

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th April, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

A BILL TO ESTABLISH DRUG AND SUBSTANCE ABUSE CONTROL AUTHORITY

Ms. Abdalla: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware of the damage caused on the youth through use of drugs and other chemical substances; further aware that the National Agency for the Campaign Against Drug Abuse (NACADA) was not established through an Act of Parliament; this House grants leave for the introduction of a Bill for an Act of Parliament entitled: "The Drug and Substance Abuse Control Authority Bill" in order to establish an Authority that will be responsible for policy formulation, implementation, monitoring, enforcement and the development of regulations related to drug and chemical substance abuse.

Mr. Deputy Speaker: Next Order!

ORAL ANSWERS TO QUESTIONS

Question No.012

HIRING OF CANE CUTTERS ON PERMANENT/PENSIONABLE TERMS

Mr. Deputy Speaker: Is Mr. Wamunyinyi not here? His Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question by Ms. Ndung'u!

Question No.014

IMPLEMENTATION OF NATIONAL POLICY ON GENDER AND DEVELOPMENT

Ms. Ndung'u asked the Minister for Gender, Sports, Culture and Social Services:-
(a) what specific steps he has taken to implement the National Policy on Gender

and Development and, particularly, to ensure that at least 30 per cent of the new recruitment into the public service are women; and,

(b) how members of the public, particularly women who are interested in these positions, can access and evaluate the success of this programme.

The Minister for Gender, Sports, Culture and Social Services (Mr. Kamanda): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government is committed to promoting gender equality as well as protection and promotion of the rights of women and the girl child. My Ministry is in the process of developing a National Plan of Action to facilitate the implementation of the National Policy on Gender and Development. A forum will soon be organised to share the process with stakeholders.

Following the directive of the Head of State in June, 2006 that 30 per cent of all recruitment in the Public Service be reserved for women, all Government agencies have been directed by the Permanent Secretary, Secretary to the Cabinet and Head of Public Service to implement the guidelines. Subsequently, my Ministry has instructed all Government agencies to prepare baseline data on representation of staff by gender, aimed at the implementation of the directive and co-ordination of the exercise.

Since the time of the directive on affirmative action took effect, 38 per cent, not even 30 per cent, of appointments and promotions in the Civil Service have benefited women with required qualifications. Out of the 1,543 appointments made since the date of the directive, 593 constitute women and 905 men.

My Ministry urges the private sector to also adopt the 30 per cent affirmative action relating to the recruitment and promotions for women, to attain gender parity.

(b) Members of the public, including women, can access information relating to vacancies from the Public Service Commission website www.publicservice.go.ke. Details of vacancies and results of interviews are available in the print media and Public Service Commission website for access and scrutiny by members of the public.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, let me, first of all, congratulate the Minister in terms of the work that has already been done. However, my concern is on new vacancies. Vacancies such as board appointments which are left to Ministers to fill them are not placed in advertisements. What will he do to ensure, in future, that all information on public sector appointments, including board appointments of parastatals, is available to women who would like to seek them?

Mr. Kamanda: Mr. Deputy Speaker, Sir, the 30 per cent directive is followed by the Ministers when we are appointing board members. In some cases, we are even doing it at 50 per cent.

Ms. Abdalla: Mr. Deputy Speaker, Sir, considering that we are talking about women filling existing positions; and if the Government is serious, could the Minister tell the House why it did not take this opportunity to fill the position of Governor of Central Bank (CBK) with a woman? She has been acting in that position for a few years and recorded the first profit margin.

(Applause)

Mr. Kamanda: Mr. Deputy Speaker, Sir, generally we are talking about the 30 per cent directive. The position of the Central Bank of Governor is just one position. It does not mean that the Government is not serious about the 30 per cent directive. As I said, in some cases, we are even considering 38 per cent.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I am sure the Government is not serious. If it is serious, could the Minister tell us why the Office of the Vice-President and Ministry of Home Affairs appointed only one woman to a committee on the Betting, Licensing and Control Board? Out of eight members, they appointed only one woman. Are they are serious?

Mr. Kamanda: Mr. Deputy Speaker, Sir, I do not think that is true. And if so, those appointments will be rescinded because the 30 per cent directive must be followed. Secondly, if out of the eight members of the Betting, Licensing and Control Board only one is a woman, then we will change its composition to reflect 30 per cent directive.

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

Mr. Deputy Speaker: Order, Mr. Bifwoli! This is Question Time. If you ask a question and, probably, you are not satisfied, you cannot have a second shot through a point of order.

