lining of the first kilometre of the main embankment around Longwe (?) hills to prevent backflow of the water into the farmlands and homes.

Mr. Wanjala: Mr. Speaker, Sir, as you may be aware, the people of Budalang'i have suffered since October, last year. It seems that the Government has sluggishly moved in and up to now, as he is talking, we have not seen anything on the ground. I did request the Government that since we have the National Youth Service and Kenya Army, who are just eating free taxpayers' money and doing no work in this country, whether the Assistant Minister can assure this House that he would deploy the National Youth servicemen and the Armed Forces personnel to go and repair dykes because people on the ground are really suffering?

Mr. Sirma: Mr. Speaker, Sir, I sympathise with the hon. Member for Budalangi for the floods in his constituency. We shall approach the National Youth Service if they will be able to assist in that project.

Mr. Orenge: Mr. Speaker, Sir, the problems of flooding in Budalangi are constant and perennial. Almost every year, there are floods in Budalangi and the same promises are given by the Government that dykes are going to be repaired, and so on. What is the Government doing to ensure that this problem is resolved once and for all? It seems that every year that we have this problem, the same answers are given and, thereafter, nothing is really done.

Mr. Sirma: Mr. Speaker, Sir, already funds have been allocated through the *El Nino* Project, and something is going to be done very soon.

Mr. Kombo: On a point of order, Mr. Speaker, Sir. The Question was seeking for a long-term solution to the problem. We have not been given the answers!

(Loud consultations)

Mr. Speaker: Order! Order! You can see the amount of trouble we have. I cannot even follow what the Assistant Minister is saying, and I cannot even follow what hon. Musikari Kombo is saying. I think we are entitled to hear what he says. So, can we, please, give audience to the Members on the Floor? Mr. Kombo, what was your complaint?

Mr. Kombo: On a point of order, Mr. Speaker, Sir. The hon. Orenge asked a very specific question. He asked what the Government is doing to seek long term solutions, so that people of Budalangi do not have to suffer year in, year out. The Assistant Minister is not giving that answer and yet it is very specific.

Mr. Sirma: Mr. Speaker, Sir, studies have been carried out in Budalangi and recommendations have been done by the consultants. What is only lacking is the money which we are now preparing to give, that is, Kshs29 million, which has been allocated by the *El Nino* Funds Project.

Mr. Raila: Mr. Speaker, Sir, this is a very serious matter indeed. The Nzoia River has been studied so many times. I was part of a consulting team in 1979 that did a feasibility study as control of the Nzoia River. So, the Government should not come here 20 years later to tell us about studies being done. Studies were done over 25 years ago. Could the Assistant Minister tell this House what the Government intends to do as a permanent measure, to control the perennial flooding of Nzoia River and even Yala River?

Mr. Sirma: Mr. Speaker, Sir, the recommendations from the consultants were on the resealing of the broken dyke in Nzoia, and that is what this money has been allocated to do.

Mr. Raila: On a point of order, Mr. Speaker, Sir. I said that the recommendations were done way back in 1979, and from that time, the Government has done nothing. Is the Assistant Minister in order to come and mislead the House that recommendations have been done now when they were done 20 years ago?

Mr. Sirma: Mr. Speaker, Sir, the recommendations had been done earlier, but what was only lacking was the funding.

Dr. Kituyi: Mr. Speaker, Sir, the good Assistant Minister is telling us that recommendations were done much earlier for long-term solutions. Some of those long-term solutions were recommended before the doing of the dykes in 1982. They had nothing to do with the resealing of broken dykes. Could the Assistant Minister tell us what those long-term recommendations that he is talking about were?

Mr. Sirma: Mr. Speaker, Sir, the recommendations by the consultants are with the Ministry and we can table them in this House.

Mr. Speaker: Very well! Time up for Questions. Question No.3 by Private Notice is deferred to Tuesday.

GRAVELLING OF WAMUNYU-KALAWA ROAD

(Mr. Munyao) to ask the Minister for Public Works and Housing the following Question by Private Notice:-

- (a) Could the Minister inform the House who won the tender to grade Road E713 Wamunyu-Kalawa Market, the cost of the contract and when the construction work started?
- (b) Could the Minister further inform the House how much work has been done on the ground and whether the contractor will finish the construction work within the agreed time frame?
- (c) In view of the above, could the Minister consider cancelling the contract and using his Ministry's officers to grade the road while making arrangements to engage a more competent contractor to complete the murraming and gravelling of the road?

(Question deferred)

Mr. Speaker: Before we go to the next order, I would like to remind the House, that yesterday I gave leave to the hon. Member for Wajir, Mr. Keynan to have the matter of the massacre in Wajir discussed at 5.30 p.m. today. Although Mr. Keynan is not here at the moment, I suppose he will come.

MINISTERIAL STATEMENT

ADDITIONAL INFORMATION:
TAX SURRENDER TO KRA

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Speaker, Sir, two weeks ago, while answering Question No.044, raised by Dr. Kituyi, I was asked to provide the House with additional information as to why KPTC did not surrender to the Kenya Revenue Authority the full amount of tax collected. In this regard, I wish to state the following.

There were difficulties experienced in collection of final accounts from Government and private customers billings. As at 30th June, 1998, for example, the Government owed KPTC Kshs4.8 billion, while private customers owed it Kshs4 billion. The Corporation's revenue collection rates on its monthly billings averages 81 per cent, resulting in a shortfall of 19 per cent. This shortfall represents uncollected bills for which VAT has to be paid from operating revenue. I am happy to confirm that despite all this, KPTC is presently current on tax remittances. It is, indeed, regrettable that KPTC fell into a situation in which it did not remit on time tax collected. Firm measures have been put in place to ensure that this does not happen again. In the meantime, following a review and strengthening of the Corporation's cash flows, the Corporation pays to the Kenya Revenue Authority Kshs220 million monthly against VAT declarations of Kshs140 million. This means that the tax arrears of Kshs1.8 billion are being remitted to KRA at the rate of Kshs80 million per month and will be fully liquidated in the next few months.

Mr. Speaker, Sir, I wish to assure this House that KPTC is solvent and does not require to use VAT collections to sustain its operations as cash flows have since improved following the liquidation of the bulk of its external debts and its determination. Kenya Posts and Telecommunications Corporation is determined to adhere to strict budgetary controls on all the operating expenditures. Credit liabilities and other financial obligations are currently being met on time.

Dr. Kituyi: Mr. Speaker, Sir, if you listen to what the hon. Assistant Minister is saying, he went to great lengths of describing how KPTC is doing well today, which is totally irrelevant to the question that he was asked to answer.

Mr. Speaker, Sir, whether a company has problems of revenue collection reaching its targets or not, has nothing to do with remittance or the failure to remit what you have collected as tax. Since the taxes collected were never capitalised as part of the revenue of KPTC, could the Assistant Minister tell this House---

(Loud consultations)

Mr. Speaker, Sir, can you protect me from Prof. Anyang'-Nyong'o and Mr. Wako?

Mr. Speaker: Order! Order! And the Chair should also be protected from hon. Members. I think consultation should be done through the Table.

Proceed!

Dr. Kituyi: Could the hon. Assistant Minister explain where the nearly Kshs2 billion went? And since it was failure to surrender money belonging to the Government of Kenya, which was not turned into the revenue of KPTC, what remedial action was taken by the State against the culprits in the disappearance of Kshs2 billion? What did you do to the Chief Accounting Officer at the time?

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Speaker, Sir, we dealt with these questions at length when this Question was initially raised. But I will table a copy of this statement because I believe that it contains the bulk of what Dr. Kituyi wishes to raise right now. I have explained in this statement that there is a short- fall of approximately 19 per cent of the total Corporation's revenue collection. This short- fall represents uncollected bills for which VAT has to be paid from operating revenue.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Kshs2 billion was levied as tax. That money was never used for the purposes of KPTC. Today, KPTC is using its revenue to pay back what it has surrendered as tax. Somebody failed to account for the Kshs2 billion. What have you done to the people who misappropriated the Kshs2 billion; not what you are doing to improve revenue collection; what did you do to the team?

Mr. Obure: Mr. Speaker, Sir, the statement I have just issued contains a summary of all the actions that have been taken.

Mr. Speaker: Very well. Next Order!

BILL

Second Reading

THE NATIONAL HOSPITAL INSURANCE FUND BILL

(The Minister for Health on 8.10.98)

(Resumption of Debate interrupted on 11.11.98)

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Asante sana, Bw. Spika, kwa kunipatia nafasi kuzungumza juu ya huu Mswada. Tuna wajibu kupitisha kila mswada kwa utulivu na kuangalia sawa sawa kwa sababu ulimwengu wa Kenya sasa ni mkali sana. Kama kuna pesa zimekusanywa katika mkoa fulani, zibakishiwe wenyewe kule, ili wao wapate kuzitumia sawa sawa. Hii ni kwa sababu siku hizi, kila mmoja anavutia kwake. Mswada wowote unaokuja hapa, kila mmoja avutia kwao, na mali ya kwao yakiguswa, hukasirika sana. Nia ya kukasirika ni kwa sababu watu wanataka chao. Lazima tuchungulie kila Mswada ambao unakuja hapa kupitisha mambo ya pesa. Ikiwa ni Mkoa wa Pwani, Rift Valley, au Mkoa wa Kati, pesa zikusanywe na ziwekwe sawa sawa ili wengine wasije wakaharibu. Iko nini, Bw. Haji?

Mr. Speaker: What is happening now?

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Mheshimiwa Haji anazungumza Kiswahili cha kwao, lakini kwa nguvu.

Mr. Speaker: Sahau hayo kabisa.

(Laughter)

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Bw. Spika, ni lengo la kila Mheshimiwa aangalie mambo ya nyumbani kwao sawa sawa. Kwa sababu umepewa kura kwenu, ni lazima uhifadhi mambo ya kwenu. Na hata leo tumepata elimu kwamba, ukishika mali ya mtu mwingine, atakasirika. Wao wakila mali ya wenzao, hawaoni ubaya, lakini ukila mali yao, huo ni uchungu mkubwa. Tena uzuri wa serikali ya KANU, iliposhika usukani, haikusema tufanye tabia ya vyama vingi, au wale walio katika Serikali, wawe ni watu wa chama cha KANU. Tunasema watu wote wafanye kazi kama Wakenya. Lakini wengine wanaharibu. Kwa kusema ukweli, katika Wizara yangu, nimeajiri watu 20,000, lakini hakuna hata asilimia moja ya kabila yangu. Na ukisikia watu wakisema habari ya wizi, wezi si wale watu wa KANU, ni kila mtu. Ikiwa wanataka kuilinda Serikali, watailinda; na ikiwa wanataka kuiharibu, wataiharibu, kwa sababu hawana imani nayo. Lazima tuchunge hizi pesa, ili kusiwe na wivu tena kwa sababu wivu wa viongozi wetu sasa

umekuwa mkubwa. Imani ya wananchi hawana; ni wivu tu. Wakiona mwenzao amepata chochote, wanasikia vibaya. Lakini wakipata wao, wanafurahi. Lazima twende katika Katiba mpya na Mawaziri watoe bidii zao, wapime tamaa na kwenda kubadilisha---

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Yes, what is it?