Mr. Raila: Mr. Deputy Speaker, Sir, this is the fifth year of the NARC Government in power. It is introducing this policy at injury time. Nothing much has been done for women for last four years. Could the Minister confirm or deny that the appointments that are being made right now, are being made in the very same skewed manner in which all the public appointments have been done since this Government came into power, and that every week the Kenya Gazette is full of women who are being appointed specifically from only one region of this country?

Mr. Kamanda: Mr. Deputy Speaker, Sir, first of all, I want to correct the hon. Member. He is also a part of this Government, having served in it for three years as a Minister.

I would also like to say that we have taken the President's directive very seriously. As I said, we have now gone to almost 38 per cent.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The Minister did not answer my question. Could he confirm or deny that the appointments are being done in a skewed manner?

Mr. Deputy Speaker: Mr. Minister, do you have anything to say about that?

Mr. Kamanda: Mr. Deputy Speaker, Sir, that is not true.

Mr. Deputy Speaker: Last question, Ms. Ndung'u!

Ms. Ndung'u: Mr. Deputy Speaker, Sir, I think there is need to confirm that, as women, we are one tribe. But that notwithstanding, I want to ask the Minister whether it is possible for his Ministry to bring a Bill for an Act of Parliament, which will enact this policy into legislation, so that we can continue to refer to it as law and not a directive.

Mr. Kamanda: Mr. Deputy Speaker, Sir, we are working on that, because we have realised that the public sector is not adhering to this directive. Very soon, we are going to bring a Bill to this Parliament in order to make it into law.

Mr. Kosgey: On a point of order, Mr. Deputy Speaker, Sir. While this directive is being implemented, or put in place, the day before yesterday, the President presided over a passing out parade of the Administration Police where, out of nearly 1,800 recruits, only 300 of them were women. This means that they were about 15 per cent of the recruits. Is it in order for the Minister to mislead this House that they are implementing the directive, when out of Administration Police recruits who passed out, only 15 per cent were women?

Mr. Deputy Speaker: Order! I want us to be very serious with what we are doing. That is a question. Mr. Kosgey missed a chance to ask the question, but now he is framing it as a point of order. If you do not get a chance to ask a question, please, do not re-frame it as a point of order.

Nevertheless, since it is a matter of public concern, I will ask the Minister to respond to that.

Mr. Kamanda: Mr. Speaker, Sir, the recruits who passed out recently were recruited nine months before that directive was given.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Migori Constituency!

Question No.016

ACQUISITION OF NJABINI LAND

BY MIDLANDS LIMITED

Mr. Owino asked the Minister for Lands:-

- (a) under what circumstance the company by the name Midlands Limited acquired land at Njabini farm; and,
- (b) what portion of land the company acquired, for what purposes and at what cost.

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House, so that I reply to this Question on Tuesday, next week. This is because we are still trying to get proper information so that the answer can satisfy the hon. Member.

Mr. Deputy Speaker: What do you have to say, Mr. Owino?

Mr. Owino: Mr. Deputy Speaker, Sir, I have no objection, so long as the answer will be satisfactory.

Mr. Deputy Speaker: Very well! The Question is deferred to Tuesday, next week.

(Question deferred)

Question No.017

FATE OF FUNDS ALLOCATED
FOR CONSTRUCTION OF ROADS C29/C28

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

- (a) what happened to funds allocated for the construction of Road C29 (Siaya-Usonga) and Road C28 (Rang'ala-Siaya-Bondo);
- (b) whether the designs for these roads were completed; and,
- (c) when the roads will be constructed.

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

(a) The funds allocated for the construction of Road C29, Siaya-Usonga, and Road C28, Rang'ala-Siaya-Bondo, have been used for the payment of the designs.

(b) It is confirmed that the designs for the two roads were undertaken and completed at a cost of Kshs36,950,515.24.

(c) The construction of Owimbi-Luanda Kotieno section of Road C29 is ongoing at a contract sum of Kshs1,048,472,915. The construction of the remaining sections of Roads C28 and C29 is expected to commence in the next financial year.

Mr. Weya: Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that Kshs36,950,515.24 was paid for the design of this road. Could he tell this House when this road is supposed to go to tender? Could he also tell us the policy, up to the design stage, how long it takes before it goes to tender?

Eng. Toro: Mr. Deputy Speaker, Sir, the entire road was split into two sections. One section, that is, Owimbi-Luanda Kotieno, has now been awarded to Put Sarajevo. The other section, that is, Rang'ala-Siaya-Bondo-Owimbi, will be advertised in the next financial year. **Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, the Assistant Minister says that for merely designing the road, they paid about 36 million. This Ministry retains highly-qualified engineers. Why does it pay such colossal amounts of money for mere designs, instead of using internal qualified personnel that it has?