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Speaker, Sir, I do not want to take hon. Nassir's time, but I cannot follow what he is saying. He is talking about multi-partyism. Can he be specific because we are talking about the National Hospital Insurance Fund? Is that relevant?

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Bw. Spika, siwezi kumjibu sana mhe. Sumbeiywo, lakini nitafuata laini yangu. Ikiwa tunafanya Bill hii kwa sababu ya wananchi, na kuna kilio cha wananchi, ananiambia nishike laini moja nikubali tu? Ni lazima nitoe mambo ambayo yanahusu Bill hii, na haya yanahusu pesa za hospitali. Hospitali hii, kama ikichukuliwa; ikiwa kuna wivu kama huu twaona wa ardhi, hiyo itakuwa vipi baadaye? Wafanyikazi si wa KANU. Ni lazima niwaeleze. Lakini wakati hii pesa itakapochukuliwa, ni lazima kila mkoa uangaliwe sawa sawa. Tunalia kwa sababu, watu wengine wanaona Kenya ni Nairobi peke yake. Hawajui Kenya ni kubwa. Nairobi ni ile ile, hakuna nyingine. Ndio maana ninasema hizi pesa zikichukuliwa, ni lazima zichungwe sawa sawa na ziende kwa wale waliozitoa. Ninasema hivi kwa sababu jana kulikuwa na maneno kama haya; mhe. Mbunge mwenzangu alikuwa hapa wakati huo. Walisema Serikali ya Kenya ni ya wanyang'anyi, na sasa, wao wenyewe hawamo katika Serikali. Wanaopeleka Serikali ni Wakenya. Tulileta vyama vingi, lakini wale wanaofanya kazi ni watu wa vyama vyote na makabila yote, na wanaharibu nchi halafu Wabunge wanakuja kusema hapa kwamba ni Serikali ya wezi. Wale walio katika Wizara ya Fedha au yangu na nyingineyo ambao ni wanyang'anyi ni wangapi? Kwa hivyo, mimi ninasema ni lazima maneno haya yachunguzwe kwa makini ili watu wapate kuelewa.

Kwa hayo machache, naunga mkono.

Mr. Raila: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Bill.

Mr. Speaker, Sir, I do not support this Bill in its present form. Health is a very important aspect of a nation's life. We are saying that health is a basic human right, and that, each and every Kenyan is entitled to quality health services. We have watched with a lot of sadness as health care continues to deteriorate in our country over the years. The Government has accepted policies that have been imposed on it from external forces.

Mr. Speaker, Sir, because of poor policies generally in the management of the economy, the Government has become so vulnerable to external pressures which are harmful to the health of this nation. That is the reason why the Government has adopted the policy of cost-sharing in the provision of health services. In situations of extreme poverty, such as exist in our rural countryside, you cannot leave it entirely to the forces of the market to determine allocation of resources. We have been talking about cost-sharing but you can only share what is available. You cannot share what is not available. Kenyans who are living in the rural areas and who have nothing else to share with the Government have been excluded from provision of health care. This nation is basically crying.

Mr. Speaker, Sir, it is with that view in mind that I am saying that, this Bill, as presently drafted, does not meet the basic requirements of this country. Every person is vulnerable. Every person can actually fall sick, and the National Hospital Insurance Fund (NHIF) is a social security that is supposed to cater for somebody when he becomes sick, and when he is not able to provide for himself. This Bill is predicated on the premise that the Government is the best custodian of public funds. However, the experience in this country has shown that, in fact, public funds are much safer in private hands. I have an example that public funds are safer when invested, for example, in the shares of Kenya Breweries or BAT than in the National Social Security Fund (NSSF). Therefore, it is wrong for one to operate on the assumption that if public funds are left in the hands of the public servants, that they are safer. Our experience has shown that, in fact, this is not the case. For example, the NHIF has lost millions or billions of shillings because of poor investments in certain shaky banks, most of which have actually collapsed. That is why, if the Government is now trying to depart from that policy, then, the Government should take a bold move and create a completely independent and autonomous institution to be in charge of this fund.

Mr. Speaker, Sir, remember one of the reasons for the American Revolution was that, there should be no taxation without representation, and this is fundamental; that, if the people are going to pay, then they must be represented where decisions are being made on the funds that they are paying. This does not take care of that because you are creating a fund out of the contributions from the ordinary Kenyan. The Government is putting no money in it and yet, the Government wants to have the maximum share in terms of decision making in that fund. We are saying that this is not fair. It is not fair that the Government should create a board that consists of nearly

50 per cent of members of the Civil Service. I am saying that, this is not right and that is why I am suggesting that we should try to create a much more independent and autonomous board.

Mr. Speaker, Sir, this Act states:

"The chairman of the board shall be appointed by the President by virtue of his knowledge and experience in matters relating to insurance, financial management, economics, health or business administration".

We have just gone through an exercise where we have decided that, it is not fair for one person to appoint the head of an institution like this. We have decided, for example, that the chairman of the Constitutional Review Commission is going to be elected by members of that Commission, and that the President is eventually going to appoint the chairman once he has been nominated by the members of the Commission. We are moving away from the era where the Executive does all the appointments because here we have a situation where we have the Chief Executive being the, Head of State and also the Head of Government. That is why we are suggesting that, we should subject most of these appointments to vetting by Parliament, and this is not going to happen if this Bill is passed the way it is.

Mr. Speaker, Sir, I am suggesting that the chairman of this fund must, or should, be appointed by or be elected by members of the board. Similarly, we are saying here that the chief executive is to be appointed according to the Act. Section 10 states:

"There shall be a chief executive officer of the board who shall, subject to the directions of the board, be responsible for the day-to-day management of the board and who shall be the secretary of the board, and the chief executive is going to be appointed by the Minister".

Now, why can we not specify the qualifications of the chief executive officer? The Act is silent about that. That ought to be clearly specified in the Act. Secondly, why can we not advertise this job, so that it becomes competitive, so that the people who are qualified apply, and are vetted, and eventually appointed by the board? I am saying that this particular clause ought to be changed, so that this officer is subjected to vetting by the board. We have long abandoned the system of competition for positions in the Civil Service and even in the parastatals, so that the executive merely appoints individuals.

Mr. Speaker, Sir, the NHIF last recruited professionally in 1969. That was the last time that, the job of the chief executive of this particular institution was advertised, and that is when there was competition and a competent officer was appointed. That particular officer lasted for 10 years in that position and when he was removed in 1979, to date, nobody else has ever been subjected to any kind of interview. So, most of the executive officers who have since that time occupied this position have not lasted for more than two years. They have been recruited from other sectors of the public service and have come in without any knowledge and know how about this institution. They have messed it up and looted it, and then, they have been transferred to some other places. We are saying that this needs to be stopped.

Mr. Speaker, Sir, the other aspect of the Act that needs to be looked into again, is that of auditing and control of the funds. The Act states: "That the accounts of this fund shall be audited by the Controller and Auditor-General". We know how inefficient that office is. That office is good for the purposes of auditing books of the Government, but it is totally inadequate for the purposes of auditing an institution that is supposed to be operated along the lines of a private company. We are, therefore, saying that this Fund should be allowed to appoint independent firms of auditors, which will be able to quickly audit their accounts, so that the contributors can know how their funds are being managed. We are saying that, that should be included in the Act.

Mr. Speaker, Sir, the very aspect of this Act which we want addressed has something to do with investment of surplus funds. In the past, as I have said, surplus funds have been invested in dubious investments, particularly in real estate. Low quality, over-priced real estate properties have been used to siphon money out of this Fund. We are saying that there should be a provision for the funds to be invested only in institutions with trustee status. The board should not have authority to invest this money elsewhere. We must be sure that the money that will be collected - and it is a lot of money - is safe. So, we are suggesting that an end be put to this looting of public funds, which has continued through institutions like the NHIF and the NSSF.

The other aspect of this Bill that I want to talk about has something to do with the benefits. One clause talks about inspection and licensing of some institutions to provide services. I would like to see a clear criteria put into the Bill as to how this will be done, so that other institutions are not subjected to discrimination. I am saying this because some two years ago, several health centres, mainly in Western and Nyanza Provinces, were closed by the NHIF, supposedly for making false claims. Very many people were arrested and arraigned before courts. The institutions remained closed for a very long time only to be re-opened because there was no substantial evidence against the officers in those institutions. The question I would like to ask then is this: Why was this confined only to Western and Nyanza Provinces? Why were institutions in Nairobi, Coast, Eastern, or Central Provinces also not

subjected to this kind of audit? It was very strange that only institutions in Western and Nyanza Provinces were supposedly defrauding the NHIF. So, I am saying that because of previous abuses, we need to put provisions in this Bill that will ensure fairness in inspection and licensing of institutions under the Bill.

Mr. Speaker, Sir, another thing which was done in other countries in order to prevent over-charging--- The Fund should adopt a system whereby it will negotiate annually with the providers of health care services and agree on actual costs and other arrangements. The Fund should negotiate with most providers of health care services on their actual costs and profit margins. Once that has been done, the costs remain constant for the agreed period of time. If this is done, members of the public will be protected from over-charging by the health care institutions. The public will know the charges of each health institution. The negotiation will be done by a bigger fund. In that way, one will get quality discount from the fund. So, this also ought to be provided for in this Bill. It should provide that the Fund shall negotiate the rate to be charged by health institutions, and that will be refundable from the Fund.

Mr. Speaker, Sir, I agree with the provision that outpatients will now benefit from this Fund. That is where most people suffer. The people who need the Fund most are, actually, the outpatients. I want to repeat that the Government is not actually a stakeholder. That is why I want the list to be revised in order to take account of the actual stakeholders. In my view, the real stakeholders here are the contributors, doctors, hospitals, drug firms, employers, workers, business people, farmers, self-employed people and insurers.

Mr. Speaker, Sir, therefore, I am suggesting that we have a representative in the NHIF Board each from the Central Organisation of Trade Unions (COTU), the Kenya National Union of Teachers (KNUT), the Federation of Kenya Employers (FKE), and the Kenya National Chamber of Commerce and Industry (KNCCI), which is not included in the list right now. Also, there should be three persons who are appointed by the Minister for Health, because of their knowledge and experience in the medical insurance field. The following bodies should also be represented: one representative from the Kenya Farmers Association (KFA), one from the Kenya Association of Private Hospitals, one representative from the Pharmaceutical Association of Kenya (PAK) and a representative from the Association of Insurers of Kenya.

As I said earlier, I would like to see the chairman of this board being elected by its members. If we do this, we will ensure that there will be fair play. I would like to conclude by repeating what I said earlier; these days, public funds can be much safer in the hands of independent boards of directors than in the hands of public servants. So, this is something which we need to experiment with. I am sure that if this is done, we will realise some benefits as has happened in other countries. I am saying this because I have made several consultations. I know that this is what is happening in Japan, the United Kingdom and in the Scandinavian countries. The results in these countries are there for everyone to see.

Mr. Speaker, Sir, we want to create a fund that will alleviate the suffering of our people. Therefore, we want to have a board that is independent and autonomous. As drafted, this Bill handcuffs the board. It makes the board actually impotent because it board has to consult the Minister for Health on each and every matter. It makes a mockery of the independence that is stated here because the Attorney-General is on one hand saying that he is giving this board autonomy, but on the other hand, he is actually removing all the powers from the board by saying that they have to refer everything to the Minister. There is no difference between a Government department and the fund as now proposed here by the Attorney-General. There is no difference between this board and the NHIF as a department of the Government. I would like the Government to relook at this Bill and bring it back to this House with those necessary amendments.

With those few remarks, Mr. Speaker, Sir, I beg to oppose.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. A healthy nation is an asset to its people. We are discussing about funds which are going to be contributed by employers and employees. It is very important that once the money has been raised by the contributors, it should be safeguarded and properly utilised. The money should be made available when it is required by the contributors. It is very important that the members of the board are people of integrity, mature and have experience in handling funds, not any funds, but funds of such magnitude. The funds that are going to be contributed by the members are going to be colossal sums, so, we need to have upright and honest people. I want to suggest to the Minister concerned that he ensures that when these funds are collected, they are invested in reputable financial institutions as opposed to the present situation where public funds are invested in "jua kali" banks which have let down our investors.

Mr. Speaker, Sir, my appeal to the Minister is that the Board members must ensure that once the money has been collected, it must be properly accounted for and should be readily available when contributors require it. I notice from the Bill that the Fund will not meet payments for accommodation and food. I would like to suggest that this one should be included because once a person is hospitalised--- It says under Section 22(4):-

"No payment shall be made under this Section for expenses incurred in respect of food or boarding costs."

I would like to be corrected, Mr. Speaker, Sir, because I believe that when a patient is admitted in a hospital, he or she will need accommodation and food. So, I would like to suggest that, instead of the Fund paying only for drugs, laboratory tests, diagnosis and, surgical services *et cetera*, food and accommodation should also be included because this is part of the treatment the patient receives when hospitalised. It is very important that we pass this Bill, so that the contributors can benefit from their contributions by making the Fund meet all the medical bills. I do not see anything wrong in including some of those unions that represent more employees as proposed by hon. Raila; that some of the unions or organisations with a large number of employees be made members of this board, so that they can also have a say in the betterment of this Fund. I believe this Fund does not belong to an individual or a group of employers or employees; it is a Fund that covers all employees and employers who are eligible to contribute to this Fund.

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

Mr. Kibicho: Thank you, Mr. Speaker, Sir. The Bill is very important as it will go a long way in the provision of health services to our people. But if you look at Section 15 of this Bill, it is mandatory for members to make their contributions to this institution, but it is not practical to force all people who qualify under Section 15 to pay their contributions. I suggest that in respect to those who are self-employed and others who are in formal employment, their contributions should be taken only if they decide to join the Fund.

Mr. Speaker, Sir, this Fund, being very large as it is, and going by the past experiences in this country; and if it will be controlled in the manner described in this Bill, where the Government has got absolute control in the sense that it is represented on the board by the Permanent Secretaries of Health and Finance, and other people appointed by the Ministry, it will be more or less like any other parastatal we have in this country. In this country, parastatals have failed to deliver. Every hon Member who has stood here to contribute, including those in the Government, have agreed that parastatals in this country are not transparent, and that they are ridden with corruption. How can we then create another parastatal and leave it to the same culture? I would suggest that after this Fund is incorporated at the end of the hon. Members' contributions, the contributors must compose themselves into an electoral college - a sort of general meeting - and appoint a board of management, instead of the people who have been named by this Bill. If that happens, we will have a Fund which is accountable to the contributors' themselves, so that they can own it themselves. As one hon. Member has already said here, the stakeholders are the contributors, and not the Government. So, these people themselves must control this Fund during the general meetings. They can do so if it is provided for in an amended Bill. The chief executive has to be appointed by them through an advertisement, so that we can get a person who is competent. If this is done, we shall have an organisation which is accountable to the people who pay money to it. This is better, instead of having a situation where we have a Fund, and everybody who has a bank in this country and thinks that the bank is going to collapse, goes to convince the Board, or the management, that the money must be put in his bank. After few years or months, the bank collapses. We have had a similar situation in the past. Let us have professionalism and go by the examples of other countries where similar organisations have succeeded. Let us not continue with the same old culture of "everything must be a parastatal, and everything must be controlled by the Government." What is this fear, that the Government does not want to leave anything to be controlled by the people? All the time, they want to control. Past experience has shown that the Government has failed in this way.

Mr. Speaker, Sir, though I am supporting the sentiments which are provided in this Bill, I still feel that the Government must not be complacent. The Government should not think that by enacting this Bill, they have provided, or they have now solved every problem in this country. We live in a country where about 50 per cent of our population live below the poverty line. These people will not be able to contribute to this Bill. It means, therefore, that this Government is duty-bound to provide free medical services, if they care for their people. If you are poor, it is not your choice that you are poor and, therefore, you should not be left to die simply because you have no money. We have a lot of suffering in this country, where people are unable to pay hospital bills. We have situations in this country which are very shameful. You find that somebody has been held up in a hospital simply because he was unable to pay a hospital bill. These are issues which this Government must address itself to. The policy of cost-sharing that we have in this country has not solved the problem. So, I submit that, notwithstanding the provisions of this Bill and its aims, this Government should not be complacent. This Government must still provide free medical services. It is the right of every Kenyan to get medical treatment. It is inhuman for a person to die simply because he cannot afford to pay hospital bills. A Bill like this which allows its citizens to die simply because they do not have money to pay for their hospital bills violates human rights.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I do support this Bill so long as it can be amended, so that all institutions are managed by the people as opposed to being managed by the Government.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I have read this bill, and the amendments proposed by the Committee because when the Bill went to the Committee, they made some proposals. I have also listened to the proposals made by our shadow Minister for Health, hon. N. Nyagah, which were the DP stand on this Bill. We feel that, despite the weaknesses which we will cite here and there, the Bill is very beautiful. In fact we are very happy that the KANU Government has been very good in copying other people's manifestos. I am very happy so far that they have copied, although they have copied the wrong way. In our manifesto, we had shown what we will do with some Ministries and departments. We had proposed particularly what we are likely to do with district hospitals in order to curb the loss of drugs, and create a Fund of this kind. Unless somebody who is copying is very careful, he or she will never copy properly. I would urge the Leader of Government Business and the Attorney-General, through the Chair, that, immediately we pass this Bill and many others, they should heed this advice: When they copy from us, they will never copy properly. But, perhaps, they can make some initiatives. We will organise some seminars and tell them exactly what we intended to do with the Fund because, as they copy from us, they will never know how to copy properly. But if we organise some few seminars, they will never make a mistake.

Mr. Temporary Deputy Speaker, Sir, the idea of the Fund was in this DP manifesto. We knew what to do, and what to organise and everything else. However, we compliment the Government side for the efforts being made so far. I hope they will go along with it.

Mr. Temporary Deputy Speaker, Sir, hon. Dr. Anangwe yesterday spoke about the "spouse" as expressed in this Bill. In our culture, particularly in my community, one is allowed to have more than one wife as long as he or she has declared her as his wife. I propose that all the wives in a polygamous set-up be covered and be given the treatment of a genuine spouse in the Fund. I do not have to produce a certificate to show all the women who are married to me and my children. In any case, we have got evidence where some hon. Members have been capable of producing so many children, and it is even in the records. If we limit the number of children who will benefit from this scheme, so many beneficiaries will be locked out. I would like to request that as we pass this Bill, the onus of proving who should benefit from this scheme should be left to individuals who are covered under this scheme. As the Act stands now, it limits the number of beneficiaries to one wife and four children. If it is left to the individuals, this will be genuinely claimed.

Mr. Temporary Deputy Speaker, Sir, we are also concerned with the definition of a hospital. The institution where one has to visit in order to qualify for this ought to be specified. At the moment, there are claims which are given differently. Different hospitals have been given different rates and limits for patients to claim. My wish is that a patient must be covered fully because in this way, we will feel that we now have a Fund to take care of our health. The issue of treating patients differently should not be there. Hospitals must be standardized. It should not be that anybody can put up a structure which looks like a hospital and later come up with a claim. This was the reason why some two years ago, the Attorney-General had to do a lot of work because so many doctors were found to be cheating. They had to cheat because of the differences in the amounts allowed to be claimed by different hospitals and different institutions. We should address ourselves as to what is an acceptable hospital. Human life is precious and there is no need of having certain categories of people treated at Nairobi Hospital, Aga Khan, Masaba and so on, while others are treated at different hospitals. As long as somebody is a contributor, he should be allowed to be treated in any hospital.

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

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

As long as somebody is a contributor, he should be allowed to enjoy the benefits of the insurance cover. I am disturbed because at times, we have had to bury our people after raising money to meet medical expenses. This is because when one is admitted in hospital, one cannot meet the hospital bill. This must be totally eliminated. It is better for us to pay a little bit more so that the Fund can pay one's total bills. The Fund should also consider paying funeral expenses for contributors. This could be standardized because all contributors are the

same. That should be the case so that when I die or the Attorney-General dies, the same amount of money is paid to our beneficiaries. I am sure every hon. Member has gone through this embarrassing process, whereby every other week or month, you are summoned to attend some Harambees to raise money for funeral expenses or pay medical bills that were incurred by a person who has died. If that happens, that person will leave a lot of problems to the spouse and the dependants. It would be better if the expenses related to life were harmonised. In any case, that is why we have insurance policies; it is a risk which we are trying to prevent.

Mr. Temporary Deputy Speaker, Sir, we have seen insurance bodies like the AAR and others where you only need to give the name of the hospital where you have been admitted and they will pay the bills. This is a situation which I would like to see obtaining in the NHIF. For that matter, I would like this to extend to all other people when they are working and when they have retired because they remain Kenyan citizens. I think there will be nothing better than that.

Mr. Temporary Deputy Speaker, Sir, the issue of the chief executive has been discussed at length. I do not want to repeat it, but what I would like to say is this. We have seen a lot of influences and campaigns particularly when parastatal bodies are incepted. People would like to have their friends and people from their communities heading such parastatals. We must live beyond this. If you want your person to be the chief executive, he must be a qualified person. We want somebody who is qualified to be given that job. For this matter, I would say that we would want to take the highly qualified chief executive to run this organization. He should not necessarily come from my community. Even if he is going to be the immediate brother of the Minister for Health or even the Director of Medical Services, I would not care as long as he will be qualified. The professional qualification should be the basis of appointing the chief executive, but not any other relationship. In so far as the chairman is concerned, the President appoints, but the board members must elect him and, if possible, such an election should be ratified by this House. Parliament must have a say on such individuals who are appointed to run such corporations. They must be people of good character, whom we can stand to support. Such appointments should be brought to Parliament and be approved by 65 per cent of the Members of Parliament. That way, we are going to get people of balanced mind and required qualifications.