Eng. Toro: Mr. Deputy Speaker, Sir, we do not have the required capacity in the Ministry. By taking on the private consultants, we have been able to accelerate road construction.

Mr. Deputy Speaker, Sir, there are two consulting engineers who are involved in the construction of these two roads. One of them is Egg Consult Engineering Consultants and the other one is Noken Engineering Consultants. If we were to design within the Ministry, we might be able to only design two roads in one year.

Dr. Oburu: Mr. Deputy Speaker, Sir, the Rang'ala-Siaya-Bondo Road is designed to go up to Bondo only. But it was supposed to be extended up to the beach, passing through Amoyo to Misori in Rarieda Constituency. Is that portion also taken care of in the design?

Eng. Toro: Mr. Deputy Speaker, Sir, I do not know exactly where the places he has mentioned are, but one of the designs which has been completed is from Rang'ala to Siaya and Bondo to Owimbi and Luanda-Kotieno to Mayanda. I do not know whether the places he has mentioned fall under that section of the road.

Mr. Karaba: Thank you very much, Mr. Deputy Speaker, Sir. I think the story of road design and the transfer of funds from one road to another is very common in Kenya. There is a road in Kirinyaga called Baricho-Kagio-Kerugoya and it has been repeated here many times before. The design for this road was done in 1987, money was frozen, the road has been abandoned and now the money which is there for that road has been transferred to another road in Kirinyaga District. What is the Assistant Minister doing to ensure that once a road is constructed and the contractors on site are then transferred, no other road should be constructed in another area when that road has been abandoned, like it has happened on that road from Baricho-Kagio-Kerugoya?

Eng. Toro: Mr. Deputy Speaker, Sir, we are looking at the possibility of including that road in the next financial year.

Mr. Deputy Speaker: Do you still have something, Mr. Raila? I still have time for this Question.

Mr. Raila: Yes, Mr. Deputy Speaker, Sir. To my knowledge, the design for this road was completed a long time ago. It was only a design review that was being carried out by the consultants, and that was also completed two years ago. Why is the Assistant Minister deliberately misleading the House instead of confirming that actually, the money which was to be used for construction of this road was diverted to another road somewhere else in Nyanza where there is no design?

Eng. Toro: Mr. Deputy Speaker, Sir, the design review for these roads was awarded to the consulting engineers in 2005, and the two designs were to take eight months. That is exactly what happened. So, when the design for one of the roads was reviewed and completed, it was advertised and the tender was awarded to Put Sarajevo. The other section of the road whose design is also complete is the one I was saying was going to be advertised during the next financial year.

Prof. Ojiambo: Thank you, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that Road C29 was going to join Road C30, starting from Bumala to Rwambwa, and that these two jobs were running concurrently? Is he also aware that Road D250 was also going to be worked on at the same time to meet Roads C30 and C29 at Rwambwa en-route to Port Victoria? Could the Assistant Minister tell us what progress they have made on Road C30 and how these three roads are going to connect in that loop?

Eng. Toro: Mr. Deputy Speaker, Sir, I am afraid I am unable to answer that question right now because I do not have the facts.

Mr. Deputy Speaker: Last question, Mr. Likowa!

An hon. Member: It is not Mr. Likowa!

Mr. Deputy Speaker: Sorry! This Question was asked by Mr. Weya. Mr. Likowa asked the Question which was deferred.

Mr. Weya, it is your Question.

Proceed!

Mr. Weya: Thank you very much, Mr. Deputy Speaker, Sir. The reason why Owimbi-Luanda-Kotieno was done is because a Minister comes from that particular area called Rarieda. But the whole of Siaya District where Roads C28 and C29 run, only Kshs3 million was sent this year to maintain those roads. Could the Assistant Minister tell this House what criteria they use when they are deciding on which parts and which sections are important to allocate funds when they are doing these roads?

Eng. Toro: Mr. Deputy Speaker, Sir, one of the criteria that we look at is definitely not whether an hon. Member or a Minister comes from there. We look at the road. I would expect the hon. Member to complain if the construction of the other section of the road was abandoned. I am assuring him that it is going to be done during the next financial year.

Mr. Deputy Speaker: Next Question, Mr. Bett!