Mr. Temporary Deputy Speaker, Sir, the Bill talks about the board being able to invest its own earnings. I have no quarrel with that. Investment is good because the Fund will be raising money, and it will be prudent that they generate more money. But for the money to be invested, it must be approved by about 75 per cent of the board members. I am saying this because in the past, we have seen what has happened. Some chief executives go to dine with some people and the following day we hear that billion of shillings have been invested there based on the friendship of these two. The investment policies must be discussed by the board and approved. Members of the board must accept that the investment the Fund is undertaking is a prudent one.

What worries me is the dispensing of medicine in this country. About 10 to 15 years ago, it was so difficult to walk to a chemist and buy any drug. In any case, chemists were fewer than they are today. Today, you can buy any drug from a chemist. They do not care about a doctor's prescription. I do not know what is happening in this country. In any case, in those years, chemists were fewer than they are today because Government hospitals had enough drugs for its citizens. At that time, there were ethical drugs and popular drugs. Popular drugs like Cafenol, Malariaquin and so on could be bought from a counter, but you could not buy ethical drugs without a doctor's prescription. Nowadays, you walk into any chemist and you buy any type of drug you want without a medical prescription. Perhaps, you cannot buy a drug without a prescription from the Nairobi Hospital chemist or other hospitals of integrity. Dispensing of medicine is a very lucrative business and you do not require to have a doctor's prescription to buy medicine from the chemists. This is a risky business to be handled by anybody.

In fact, I had some reservation when a Bill was passed in this House allowing clinical officers of all nature to handle patients or to act as doctors. One wonders why this Government has to take so many years to train a doctor if, after all, any other clinical officer will be able to act as a doctor without being fully qualified as a doctor. In any case, how many of you are willing to subject their lives to a clinical officer who is not a fully qualified doctor? For us to train doctors, we invest a lot. For example, some poor parents have to sell their pieces of land in order for their children to become doctors. The Ministry of Health must curtail this kind of thing where clinical officers act as doctors. On one hand, we may be trying to please some people, but on the other hand, we are gambling with our lives. It is most crucial that medicine or particular types of medicine are handled by qualified personnel.

Mr. Temporary Deputy Speaker, Sir, as I have said, my party, through the shadow Minister for Health and the relevant departmental committee have deliberated on this Bill. In addition to amendments which have been proposed by some hon. Members, we will support this Bill.

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, this House has been called upon to pass this Bill on the NHIF. The NHIF is yet another body we are delinking from Government, or from the tight control of the

Ministry of Health in order to make it a parastatal. I believe this House will do so, with the hope that we are not opening another tap to water the huge tree of corruption in this country.

Mr. Temporary Deputy Speaker, Sir, as has been said, parastatals, which were a great idea on how to run our public affairs, have failed Kenyans. The NHIF is yet another body that is being set up to look after money paid to it by contributors in good faith, with the hope that they can improve their status, healthwise. In this country, it is almost becoming a leisure for most Kenyans to access themselves to medical treatment. This is so because the cost of drugs and medication, in general, has gone up, and that is why a body like this will go a long way in helping the most needy cases of Kenyans who need to access medical care for themselves, their employees and children.

With regard to the contributions made by the public to this Fund, we have heard of cases of hospitals which do not exist, but claim huge sums of money from the NHIF. There are damning reports in the Public Accounts Committee (PAC) about these stories and theft cases, which are well documented. I wish to state that this House is called upon by Kenyans to stand up, and instead of lamenting about stolen money, come up with real and practical solutions to cases of misuse of public funds. We should not be reading about them in the PAC, three years after they have happened.

I want to believe very strongly that the management of such institutions, to a great extent, have a bearing on the theft cases and corruption that goes on in such institutions. I am proposing that the board of the NHIF, unlike other boards that have been set up as political appeasement--- We know of people who have failed and have been given jobs as heads or members of boards in various parastatals. These are people who have no knowledge whatsoever about the running of any institution, forget about an institution of this magnitude. I am proposing that qualified Kenyans, not only the chief executive, but the entire staff, should be appointed to this board. Most of the time, boards of various parastatals are manned by illiterate people, or people who have no training at all in any field. When such people become members of boards, they become victims of corrupt chief executives who take boards around. I am asking the Government, in this particular board--- because we are talking about the health of Kenyans, which has become a very expensive exercise and contributions made to this Fund are from very desperate cases - to set up a board comprising of qualified professionals in matters of management of an institution that takes care of the health of this nation.

The monies given to hospitals, we hear, range from Kshs120 to Kshs300 per night. This amount of money is so dismal compared to the cost of actual medication in hospitals in this country. I do not understand what criteria the NHIF uses. I do not know in which year they are in their planning because, as far as I know, there is no hospital in this country today, be it in Mathare, Barsombe, where I come from, or Turbo, where you can get a bed for Kshs120 or Kshs300 per night. The NHIF should revise the money they pay for the contributors of this Fund to be in conformity with the money paid currently in hospitals that are available to Kenyans.

Mr. Temporary Deputy Speaker, Sir, I represent farmers and to a great extent, we have been able to fund our own medical facilities. Lately, the Government has been unwilling to assist Kenyan farmers, especially the maize farmers. The maize industry in this country has now collapsed.

Mr. Temporary Deputy Speaker, Sir, farmers are now at a great risk because they cannot afford the cost of medication. I would like to ask the NHIF that in the same way it has packages for employees in other field, it should also think of widening its scope of insurance to cover the farming fraternity. The Fund should make suitable contributions so that farmers, together with their children, can, indeed, contribute to it. This will enable them to access medication from the hospitals that are available. I would also like to suggest that the NHIF should look into its policy and find ways and means of using these contributions well, instead of putting up tall buildings and buying very nice cars for its chief executive. It should assist in the development of dispensaries in the rural areas. There is a dispensary in my constituency which has remained uncompleted for almost 10 years. The Government has not been in a position to help complete the dispensary. I would like to ask the NHIF to widen its scope and provide funds to hospitals, dispensaries and health centres that need them. Many Kenyans want the NHIF to manage its funds well, so that they can access medical care as equitably as is practicably possible.

Mr. Temporary Deputy Speaker, Sir, with those few remarks I wish to support this Bill.

Thank you.

Mr. Ochilo: Thank you, Mr. Temporary Deputy Speaker, Sir. My names are Ochilo Ayako, and I am the MP for Rongo Constituency. This Bill, which I would like to contribute to, is very important. Today, if we looked at the executives of the NHIF, we will find that none of them relies on this Fund to pay up his hospital bill. This is a clear testimony that this Fund cannot offer all the medical requirements that a patient might want. If many of these executives, and many of us here, especially those on that side of the House, were to fall sick today we would go to hospitals like Nairobi or Mater Misericordiae. The payment this Fund would make to these hospitals would be insufficient. There is a need to ensure that the benefits to patients who are contributors to the NHIF are

enhanced to enable them attend the best hospitals. This country, which is among the developing countries, has many people who suffer from one disease or another, and they urgently require medication, but insufficiency of funds is a limitation. For instance, Rongo Constituency, which I represent, has many people who are sugar-cane farmers. Many of them have not had a chance to contribute to this Fund. Even if they had a chance to contribute to it, the Kshs320 that it pays for a bed, and about which my good friend, hon. Samoei, has talked, is not sufficient for a modern hospital. It is also not sufficient for a person who is suffering from a disease that cannot be cured, or which might make him hospitalised for a long time. As we debate this Bill today, let us know that what we are offering is not enough.

There has been a tendency by the management of this Fund to blacklist certain hospitals. We have had several hospitals in Migori District being blacklisted. Some of such blacklisted institutions have been Sorry Nursing Home and Rinya Hospital. The people who reside in this area, and are the legitimate beneficiaries of this Fund, have had to go to hospitals in other districts, where they do not have relatives to visit them, to get treatment. The idea of blacklisting, or withdrawing this facility from hospitals, is very harmful to some patients from certain areas, who go to such hospitals because of proximity. Again, as we debate this Bill today, this is something that must be looked into. This is because a contributor does not know whether the administration of a particular hospital is corrupt or not. He would only like to be treated and have the Fund pay part of the bill. The fact that the administrators of a particular hospital have been misbehaving is immaterial to him. I am citing Rongo Constituency because we have been affected greatly.

Mr. Temporary Deputy Speaker, Sir, there have been allegations from some people, both in this House and outside, that the money that is contributed to the NHIF is embezzled and also wrongly invested. That is why, when it comes to a contributor settling medical bills using the NHIF card, there is a problem. This is something that we must address. If we do not address this matter, we will end up with a situation where all the contributions we injected into the Fund will not be enough to settle hospital bills. In the United States of America, and the United Kingdom, medication is a very important thing. It does not matter whether you are working or not, or involved in informal business, because they have an equivalent of this institution that it is managed by the private sector. They have ordinary and expertise treatment for the patients who are beneficiaries of such funds. I do not see why a country like Kenya cannot do its own homework and try to get as many contributors and contributions as possible, and also to invest these contributions wisely so that we can have what we call adequate cover. As we are talking today, as a Member of Parliament, I do not have what is called adequate cover. My family is not covered in any way. If I was to fall sick today---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, I think you are beginning to consult very loudly and I would like you to consult in low tones, so that we can concentrate on the debate.

Mr. Ochilo: Thank you, Mr. Temporary Deputy Speaker, Sir. If I was to fall sick today, I would have no recourse. It was very sad when one of us passed away recently - may God rest his soul in peace - because we had to conduct a Harambee to offset his medical bill. This is one of the reasons that have made debate in this House to be diluted because we are anxious from running left, right and centre, looking for money with which to offset our hospital bills. This is a very sad situation. Other than the National Hospital Insurance Fund, we should have other forms of funds set up that can be used by everybody. We should also have medical cover for Members of Parliament. In fact, we have become welfare and labour officers for our constituents. That is basically what we do here. When your constituents look up to you for this contribution and you are also looking up to some people to give you some contributions, that interferes with your independence when it comes to debate, and with your stand when it comes to issues of national importance. If we do not look into this, then we might end up having a House that is sycophantic because we are looking forward to alms, begging for medical attention and that kind of stuff. I will wind up my contribution by saying that it is not enough to enact laws and to pass Bills in this House. What this Fund must do is to make sure that the little that is contributed is not lost to thieves. This Fund must make sure that everybody in this country contributes to it. It must make sure that the contributions are not used by the executives to buy limousines and houses for themselves.

With those few remarks I beg to support.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): I will be very brief because I do not want to repeat what has been stated by my colleagues. This Bill is important to us because it is going to de-link this Fund from the Government. Initially, as a department of the Government when it started, it had a lot of good and a lot of merit. But like everything else, all good things have certain shortcomings. I think the major shortcoming it had as a department was in the selection of hospitals that were licensed, where people went and they would be covered. This gave bureaucrats so much power that, inevitably, you know where it ended up - corruption. The original Fund was intended to cover mainly hospitalisation, yet, the greatest need is not so much hospitalisation, but out-patient treatment, consultation, casualty and prescription. This is where the greatest need

was, yet, now as we amend the Bill we are going again the other way round. We are now ready to look after prescription and outpatients but we are leaving out boarding and lodging in the hospital, and to me, it is a mistake. The other shortcoming used to be that only those people who were in employment could become members. This left out the majority of wananchi. When you take a country whose population is about 30 million and the people who are employed are less than 3 million, you can imagine then how many people in need of assistance are left out.

The National Hospital Insurance Fund is a safety net because of the rising cost of medical care. It should, therefore, keep up with the changing time. We mentioned briefly what should be the most important aspect of this. Today, the cost of consultation with a doctor has gone right through the roof. You will find that the cost of drugs leaves very many people unable to afford the purchase of drugs. We have many people who go to the doctors who prescribe certain medicines, and they are unable to buy them. As my previous colleague stated, we, as Members of Parliament are practically welfare officers. We are "insurance companies" in that we have to take care of our constituents in paying for their hospitalisation, but more so in paying for their drugs. In today's world, where we have so many complicated diseases these drugs are far too expensive. If you look at hospital admissions you will find that they are so expensive that the current allowances paid by the occupation Fund fall far too short in reimbursing fully for the room. Then, of course, there are the auxiliary services. The laboratory and theatre services are very expensive. If we have to serve our people adequately, then this Bill must address itself in giving a completely full package to cover all services. No matter how much we want, not everybody is equal. Our requirements differ. The requirements of people living in the rural areas differ from those of people who live in urban areas. The requirements of top teachers differ from the people who work as messengers. That being the case, I would very much like to see in this Bill, a provision for a graduated contribution. People should be given the right to contribute commensurate with their standards, so that when they fall sick, they can go to the hospitals that they feel will be able to take care of them. The standard amount that is paid by everybody is unfair because the people do not get the kind of services that they require. We would like the contributions to cover treatment overseas, if need be. This is going to save us from the Harambees that we have to arrange every time somebody falls seriously sick, and feels that he or she cannot get the service required locally. If we did have graduated contributions, this would cover it. Let us try and widen the net. I am glad to see in the Bill that now, we are able to cover the self-employed; that is, the people in the informal sector like the Jua Kali, farmers and anybody who would like to be covered, provided he or she contributes the required amounts. It is necessary that the Fund has got to have experts who can sit with an intending contributor to agree that so much is what the person should be contributing.

I have not seen it in the Bill, but it is stated that the contributions should be on a monthly basis. I think this should be left free to the contributor; if one feels that one can make a contribution that covers the 12 months annually, one should be allowed to do so.

Mr. Temporary Deputy Speaker, Sir, as an autonomous body, I am hoping that it will be innovative. We want to add to the Fund certain services that are only given by insurance companies. Right now, the medical insurance companies cater for people below 60 years. With the improvement in health facilities in this country, many people are living longer and longer and, yet, once you have reached the age of 65 years, most medical insurances throw you overboard. I would like to see this board catering for the people who cannot be insured by the medical insurance companies.

Mr. Temporary Deputy Speaker, Sir, the National Hospital Insurance Fund has got great potential for putting together funds. It is a source of a great deal of liquidity. This, of course, gives temptations to the people who are administering it to speculate with the funds. It is no secret that in the past, a lot of money belonging to the NHIF has got lost because it was put in very new and unstable financial institutions. A good number of those people who were administering it were tempted by, perhaps, high interest rates and kickbacks here and there, and they did not take into consideration the interests of the contributors. We want to ensure that the board, which will administer this Fund, is so responsible that they will invest the funds properly. Only known and proven channels of investments should be utilised. Established banks, Government bonds, and blue chips securities are the only areas where these funds should be invested. Above all, we would like a clause which will restrict where the money should be invested. The board should avoid white elephant schemes like grandiose headquarters. For a long time, and even up to now, parastatals compete with one another to put up the highest or the biggest headquarters. I sincerely hope that this will not be the case. I know for sure, that I have seen in one of the professional consultancies drawing of a headquarters of the NHIF. In this Parliament, we must stand firm that under no circumstances, when this board has been set up, should that grandiose building take off. I know that a lot of money may have already been spent on the professionals who designed and specified what is to be carried out on that building. If we allow the building to go on, we know what will happen during the tendering. Probably, not

the lowest tenderer will get the construction and then the money will have been lost. We want to avoid that.

Supposing we, indeed, found that it was a good investment to put up the headquarters, and that the headquarters will use only several floors and the rest will be rented out to add on to the income of the fund; I suggest very strongly that the people who will be running the Fund should not be tempted to have those grandiose offices with wood panelling, red carpets and all that. All we need for a good office is to have open plan without too many partitions, with every person having his own little kingdom in an office. In developed countries, we know that even the most profitable companies adopt the open plans. That way, you are able to supervise the workers. You are able to know those who leave their coats on the chairs and disappear the whole day. Let us ensure that this happens. We would like to have simple offices with open plans.

So far as the board itself is concerned, I think hon. Raila covered it fully. It is wrong for us to continually go on practising the past, where failed Members of Parliament, who are tired and old, are appointed to be boards of these important institutions. Let us ensure that members of the board have got the qualifications necessary. Since we are talking about insurance and hospitalisation, we should mix up people with medical qualifications; people with investment and financial experience, and people who have proven ability. That combination should be able to ensure that work is carried out properly. In particular, the managing director must be someone who has got enough qualifications.

Mr. Temporary Deputy Speaker, Sir, I would have liked to see some clause that would help the question of regulating the pharmaceutical companies. Today, pharmaceutical companies are really ripping off our people; they are the people who are making far too much money. There is no reason at all why drugs should be costing large amounts of money the way they do at the moment. Only this morning, a poor woman was in my office having come from a doctor who had given her a prescription. She went to a pharmacy where they were asking her for Kshs9,000 for drugs that are required to be used once a day for about a week. It is not possible for an old woman, or an old man, to afford that kind of money for drugs. As somebody said earlier, everybody is entitled to good health. If there is a way in which this Fund can help during the contributions to cover everything, I would be a very happy man.

Finally, as I started off, I was enumerating what was covered earlier. Previously, the Fund covered hospitalisation, but they had left out ancillary services. Now, it is the other way round. There is a clause which says that "the boarding and food in hospitals will not be covered". I would like that clause to be amended or removed so that there is a provision that they will cover a full package, for hospitalisation, including the bed, food, medicines, X-rays, laboratory charges, operations and, above all, that it should be worldwide and not confined to Kenya services alone.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I support the Bill.

Mr. Muya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this very important Bill. My full names are Paul Muya, from Tetu Constituency. This Bill has got one important aspect in that it is moving from hospitalisation to give the out-patient care. That being a good development, we need to take care the way it is provided. There are health insurance schemes which have been provided by insurance companies and by other health providers. However, even with all the exceptions they have built in their policies, sometimes they have run into problems because of the out-patient treatment. There have been several cases of fraud which have been very difficult to deal with, and we will need the relevant expertise on the board, so that we do not end up having a body which will not last, including what we have had before. The reason for this is that the out-patient would tend to eat into whatever funds may be accumulated. Consequently, there is a likelihood that the rates which are already being charged to the contributors would end up increasing, thus placing the medical care intended to be provided beyond the reach of a majority of the people.

Mr. Temporary Deputy Speaker, Sir, currently, the benefit is available to the employees who pay statutory deductions, and there are those who pay optional contributions. It should be expanded to people in the rural areas, especially to the farming community. A way should be found, because farmers are either organised in co-operatives or other types of societies--- Somehow, the co-operatives should find a way of paying these contributions on behalf of the farmers so that the farmers can also, together with their families, enjoy these benefits.

I am aware that payments to farmers come once or twice in a year, and that is why I would propose that, rather than the monthly contributions, whenever farmers receive their payments, there should be a facilitation whereby the whole contribution is made. Alternatively, just as has happened in various co-operatives, this money can be advanced right at the beginning of the scheme year, so that there is no question of a farmer falling sick and then finding that the payments are not updated. So, when we expand this Bill, we should take care to ensure that it is self-embracing so that we bring as many people into it as possible. This will mean that whenever people fall sick, and particularly in the rural areas, we do not have to surrender our title deeds to hospitals while awaiting to

raise funds through Harambee to clear the hospital bills.

If we are talking about insurance, this needs people with experience. I am happy to note that there is a proposed amendment to bring in a member of the Association of Kenyan Insurance because they are health providers as of now. The other people who have been involved in health provision, and to a large extent in as far as self-funded schemes by employers or insurance schemes are concerned are insurance brokers. I am sure that their representation on the Board may also bring in some expertise, particularly in checking fraud. This is because a scheme of this size is bound to have fraud at various levels.

Mr. Temporary Deputy Speaker, Sir, the board itself should be composed of medical personnel and people of distinguished administrative abilities. For the board to be independent, I propose that they should be able to elect their own chairman. In the Bill, there is a provision, or we have talked about the qualifications of the chairman. It is my view that qualifications are needed for the chief executive more than the chairman. This is because the chief executive will be the one in charge of the day-to-day operations of the insurance fund. I will propose accordingly, that the board should be able to recruit its own chief executive with the prescribed qualifications through proper advertising for the job. The Bill tends to lay a lot of emphasis on hospitals. It seems to imply that for a beneficiary to get---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Time up. Next Order!

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

BAGALLA MASSACRE

The Temporary Deputy Speaker (Mr. Poghisio): It is now time for the Adjournment Motion and, I am calling upon the Minister to that the House do now adjourn.

The Minister for Agriculture (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Speaker for having set aside this hour to discuss the Bagalla Massacre which happened in Wajir on 25th and 26th October, where 187 Kenyans were killed, 14,000 people rendered homeless, 48 people are still missing and 90 injured. Over 17,500 livestock have been stolen and are still missing; that is, 10,000 goats and sheep, 5,000 cattle and 2,500 camels.

Mr. Temporary Deputy Speaker, Sir, this particular massacre happened at a time when the people of Wajir were reeling from the effects of *El Nino* rains, and when the people of Wajir and North Eastern in general, had lost their dear ones as a result of diseases, lack of food and many other calamities. The timing, precision and the covert execution of these people shows that the killers were people who were highly trained, because, even one who is ignorant of military warfare would recognize that the kind of tactics that were used by these people leave a lot of doubts in our minds that these people were ordinary raiders.