Question No.025

STALLING OF KERICHO BUS STAGE PROJECT

Mr. Bett asked the Minister for Local Government:-

- (a) what cost Kericho Bus Stage is being built;
- (b) whether he is aware that Kericho Bus Stage has stalled; and
- (c) whether the Ministry is planning to build a bus stage at Litein in Bureti,

and if so, when.

The Assistant Minister for Local Government (Mr. Shaaban): Thank you, Mr. Deputy Speaker, Sir.

I beg to reply.

- (a) The contract sum for the Kericho Bus Park is Kshs58,797,427.50.
- (b) No, the project had not stalled. However, the progress had slowed as the contractor waited for re-design of a major retaining wall within the bus park.
- (c) There are no immediate plans to build a bus park at Litein. However, this may be considered in future development plans by the Ministry of Local Government.

Mr. Bett: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for giving a very evasive answer.

(Laughter)

Mr. Deputy Speaker, Sir, I want to believe that the Assistant Minister is reading from a different dictionary the meaning of the words "stalled" and "slowed". That bus park was demolished two years ago and it has been like that since then. The Assistant Minister is saying that, that was necessitated by the need to re-design a retention wall. How long does it take to re-design a wall? It has taken two years now. They must be operating from Mars! That is why they are taking too long.

Mr. Shaaban: Mr. Deputy Speaker, Sir, the designing of the wall is complete. The re-design was necessitated because there were mud slides within the market area and there was a need to re-design the project so that we have a retaining wall which can stop the mudslides from coming into the market. The design is complete and the project is on course.

Mr. Manoti: Thank you, Mr. Deputy Speaker, Sir. The Ministry of Local Government started so many bus park projects all over the nation. About 90 per cent of those bus park projects have stalled, for example, Kericho, Kisii and Gucha bus parks. What is the Assistant Minister

going to do to make sure that these bus parks are completed instead of leaving them idle?

Mr. Shaaban: Mr. Deputy Speaker, Sir, it is not true that 90 per cent of the bus park projects that have been started by this Ministry have stalled. Many of them have been completed and if the hon. Member wants to know, we will show him where they are. However, for those projects which have been slowed down as a result of the re-design as a necessity, like in the case of Kericho Bus Park, we will ensure that they are completed within the shortest time possible.

Mr. Too: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House who the contractor for this particular project is and how much is the contract sum?

Mr. Shaaban: Mr. Deputy Speaker, Sir, the contractor for this project is M/s Njuka Consolidated Ltd and the contract sum, as I have said before, is Kshs58,797,427.50.

Mr. Deputy Speaker: Now I have to call Mr. Bett to ask his last question. This Question has already taken five minutes.

Mr. Bett: Thank you, Mr. Deputy Speaker, Sir. Litein is the district headquarters of Bureti District, and it has no bus park. The Assistant Minister is saying: "It may be considered in future development by the Ministry of Local Government". Is the Assistant Minister initially thinking of buying land to construct that bus park, because they do not have land at the moment? At the moment, the bus park is along the highway, and that is extremely dangerous to the motorists and the users of the park. Could the Assistant Minister assure this House that in this financial year's Budget, appropriate land and funding to construct a bus park at Litein shall be provided for?

Mr. Shaaban: Mr. Deputy Speaker, Sir, we have instructed the local authority of that area to provide land before the Ministry of Local Government can initiate the provision of more funds in order to start a bus park in Litein. So, we have instructed the local authority of that area to provide land first before we can allocate funds.

Mr. Deputy Speaker: Next Question, Ms. Abdalla!

Question No.027

DEPORTATION OF MEMBERS OF
ISLAMIC COURTS UNION

Ms. Abdalla asked the Minister of State for Immigration and Registration of Persons:-

- (a) how many suspected members of the Islamic Courts Union were deported from Kenya to Somalia in January, 2007;
- (b) how many of those deported were Kenyan citizens; and,
- (c) why the suspects were taken to Somalia instead of being charged in a court of law in Kenya.

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, I am of the opinion that this Question should be deferred because, firstly, after going through the answer I have, I realised that it is not conclusive. Secondly, the Question touches on issues of security and, therefore, we need to consult with the relevant Ministry to be able to give a substantive answer.

Mr. Deputy Speaker: Mr. Mwaboza, when do you propose to bring the answer?

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): On Tuesday, Mr. Deputy Speaker, Sir.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. If you followed the Assistant Minister's response, you must have heard him say that he wants to consult. He said that the relevant Ministry will answer the Question and, now, he says that he will answer the Question next week.

Which is which?

Mr. Deputy Speaker: Mr. Mwaboza, this Question is directed to the Ministry of State for Immigration and Registration of Persons. So, I hope that you are not suggesting that the Question be referred to another Ministry. Could you clarify your suggestion?

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, in the spirit of collective responsibility, when I requested that the Question be deferred and undertook to bring the answer on Tuesday, I implied that we will communicate because, as Ministries, we share responsibility. That is why I answered that way.

Mr. Deputy Speaker: What Mr. Maore wanted clarified is whether you will bring an answer on Tuesday, as you have requested. Is that your request?

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, if upon consultation we realise that---

Mr. Deputy Speaker: Mr. Mwaboza, let me help you. The Question is rightly addressed to you. You have sought the indulgence of the House to have the Question deferred, so that you can consult and bring a suitable answer on Tuesday. That is the Chair's understanding, but not that the Question will be given to another Ministry. Let us get that very clear. That is the issue.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he wants to consult and yet the substantive Minister has already signed an answer to the Question, which is before the House. He has given facts in that answer. Is he disputing those facts? Why should the Assistant Minister come here and waste our time when his officers have spent time researching on the matter, and have already given an answer to the Question?

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, as I stand here, I am also a Minister in my Ministry. It is not a question of who signs the written answer. In my capacity, I am a Minister for the purpose of the business of this House. Secondly, I have said that the answer seems to be inconclusive, meaning that my officers have not done their work well. That is why I want to bring a substantive answer to the House.

Mr. Deputy Speaker: You are very right, Mr. Mwaboza. You are a Minister and, therefore, you have the right to say what you have said.

Ms. Abdalla, what do you say about the Question being deferred to Tuesday?

Ms. Abdalla: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister says that he needs to consult with the Ministry of State for Administration and National Security. This Question was initially directed to the Ministry of State for Administration and National Security, but it said that the Question was for the Ministry of State for Immigration and Registration of Persons. Secondly, I have the answer, which I think is very conclusive. We need to move on. Forty-seven Kenyans are languishing in Ethiopian and Somali jails, with six of them suspected to have died, and he is not coming here to give us an answer on such a serious matter!

Mr. Deputy Speaker: The Chair now orders that the Question be deferred to Tuesday afternoon.

(Question deferred)

Mr. Wamunyinyi: On a point of order, Mr. Deputy Speaker, Sir. I would like to apologise for coming late. I was held up in some emergency. I would like the Chair to allow me to ask my Question.

Mr. Deputy Speaker: Mr. Wamunyinyi, the Chair had dropped your Question earlier on, and you are apologising now! Any way, I will be magnanimous and allow you to ask the Question. However, let that go with the warning that it will not be the practice of this House to drop and then

"resuscitate" Questions.

Mr. Wamunyinyi: Thank you, Mr. Deputy Speaker, Sir. I know that the Chair has the power to make a decision.

Question No.012

HIRING OF CANE CUTTERS
ON PERMANENT/PENSIONABLE TERMS

Mr. Wamunyinyi asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that sugar companies have been employing cane cutters as temporary workers yet their services are required continuously;
- (b) why the Government has allowed labour laws to be flouted; and,
- (c) when these companies will start hiring cane cutters on permanent and pensionable basis, in accordance with the existing labour laws.

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau):
Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that sugar companies have been employing cane cutters as temporary workers. I am, however, aware that cane cutters from Nzoia Sugar Company and West Kenya Sugar Company are paid directly on behalf of farmers. The rest, in Sony, Chemilil, Muhoroni and Mumias sugar companies, are employed by contractors. The cane cutters are not employed on temporary terms but on piece-rate basis. Piece work employment relationship provides for any work done, and its pay is determined by the amount of work performed irrespective of the time taken in its performance.

(b) Employment of cane cutters on a piece-rate basis is legal and farmers, either directly or through contractors, have not flouted any labour laws. The Employment Act, Cap.226, Laws of Kenya, Section 2, allows for engagement of workers on a piece-rate basis.

(c) The companies cannot be forced to have cane cutters on a permanent and pensionable basis because they are contracted by independent agents.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, it is very disturbing when you get this kind of an answer from an Assistant Minister of Government. I represent cane cutters in Nzoia. I am aware that they are employed by the company. There are those who have been working for the company for over ten years, but have remained casuals, or temporary workers, since the time they started working for the company. There is a statement in the Assistant Minister's answer to the effect that cane cutters are employed on a piece-rate basis, when we know that they have been working for Nzoia Sugar Company for all the time the company has been cutting cane. What is the Government doing to ensure that the law is not applied selectively to some Kenyans? Kenyans who are involved in cutting cane also deserve to benefit from the provisions of the law.