Mr. Temporary Deputy Speaker, Sir, there has been an element of cattle rustling in this area for a long time, but we have never experienced a problem of this kind, apart from 1984 when hundreds of people from Wajir were slaughtered by the security forces. It is the responsibility of the Kenya Government to protect the lives and property of each and every Kenyan. For a very long time, the Government of Kenya has denied that there has been an incursion of a rebellious group from Ethiopia which is fighting for secession. Of late, because they have been thrown out of Ethiopia, they now have bases in Kenya. In 1990, as most of you will recall, we lost the DC of Samburu; so many police officers were killed and many other Kenyans lost their lives. All along, the Government has never admitted that this group was operating in Kenya.

Mr. Temporary Deputy Speaker, Sir, if Kenyans cannot be protected yet we are saying that we have a Government, the security intelligence, the police force and the military, then I wonder why these people have abdicated their responsibilities to non-Kenyans. Our biggest worry is, there are so many people who have died and after some time we will forget those who have lost their lives. It is high time the Kenya Government decided whether the people of North Eastern Kenya are Kenyans who deserve every right or not, because, I can imagine what would have happened if these number of people died in any other part of Kenya today; there would be a lot of hue and cry. The whole security would be there. While I appreciate the consolation we have got from the President, we are still waiting for an acceptable explanation from the Government because it is incumbent upon it to protect Kenyans.

Mr. Temporary Deputy Speaker, Sir, look at what is happening in the Democratic Republic of Uganda. The Uganda forces have moved to the Democratic Republic of Congo to protect the lives and properties of Ugandans at the border. Therefore, I am wondering why the Kenya Government could not have moved to the

border and combed the area from the air and the ground in order to make sure that these culprits are apprehended once and for all.

If the security forces were serious, how could they fail to trace over 17,000 livestock? This means that there was either reluctance on the side of the security forces or there was an I-do-not-care attitude. This is something that is really worrying the residents of North Eastern Province in particular. Of course, this issue has been portrayed as clan wars; that, it is the Borans and the Degodias who are fighting. Be that as it may, where is the Government that is vested with the responsibility of protecting these people? There is a strong military garrison in Moyale and police stations all over. Where were these people when raiders were travelling a distance of 300 kilometres? The distance from the border to where this massacre took place is over 300 kilometres. Where were these people and what were they doing? Of course, if it was in another country, these people who are in charge of security would have resigned by now. But because they are not principled, this is the right time for Kenyans to demand for their rights, so that, tomorrow, if the same thing happens to any other part of this country, Kenyans will stand up and say: "We are not ready to accept this kind of brutal murder".

Mr. Nyanja: What do you say?

Hon. Members: Endelea!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, history will judge this country. We had the Wagalla Massacre of 1984, the Garissa killings of 1980 and the Markameri killings of 1982. At times we have been held. When we are hit by bandits and we run to the security forces, they are more brutal; they rape, kill and torture. Where do we seek solace? Where do we run to? Today, even if there was an operation, I am sure the military forces would do more than what the bandits have done. This is why we are saying, more than ever before, the question of our identity and the rights of North Eastern people must be decided once and for all. We can no longer remain on the periphery in the affairs of this nation. We are entitled to the fruits of Independence. As much as these things are being portrayed as clanism, the inherent thing is as a result of under-development and whatever problems we have inherited. This area will always remain a headache to the residents and the Government. Once again, in this era of civilization and globalization, it is a shame for us Kenyans to talk about genocide, massacre, tribal clashes and banditry, instead of devoting our strengths and pulling together to building our nation. Mr. Temporary Deputy Speaker, Sir, it is high time Kenyans thought of their future as united citizens of this country. Once again, I would like to put it on record that the problems of North Eastern - as much as many other Kenyans would accept - are as a result of under-development. Unless and until this is addressed by the Government, not in terms of relief hand outs, then we will continue to have the same problems. Time will also tell why a Government that is endowed, or a Government that has been bragging of having one of the best military prowess in Africa, has failed to track down these bandits. Why has the Government of Kenya taken too long to admit that we have a secessionist group using Kenyan soil to fight a sovereign neighbouring state, a state which has claimed to have good and friendly relations with us? This kind of governance is what is going to lead to the doom of this nation, when all our neighbours will wake up and say: "We can no longer live in this hypocritical situation".

When the aircraft carrying the late Samburu DC in 1996 was shot down, if the security officers had acted swiftly and the Kenya Government admitted that these people were here, then, this problem would not have occurred. Right now, the buck is being passed to different communities in order to make sure that the same problem continues and people continue to kill one another. That is not the future we are seeking. We are seeking for a comprehensive policy and this Government should admit and accept that those nomads in the northern part of Kenya are Kenyans. If that is accepted, all these other problems will be solved and our problems will be treated like the problems of the rest of the country. I can confirm to this House today that the Commissioner of Police has not visited the scene. That is shameful. He is the man in charge of internal security and if I were him, I would have resigned by now.

(Applause)

Mr. Temporary Deputy Speaker, Sir, there is a tendency in this country to pass the buck to different people. If an individual makes a mistake, then that individual should be held responsible for his mistakes. When we were suffering, a lot of Government resources were being used on the ground. There were helicopters, military vehicles and all this machinery was not mobilised to track down the animals. To make it worse, up to today, 48 girls are still missing. They are in the bush, being raped and tortured by the Ethiopians, and here we are, claiming to be a sovereign state. If this can happen in this era of modernisation, this is one thing that the Kenya Government must explain to Kenyans.

Hon. Members: Shame! Shame!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, these people are still within Kenya. Let us not be deceived. They cannot cross to Ethiopia. The few who crossed have already been arrested. Today, I can confirm that the Ethiopian Government, on Moyale side, has about 26 cattle in their hands from these bandits. What has the Kenya Government done? The Government is either reluctant or is not willing to do anything at all. It has been a long time since the raid took place, yet, up to now, no recovery has been made and I tend to believe that this is a way of making sure that the problem continues. I am appealing to the nomads, especially from that region, not to use that as an excuse to revenge because it is going to result in barbaric acts and history will judge us harshly, and we have to be different.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I am also appealing to my counterparts from the region that we either solve our problems on our own--- Because, if from the 25th to date, nothing has happened, with the military might we have, the proud Air Force we have, and the brutal police force, then, I do not think anything else will be done. Even if there is a commission, they will do what other commissions have done before. Therefore, the ball is squarely in our court.

With those remarks, therefore, I, call upon hon. Mohammed Abdi to second me.

(Question proposed)

Mr. Mahamud: Thank you very much, Mr. Temporary Deputy Speaker, for giving me this chance. I would like to take this opportunity to second the Motion.

Mr. Temporary Deputy Speaker, Sir, I think we have had a lot of problems with the clashes; political, social and economic problems caused by clashes in the Rift Valley and in the Coast. Today, we know very well that there are thousands of Kenyans who are destitutes; squatters in their own country and their farms have been taken over by other people. So, we know very well that there are effects of clashes everywhere.

Mr. Temporary Deputy Speaker, Sir, these attackers, who numbered over 500, from another country killed our people and yet we have a Government. We have the military and police but - we cannot understand what our military people are doing. They are there to protect the lives and property of our people, but they have failed. These people came, nobody noticed them, and they killed about 187 people and drove away all these animals, but up to today, nobody has been noticed. This is very shameful. There are days when we used to say there was no fuel for vehicles; tomorrow, you will hear there is no ammunition to fight with. This is very shameful. I would like to challenge the Government, especially the Ministers; why are they here? What are they doing here?

An hon. Member: They should go away.

Mr. Mahamud: They should tell us exactly, because the other day, they were sworn in to protect the lives and property of the people, and to defend the Constitution, but they have failed in their duty.

An hon. Member: Vote of no confidence.

Mr. Mahamud: Therefore, we would like to be very serious. The days of saying that Members of Parliament just make noise in the House are gone. This Government must be responsible to the people. It must be seen to be defending its people. Of course, this is not the only time they have made a mistake. They have been committing crimes. Whenever there are problems, they tend to encourage people to fight among themselves; for instance, the clashes in Molo and at the Coast. What we are reading in the newspapers is very shameful. You hear the Provincial Commissioner complaining about a Permanent Secretary; the Special Branch complaining about the police, and so on. The Government is not organised; there is no co-ordination, and they are not using the resources they have been given. We have the army, which is well equipped with all kinds of weapons, but nobody has even told them up to today that such a problem occurred. So, we would like the Government to come out clean and defend itself. I am challenging them for the following reasons. First, they should clear themselves from this particular problem because I have reason to believe that either the Government was indirectly involved, or there was total negligence, apathy and lack of concern. Some people hinted to me that they were saying: "Let the bandits fight." We would like the Government to come out very clearly. We have been disarmed as a community in Wajir, particularly the Degodias and the Somalis. We have been disarmed by this same Government. They promised to give us homeguards, but up to now, we have not seen them and our people have been slaughtered by people with guns.

Mrs. Seii: Cross over.

Mr. Mahamud: I will come; I am on my way to that side.

(Applause)

I will come and I will lead all my people to your side. But next time, when you are also challenged, you should not be like these ones here.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Mahamud, your time is up.

Mr. Orengo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I have only five minutes, but I wish to say the following. What has happened in Wajir is a crime of omission on the part of this Government and they should take full responsibility for failing to guard and protect the lives of people in Wajir and Northern Eastern and Northern Kenya as a whole.

Mr. Temporary Deputy Speaker, Sir, I speak with a lot of emotion on this matter because this Government took an oath to defend the lives and property of all Kenyans. It looks like this Government is pursuing a policy of extermination in North Eastern Province. This is clear from what has happened.

When you have a situation where an army of nearly 6,000 people enter this country and kill 189 people and get away with livestock numbering 17,000, and up to today there is no explanation, is there a Government in place, really, in this country? Is there a Government in place? The truth is that there is no Government in place. I want to propose that unless the Government comes out clearly on this particular issue, because the life of one Kenyan is as special as the lives of 100 Kenyans--- In this situation, we have had 200 people who have lost their lives, and they could be more. When we were demanding that those who have committed these crimes should be traced and arrested, this Government, against the spirit and the creed of Islam, wanted to exhume the bodies. That is what they were interested in, and not in defending lives and property.

Mr. Temporary Deputy Speaker, Sir, I am amazed that the Government is behaving like an army of occupation in North Eastern Province; that, when there are those losses of lives, they go there; take a one-day trip, and come back as if that is not part of the country. The whole Cabinet should have spent a month in Wajir to find out what happened. The fact that they went there just for four hours means that the area is not considered to be part of Kenya. Next time we have a national day, please, do not fly those planes. Let us not have that circus. You are cheating us that you have planes to defend us, that you have helicopters and armed forces to defend us. That is a parade for one man. Where were these planes from Nanyuki, which is about 100 miles away? Where were those helicopters? There are big army stations in Isiolo, Nanyuki and Moyale, but up to today, all that we are being told is that there is a probability that you are going to have a probe committee. We are tired of these committees. We must have a Parliamentary Select Committee or an independent judicial committee and nothing short of that, and if that is not done, this House should now put this Government on trial for a second time round. They should go on trial.