Mr. Deputy Speaker: Mr. Wamunyinyi, this is Question Time!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, what is the Government doing to ensure that cane cutters are also treated like other Kenyans in employment?

Ms. Mwau: Mr. Deputy Speaker, Sir, the engagement of cane cutters on a piece-rate basis is not unlawful. Part of the Question was whether those companies will hire cane cutters on a permanent and pensionable basis. It is not up to the Government to say whether they should be hired on a permanent and pensionable basis. For instance, I am aware that to date, the country has six sugar companies in operation, namely, South Nyanza, Chemilil, Muhoroni, Nzoia, Mumias and West Kenya sugar companies.

Mr. Wamunyinyi: On a point of order, Mr. Deputy Speaker, Sir. I have asked a very simple question. Why are cane cutters not treated in the same way other employees in this country are treated? They should also enjoy the benefits of permanent employment. That is the question I expected the Assistant Minister to answer, and not to list the names of companies that I already know.

Mr. Deputy Speaker: Madam Assistant Minister, would you respond to the question? Be specific!

Ms. Mwau: Mr. Deputy Speaker, Sir, could the hon. Member table some evidence to show that cane cutters are employed on temporary basis?

Mr. Keter: Mr. Deputy Speaker, Sir, the Assistant Minister is not being fair. She is not telling the House the truth. This does not apply to cane cutters alone. Even tea pluckers are treated in the same way. Could she answer the question properly?

Mr. Deputy Speaker: Madam Assistant Minister, I want to help you. The question is straightforward. I do not think you need to ask the hon. Member to table any evidence.

The question is whether you are aware that companies have been employing cane cutters on temporary basis, yet their services are required continuously. It is very clear and I do not think the hon. Member needs to table anything. Could you please, respond?

Ms. Mwau: Mr. Deputy Speaker, Sir, I said that I am not aware.

Mr. Lesrima: Mr. Deputy Speaker, Sir, could the Assistant Minister explain when the policy of the sugar companies changed from employing workers on temporary basis to paying them on piece work basis?

I happen to have worked in one of those companies as a Personnel Director, and the policy then was to employ workers as casuals. Could the Assistant Minister tell the House when the policy changed to piece rate? How much are the workers paid under the piece work policy?

Ms. Mwau: Mr. Deputy Speaker, Sir, I want to repeat that I am not aware that sugar companies have been employing cane cutters on temporary basis. I am aware that sugar companies have been employing---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Madam Assistant Minister, I want to protect you so that you can finish.

Ms. Mwau: Mr. Deputy Speaker, Sir, I am not aware that sugar companies have been employing cane cutters on temporary basis. They are paid on piece work basis which is negotiable.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Hon. Members, will you sit down? I expect every hon. Member to be seated when the Assistant Minister is answering the Question. Ms. Mwau, have you finished?

Ms. Mwau: Yes, Mr. Deputy Speaker, Sir.

Mr. Bifwoli: On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister is unable to answer the Question, I am sure I will be in order to ask the Chair to ask her to go and do some research. She is not aware of anything. I think I will be in order to request that she goes to consult her colleagues and get us the right answer when she is aware.

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

Mr. Ndolo: Mr. Deputy Speaker, Sir, the question of workers being employed on temporary basis has been debated here many times. Could the Assistant Minister tell this House what the labour laws say about workers being employed on temporary basis? What is the minimum period for temporary employment?

What is the Assistant Minister going to do to ensure that all temporary workers in these companies are employed on permanent basis?

Ms. Mwau: Mr. Deputy Speaker, Sir, the Question that was put to the Ministry was about sugar companies and whether we are aware that workers are paid on piece work. They are paid on piece work basis, which is in terms of contracts. There is no law which provides for workers to be paid on piece work basis.

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

Mr. Deputy Speaker: Order, hon. Members! Will you sit down, all of you? Will you sit down, Mr. Weya?

The Chair can only guide the House on these matters. There is a limit as to how much time we can take on a Question. This Question has taken very long and we are not making any progress. The Chair does not intend to continue indefinitely with one Question.

Mr. Weya: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister should know the employment policy for sugar companies. What is the minimum wage that a worker should be paid in this country? She should be able to answer that question simply.

Ms. Mwau: Mr. Deputy Speaker, Sir, I will provide those details later.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The Question is very specific. It talks about workers being on temporary employment for over ten years. The labour laws are very clear that beyond six months, you have to convert temporary employment to permanent employment. The Assistant Minister is being asked whether it is right for the sugar companies to continue employing and exploiting Kenyans as casual workers for over ten years. That is the question that she needs to answer.