Mr. Temporary Deputy Speaker, Sir, to your shame, we were asking for a disaster fund managed by laws made by this Parliament. I was ashamed that, what was announced at Wajir at the end of the day, with all those planes that went there and all the petrol that was spent; all the army people who were sent there and Mr. Wachira and everybody, of the day, the loss suffered by people in North Eastern Province, specifically in Wajir, was worth only 1,000 bags of maize. That is what the President announced; "that, I have left you here with 1,000 bags of maize". That is what the value of our people in North Eastern Province is worth. Imagine 1,000 bags! What a shame! It is now becoming clear that there is an organised force which is supported by this Government. I would not be surprised, in the same way they are taking over Karura Forest, that these 17,000 head of cattle are being sold and exported somewhere. Some trucks have gone through Mombasa to sell these 17,000 heads of cattle.

Hon. Members: It is not true!

Mr. Orengo: I am telling you that it is true. If it is not true, then tell me where these 17,000 head of cattle are. You do not have the answer because you are looters. You are grabbing land and lives and the time for you to stop has come.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, it is very sad that we should lose over 100 people immediately following the bomb disaster here in Nairobi. It is very sad indeed that, within a short time, we should lose the lives of so many innocent Kenyans. It is again very sad that, despite the fact that some foreigners might have been involved, the communities which fought are two brothers. It is also another sad affair.

Mr. Temporary Deputy Speaker, Sir, it would be recalled by hon. Members here that there was a book highlighting the level of poverty in this country and the bottom line is that, of all the people of this country, the most vulnerable group were people from the northern area. It has gone beyond poverty. I would say that the people

there are now paupers and when that is so, it is unfortunate, again, that we should turn against each other; that is, send a brother to kill another brother. I would like to recognise that His Excellency the President rose to the occasion because he visited the area and had an opportunity to discuss with elders and political leaders in that area.

Mr. Temporary Deputy Speaker, Sir, the problem here is the number of illegal arms that are being held all over this country. In the olden days, we used to have traditional elders, wise men of the village, sheikhs and hajis like me, who would sit and arbitrate among the warring communities, but now, all these cultural norms have been broken down because of the number of illegal arms that are held by these people not only in North Eastern Province, but in parts of Eastern Province, Rift Valley and even here in Nairobi. I tend to agree that there was lack of preparedness by the Government because you cannot have 144 people slaughtered and the only time that the security forces or the Provincial administration for that matter went to the scene was after three days. I think it is high time the Government planned its strategy of handling security in this country. We should be able to respond to any situation in a matter of hours and not weeks and days as we are seeing now.

Mr. Temporary Deputy Speaker, Sir, I do not want to blame the security forces. I will not.

Hon. Members: Why!

Mr. Haji: I will give you the reason. When we talk about the Government of Kenya, you are also part and parcel of that Government. Only today, you are sitting on that side and God knows that about ten years ago, some of you were sitting on this side. So, when I talk about the Government---

(Interruptions from Members)

Mr. Temporary Deputy Speaker, Sir, I said that I will not mention security forces and neither will I mention the police force because when we say the Government, it comprises all those. So, there is failure somewhere and unless we address that failure, it will not be possible to solve any problem, and we shall continue--

Hon. Members: Sit down!

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I want you to protect me from this heckling because--- And I will not allow you to talk again.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order, hon. Members! Hon. Maore is already on the Floor. So, could the rest of you sit down?

Mr. Maore: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me these precious five minutes to contribute to this very important Motion.

It is with the greatest sorrow that I say that there seems to be some perception that this is a Motion to affront the Government. I would like to say that this should be a Motion to expose the inadequacies that this Government has subjected Kenyans to. We witnessed a raid and a counter-raid in March, 1997. There was a massive raid by unknown assailants, who were said to have crossed into Kenya from Ethiopia, during which 17 policemen lost their lives. There has never been a commission or an inquiry to investigate the killing of those police officers. The policemen were just buried. Last week, the Degodias of Kenya became victims of a similar attack, and then there followed some noise for only a few days. As we speak here, we cannot rule out the possibility of the Degodias organising themselves for a retaliatory raid.

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

Mr. Maore: Mr. Temporary Deputy Speaker, I have only five minutes to contribute to this Motion. I am not saying that the Degodias have organised themselves for an attack. I am saying that it is possible that they are doing so.

An hon. Member: Hata kama una dakika tano, wacha usaidiwe!

The Temporary Deputy Speaker (Mr. Poghismo): What is it, Mr. Haji?

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, could the hon. Member on the Floor substantiate his statement that "the Degodias are planning a massacre"?

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mr. Haji!

Mr. Haji: The hon. Member has said so!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, that is not what I said. I said that nobody can rule out these things. There are raids and counter-raids, attacks and counter-attacks. This is just a simple semantic in

English.

Mr. Temporary Deputy Speaker, Sir, the question is: Where are the security forces? Two weeks ago, I buried a cousin of mine who had been a victim of the Borans, whom I happen to border in Isiolo South. Now, the area district commissioner and provincial commissioner are calling a public baraza for elders from Ntonyiri and Isiolo to sit and settle this matter. But how can elders handle an issue that involved an AK-47 rifle? These are matters which can be handled best in security operations once and for all. If you know that somebody is involved in banditry, why do you not arrest and punish him in accordance with the law? The situation in the northern part of Kenya is such that there is no law. It is everyone for himself. We have a Government which is pretending to be in charge, but, it only goes to the affected areas to pay homage to the dead, and not even to protect and look for those who go missing.

Mr. Temporary Deputy Speaker, Sir, the Government knows the issues of banditry, cattle rustling, *shifita* attacks, *et cetera*, in this country. The Government goes to the North Eastern Province only when it is in need of political support. That is the bottom line, and one of my colleagues here wants to be the prefect. It is not fair. Let us expose the Government. The Government is not an individual. There is a habit by some hon. Members of this House to defend an individual whenever hon. Members speak against the Government. There is a structural defect, which has to be corrected in the Government if we are to move ahead.

Mr. Temporary Deputy Speaker, Sir, my main emphasis is that, it is wrong and immoral for any leader to think that this is a business to be settled at a public baraza. It is wrong and immoral for anybody to think that he can settle matters involving AK-47 rifles and when people are still armed with AK-47 rifles. There has not been a systematic and co-ordinated procedure to disarm Kenyans who acquired arms following the instabilities in Ethiopia in the 1970s, and Somalia in the 1990s. The Government knows that there has never been an agenda to disarm Kenyans who have acquired arms from as near as Eastleigh and Isiolo.

When we had the bomb blast in August this year, the Kenya Army took more than two hours to show up at the scene. The reason is that our security forces are not well-equipped. This is because our political leaders have "eaten" up the money meant for buying equipment for our security forces through corrupt contracts. The people blame the police for not showing up at crime scenes, or for not having fire fighters or ambulances, but it is actually our political elites who have eaten into the core of our security forces. The police have no infrastructure, vehicles, or equipment. How would you expect them to operate? They cannot do so bare-handed in the midst of a crisis of that magnitude. So, we are calling upon the Government to rise up to the occasion.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Foreign Affairs (Dr. Godana): Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, the House has adjourned from its normal business to debate one of the saddest incidents to occur in recent times in this nation. I think it is befitting that this House should treat the subject with the solemnity it deserves. The massacre of more than 140, or, perhaps, 190 Kenyans, is not a matter that should be subjected to partisan political strategising. I hope that all of us here, for once, can close our ranks to reflect on the issue soberly, to criticise, to call and to appeal. I do not want to dwell on this angle of argument, but I think it is already emerging as a lesson for those of us who come from northern Kenya. If 10 people had died elsewhere in a tribal clash like the one we are debating now, and there were to be a debate of national importance here, this House would be fully packed. But, today, it is half full. Perhaps the lesson for those of us---

(Applause)

I am glad that the Member for Limuru is supporting me. However, I think he is being sarcastic. I think he is one of those people who are definitely laughing at those of us who come from the north, for slaughtering each other in a very inhuman manner. I hope that the hon. Member is not being sarcastic. But I did hear, here---

Mr. Nyanja: On a point of order, Mr. Temporary Deputy Speaker. I am not being sarcastic. I am also a Kenyan and, therefore, saddened by the incident.

The Minister for Foreign Affairs (Dr. Godana): Thank you very much. We heard very clearly here an hon. Member from the Opposition benches say: "Wacha wamalizane". My colleagues here heard that also, when hon. Yusuf Haji was on the Floor.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to Kenyans; for heaven's sake, let us rise above petty political scores of the moment because they will not take us anywhere. I also want to appeal to my brothers from northern Kenya that, we have been the laughing stock of this country for far too long. Whether it is the killing of one person, or the killing of nine people, or the culmination in the death of 150 people or 170 people, we are the ones who have been affected, and yet we look alike. Nobody will notice the difference ordinarily outside this House between the ethnic background of hon. Keynan, whose constituency has been brutalised, and myself

from Marsabit, or the hon. Member from Moyale.

(Applause)

We know the history of northern Kenya. We know that we are now very much part of the larger Horn of Africa, with all the breakdown of militaries. We know our people within this country, and across the borders. Our clans and communities stretch across the Ethiopian and Somali borders. We know that when conflicts come, these communities appeal for reinforcement from their kith and kin across the borders. We also know that those kith and kin include people who were dismissed from former militaries; people who underwent some of the most sophisticated commando training. No wonder, with those kinds of weapon around, any conflict now is beyond the range of what we used to know when people used to fight with bows and arrows. Ultimately, there are two people who have the responsibility, and the Government has the primary responsibility.

Ultimately, there are two possibilities and this is why as a group of Members of Parliament from the pastoralist areas, when we met immediately after this issue, we said that we wanted the security forces to be very firm. I was tempted to say "to be ruthless", but when I recall that the Wagalla Massacre was police-keeping action which went overboard, I restrained myself and said "let us just be very firm." But above all, I am appealing to my colleagues of North Eastern to rise with us as leaders. I think the fact that our people, 35 years after Independence, can do this to each other, shifting alliances between tribes and clans over days, is very sad. The two principal communities which were involved in this particular last incident, both of which occupy territories across the borders, were allies in our inter-tribal conflict or inter-clan conflict only two years ago, against other groups. This is how sad the whole situation is. It looks like what destroyed Somalia is being imported into our northern part. I want to call upon my colleagues to rise to the challenge, and we hope we can get the support of other Kenyans. It is striking that all those bishops and journalists, who normally would let loose hell, have been unusually quiet on this---

An hon. Member: No, they have spoken!