Ms. Mwau: Mr. Deputy Speaker, Sir, that is a different Question. Could the hon. Member bring that Question to the House and then we will answer it?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I understand that I cannot challenge the Chair, but hon. Raila has asked a valid question. Is it right for Kenyan workers to be employed on temporary basis for as long as over ten years? The Assistant Minister is saying that, that is a different Question and you are letting her get away with it. We cannot let her get away with this!

This is a very important Ministry in this country, yet we do not have a Minister or Assistant Ministers. All of them are asleep and they do not know what is going on. This is a very important Ministry! It is not acceptable for you to let her get away with this! I am appealing to you to rule that this Question has not been answered properly. All the supplementary questions have not been answered properly by the Assistant Minister.

I also know that the Minister cannot answer this Question. This is one of the most problematic Ministries. We need to get the right Minister to respond to this Question. If you can defer this Question---

(Applause)

Mr. Deputy Speaker: Order, Mr. Wamunyinyi!

Ms. Mwau: Mr. Deputy Speaker, Sir, I am very awake and the Ministry is very awake. I

have answered the Question. The hon. Members should bring different Questions and we will answer them.

Mr. Deputy Speaker: Mr. Wamunyinyi, if you are not satisfied with that answer, you can still go to the Standing Orders and bring a Motion, so that the Question may be dealt with. So, it is up to you. The provisions are there in the Standing Orders.

That is the end of Question Time!

POINT OF ORDER

DELAY IN TABLING REPORT ON MARSABIT PLANE CRASH

Mr. W. Galgalo: Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister of State for Administration and National Security. This is with regard to the infamous Marsabit Air Crash which killed many of our brothers, a District Commissioner and a pilot.

It is now a year since that incident happened and the people of Kenya have not been told what caused that accident. We are planning a commemoration ceremony to mark that event on Tuesday, 10th April, 2007. It will be unfair for the family members, constituents and the public at large to commemorate that event without knowing what caused that accident.

(Applause)

I have held consultations with the affected family members and they are very much in agony. They have been spending sleepless nights for all that period. I know that investigations have been conducted and mine is to ask the Minister to lay that report on the Table. That will save the affected family members and constituents from prolonged agony and sleepless nights.

Thank you.

(Applause)

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, I welcome the sentiments expressed by the hon. Member and the spirit in which he has raised this matter in the House. But I want to point out that, although the mission was under my Ministry, the "how and why" relates to the condition of the aircraft which belonged to another Ministry. I will, therefore, pass on those sentiments to my colleague, the Minister of State for Defence.

Hon. Members: He is here!

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, it was a very sad affair because we lost our brothers who were very good people of this country. We are working on that. We want to know what happened. We will table the report as soon as possible.

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

Mr. Deputy Speaker: Hon. Members, just a minute! The hon. Member has said that the incident occurred one year ago. It occurred on 10th April, 2007. Mr. Minister, I think the hon. Member wants to know whether, by the time they commemorate that sad incident, the Government will be in a position to release that report and table it before the House. That was the gist of the

request by the hon. Member. How soon, Mr. Minister?

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, I do not want to say it will be done tomorrow. I want to talk about something that will happen. I want to give a correct report. Let me go and check in my office because I was not expecting this matter to be raised today. But, definitely, it is also in my own interest and that of the people of Kenya to know what happened.

(Mr. Kosgey stood up in his place)

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

Mr. Deputy Speaker: What is it, Mr. Kosgey!

Mr. Kosgey: Mr. Deputy Speaker, Sir, we heard that the Government was going to investigate that incident. But we do not know what it actually did. Would I be in order to ask the Minister to tell us exactly what the Government did? Did it set up a commission of inquiry? Who were the members? Who chaired it? Have they conducted public hearings? We need facts. It is not enough for the Minister to say: "We will get you a report as soon as possible!" He should tell us what actually happened!

Mr. Deputy Speaker: I agree with you. Let us settle this matter this way. The Minister should bring a Ministerial Statement giving an update on how far the investigation have gone, so that, at least, the House is kept informed. I think that is what the hon. Member wants to know. If the report is not ready, the Minister can come up with a statement to say how far the investigation have gone. Is that okay, Mr. Minister?

The Minister of State for Defence (Mr. Karume): Mr. Speaker, Sir, a committee was appointed and the report I will give will contain all the information. The Government will not hide anything at all. I am sure the report that will come will be a correct one. The report will be released very soon.