The Minister for Foreign Affairs (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, because, "ni kama wacha wauane". I want to condemn the killings and appeal to Kenyans to rise for once and put a stop to this menace once and for all.

Mr. Kathangu: Ninakushukuru, Bw. Naibu Spika wa Muda. Wakati Mkatoliki alipouwawa mwaka wa 1935 katika Ujerumani, Waprotestanti walisema "hiyo ni kazi ya Wakatoliki". Mprotestanti alipouwawa mwisho wa mwaka huo, Wakatoliki walisema pia, "walitucheka; wacha wauane namna hiyo." Mambo yanayoendelea hapa ni ya huzuni kwa sababu ingawaje kulikuwa na vita vya kikabila hapa, sikusikia Hoja yoyote ikiletwa katika Bunge hili kujadili mauaji yalitokea huko Olenguruone na Burnt Forest. Watu waliendelea kupeleka unga, sukari, mafuta na blanketi 15 wakati watu karibu 15,000 hawakuwa na makao. Hii ni kesi nyingine kwamba kuna wale ambao wanafurahia kifo kwa sababu, ikiwa Wakenya zaidi ya 200 wameuawa na hakuna jambo hata moja limetendwa, hilo ni jambo la kuhuzunisha sana. Tangu tarehe 26, nchi hii haijazungumzia jambo hili. Hoja hii ililetwa hapa jana. Ni kitu gani kimekuwa kikiendelea upande wa Serikali? Tuko na Mawaziri na wazee katika nchi hii ambao wanajua kwamba kuna shida, na hakuna jambo limetendeka. Ninashangaa sana kwa sababu tuliposema juzi kwamba kuna shida katika Mkoa wa Kaskazini Mashariki, upande wa Serikali ulituita "pagans" na "infidels". We have to talk, and we have to be united for a purpose in this country. Pahala ambapo pana shida ni lazima tuungane katika kutatua shida hiyo. Hii ndio sababu Waziri wa Mambo ya Kigeni ametuambia hapa kwamba tuungane ili tutatue shida hii. Lakini hatuwezi kuungana ikiwa tunatukanana na upande ule wakati tunapotoa mawaidha ya kuisaida nchi hii. We have to be united for this purpose.

Bw. Naibu Spika wa Muda, nimekuwa mwanajeshi na ninafahamu shida inayowakabili wakazi wa Mkoa wa Kaskazini Mashariki. Nimeshuhudia wanajeshi wakitumwa kwenda kuwanyanyasa watu wa Mkoa wa Kaskazini Mashariki. Kwa miaka 20 ama zaidi---

The Assistant Minister for Trade (Mr. Ndilinge): Jambo la nidhamu, Bw. Naibu Spika wa Muda.

Hon. Members: Ndilinge, kaa chini!

The Assistant Minister for Trade (Mr. Ndilinge): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. Haji kusema kwamba mhe. Kathangu aliuwa wengi; anaweza kueleza zaidi kama anajua?

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order? Please, can you go straight to it?

Mr. Kathangu: Bw. Naibu Spika wa Muda, kwa miaka 20 ama zaidi, jeshi na polisi wa nchi hii wametumika kunyamazisha watu wa Mkoa wa Kaskazini Mashariki na hii ndio shida kubwa tuliyonayo. Nimesimama pia katika Bunge hili kuuliza kama kuna kampi ya wanajeshi karibu Kakuma kutoka upande wa

Sudan. They are training there, and here we were told that they were not there, and some of these things are the causes of problems in North Eastern Province.

The Temporary Deputy Speaker (Mr. Poghisio): Bw. Kathangu, unatumia lugha gani?

Mr. Kathangu: Ninatumia lugha moja, Bw. Naibu Spika wa Muda. Huu ni wakati wangu.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! The reason we are stopping you is basically because our time is up and it is time for us to call on the Minister of the Government to reply.

Mr. Kathangu: Lakini saa yangu bado!

Mr. Ndicho: This is a procedural Motion; we can even extend it up to midnight.

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

(Several Members stood up)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! You cannot rise on a point of order if you are not even hearing what the Chair is saying.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Speaker has made this ruling. This is one hour and we have 15 minutes now left for the Minister to reply.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! This is going to be the Chair's ruling because it has already been decided. Let the Minister reply.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this is a very serious matter and in this House, we have political parties represented here. We have had one full hour and my party has not had a chance to speak on this very important issue. I think it is has been very unfair. I, therefore, wish to move that we extend time up to 7.00 O'clock.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Raila! I am not going to allow a point of order in this House. Mr. Temporary Deputy Speaker is on his feet and so, let it be the ruling now. We understand there are parties, but this is something that we had decided was going to take one hour, and we need to hear the reply from the Government side.

Proceed, Mr. Minister.

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

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, everyone! I am surprised that it is becoming interesting, but when Mr. Speaker ruled that we were going to have this Motion for one hour nobody rose to seek for an extension. What has become of you now? Let the Minister reply.

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

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I have listened very carefully to the sentiments expressed by the various Members and I share the sympathies of most of the Members. Most of the Members who have spoken, particularly from this region, understand the region well. Some of us who have spoken do not understand it well. I want to say that I am one of those privileged to have moved across that "country", and I have walked nearly every corner of that section of the country and I know the difficulties that are experienced by the people in that region. The borders of Kenya are clearly defined, and the Kenya Government takes full responsibility for anything that happens within Kenya. I think it is also important for us to understand this issue; there is a need to briefly understand---

Mr. Keynan: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is talking of a "country"; is he referring to North Eastern Province as a country or what is he talking about? I think that is a slip of the tongue but I really do not understand what his intention is. Will he tell us whether this is a country or a province.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think, Mr. Keynan, that is a very crucial matter and we need to hear the Minister.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, is it in order for the Minister to---

The Temporary Deputy Speaker (Mr. Poghisio): Order! You are not orderly! Mr. Minister, proceed.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir. I did say that Kenyan boundaries are very well known and the Kenya Government takes full responsibility for anything that happens within those borders. It is our responsibility to fully protect all the citizens of the country and we will not abdicate that responsibility. I think there is a need to briefly get the background of

this area so that when we are discussing the failures of the Government, or of the general problems there, we are very clear. North Eastern Province and part of the north of Eastern Province form about one-third of Kenya. The "country" is diverse, vast and very different in its physical area. Communication is very difficult--

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

The Temporary Deputy Speaker (Mr. Poghisio): Order hon. Members. Please, will you leave the Minister to finish his statement?

Hon. Members: No!

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

(A number of hon. Members stood up in their places)

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, if only hon. Members would give me time to respond, then they will be able to understand our stand.

Hon. Members: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghisio): Order, order hon. Members! I have to allow the Minister to finish his response. If you are really interested in this matter, why do you not let the Minister finish his statement by being orderly? He is already into it--

Hon. Members: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members. Under what Standing Orders are you going to amend the ruling made? The Minister is mid-way in his response and so, let him finish.

Proceed, Maj. Madoka.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir. I think it is only fair that I should explain how the incident happened. In this particular region, we have various clans, and we have had various problems amongst the clans.

Mr. Temporary Deputy Speaker, Sir, we are aware that this incident actually happened within Moyale District, and not Wajir. We have the Borans and Gabbras in Moyale, and in Wajir we have a majority of Degodias. In the past, we have had very many incidents occurring between these particular clans. The Degodias are a very industrious and hard-working people. They have spread right across, from Wajir to other towns. They have even gone right down to Lamu. We even have Degodias in Ethiopia. They are a very industrious and hard-working clan.

Mr. Temporary Deputy Speaker, Sir, on the other hand, we do have the Borans, Gabbras and other smaller clans in the area. Due to the industrious nature of the Degodias, they have in the past been involved in incidents against these other clans. These clans, in general, have not been very much in favour of the Degodias. Most of the incidents which have happened have been instigated by the Degodias. So, among the Somali, or the people in North Eastern Province, the Degodias are sort of the "black sheep" amongst the other clans because of their industrious nature.

Mr. Temporary Deputy Speaker, Sir, what happened is that we have had incidents where Borans have attacked Degodias. The most recent one was the Moyale attack, where nine people were killed, and the Degodias were alleged to have been the bandits who killed them. Unfortunately, these bandits were not caught. After that incident, the Borans and Gabbras decided to take revenge for these particular nine people. It is true that the Borans in Kenya have relatives in Ethiopia, who are the Oromos. The Oromos are basically the relatives of the Borans. Equally, we have Degodias living in Kenya and others living in Ethiopia. The Oromos in Ethiopia have a force which is fighting the Ethiopian Government and they are properly armed and trained. It is alleged that when the Borans decided to revenge, because they are not as well trained as the Oromos and the Degodias, who are more aggressive, they possibly decided to seek support from their brothers in Ethiopia. During this particular incident, which took place on 24th and 25th, the groups which went there - the Borans and the Gabbras - it is alleged they had the support of the Oromos. The only way that they have tried to prove that the Oromos were involved is that one of the fellows who was caught by the Degodias confessed that he was a member of Oromo Liberation Front (OLF). After being questioned, he was killed by the Degodias.

Mr. Temporary Deputy Speaker, Sir, I am only trying to establish that the Oromos are alleged to have been involved. I want to state categorically that Kenya does not have bases for OLF, but we do know that occasionally, Oromos, just like our Borans do, cross the borders to steal cattle or to see their relatives. That does happen. I know that in getting the incident reported, it took a bit of time, but that is because of the terrain of the area. What happened is that where this incident took place, is a long way and people had to walk to Wajir to let the people know about this particular incident. It took three days for the administrative unit to be told of this

incident. Once they were told, the forces moved in. Unfortunately, where the incident happened is a very rocky area, and even when the helicopters went there to try and land, they could not land. So, it took a lot of time for people to go on the ground to that particular area but they did go, all the same. When they got there, they did find these particular graves and so on. People did scatter after the incident. The figure we are given, that a total of 17,000 livestock were stolen, is neither here nor there. We all know that if you have 17,000 animals moving across any country or any area, the cloud of dust which would be raised would be easy to see and know that something is amiss.

Mr. Temporary Deputy Speaker, Sir, we are not disputing that some animals were stolen. They were stolen and our forces are trying to get into that area. It is also true that some people were abducted. Although they say they were abducted, as of now, some have already returned. It is not that they were abducted; but when the incident happened, they all scattered. Some of those people who were involved in that incident are still streaming into Wajir. So, while we accept that some might have been abducted and the Government is sparing no effort in trying to ensure that we get these people back, we want to say that we are appealing to the people to bear with us because of the difficult conditions in the overall area. Movement is very difficult. The Government has already set out to try to help the people in that area. We are aware that the Government has to try and help North Eastern and Eastern Provinces in relation to rehabilitating boreholes. They have already got money to try and improve on the infrastructure.

Mr. Temporary Deputy Speaker, Sir, that is the position of the Government.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members; it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 17th November, 1998, at 2.30. p.m.

The House rose at 6.30 p.m.