Mr. Ogur: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member talked about a particular date next week. This is the hurry! This hurry necessitates the Minister to give us something to talk about earlier than that date. That date is specific. Could the Minister be specific that he will issue a statement here? He should be specific! Can he do it tomorrow afternoon? The Minister is fighting to avoid that date next week. Time factor, Mr. Minister!

(Laughter)

The Minister for State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, we will issue a Ministerial Statement next week on Tuesday!

(Mr. W. Galgalo stood up in his place)

Mr. Deputy Speaker: What is it, Mr. M. Wario?

Mr. W. Galgalo: Mr. Deputy Speaker, Sir, I am satisfied with the Minister. We will have that commemoration on Tuesday morning. So, I will not be around. I think it would have been better for us if the Minister went to his office to get the report. I know that the report is ready. It is just a matter of picking and tabling it. The Minister would have done us a favour if he gave us a brief report tomorrow afternoon, so that I will have something to tell the public.

(Applause)

Mr. Deputy Speaker: Order, hon. Members! By the way, the Chair has already ruled that it will be on Tuesday afternoon. So we cannot go back. In any case, when the Minister came here, he did not foresee that such matter will come before the House. We must be fair to him. He has to take his time. He has already undertaken to give the Statement on Tuesday. If you want the report to come a day or so later, that is fine. But do not ask for it to be brought forward. Do you want it to be brought on Wednesday, if you will not be here on Tuesday?

(Mr. Samoei stood up in his place)

Order! On this matter, no! We have concluded that matter! All right, what is it, Mr. Samoei?

Mr. Samoei: On a point of order, Mr. Deputy Speaker, Sir. We are talking about five hon. Members who passed on in an incident that this country is yet to know. Mr. W. Galgalo has told you clearly that there will be a commemoration on Tuesday. We need to arm this hon. Member to tell the people of that region something.

(Applause)

I do not think it is too much to ask that the Minister, who I am sure has a heart, believes and also understands that this is a very sensitive issue, to bring the Report here tomorrow. I think the Chair, you Mr. Deputy Speaker, knowing very well the sensitivity of this issue, can rescind your decision so that we can have this Report tomorrow.

(Applause)

Mr. Deputy Speaker: I think I must leave it to the Minister. We cannot force the Minister to bring it tomorrow if he is not ready. However, if he is ready, I have no problem.

Mr. Minister, in view of the sentiments expressed by Mr. Samoei, what do you say? That should be the end of the matter!

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I would like to give the Minister another alternative. The Report may not be ready for tabling tomorrow. However, there is nothing that stops the Minister from coming here tomorrow and issuing a comprehensive Ministerial Statement on the state of affairs in this matter. Over this matter, you can make the ruling and do not leave it for discussion with the Minister.

Mr. Deputy Speaker: I suggested that earlier! I suggested that if the Report is not ready, the Minister can come and give a statement to explain how far the matter has gone, without necessarily bringing the Report. I said that earlier! Probably, that will be easier because the Minister may not be aware whether the Report is ready or not.

Mr. Minister!

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, tomorrow is Thursday, 5th April, 2007. The reason why I am asking to be allowed to give the report on Tuesday, 10th April, 2007, is because I have not seen it yet and I would like to give a correct report. I would, therefore, like to have this afternoon and tomorrow to look at the Report. If there will be any mistake, I would like to correct it because I want to give the House a correct report. I know this is a very important matter and whether the Report is given tomorrow or Tuesday next week, it is the same. There is no difference!

(Several hon. Members stood)

up in their places)

Mr. Deputy Speaker: Order, hon. Members!

(Mr. Ethuro stood up in his place)

Order, Mr. Ethuro!

Proceed, Mr. Kajembe!

Mr. Kajembe: Mr. Deputy Speaker, Sir, I rise under Standing Order No.20 to seek adjournment of the business of the House to give way for deliberations and discussions on a matter of national importance. This is none than the unrest taking place in Mt. Elgon; especially on the loss of lives and destruction of property. The place appears as if it is closed to all human activities.

Mr. Deputy Speaker: Yesterday, this matter came to the Floor of the House and the Chair did concede that if the hon. Member raises the required number in accordance with Standing Order No.20(3), we will grant the request. So, could the hon. Member raise 15 hon. Members?

(Several hon. Members stood up in their places)

An hon. Member: Mt. Elgon! Mr. Serut!

Mr. Deputy Speaker: Order, hon. Members! There are more than 15 hon. Members. You may sit down!

(Loud consultations)

Order, hon. Members! Will you sit down? Well, clearly, there were more than 15 hon. Members. Therefore, the Chair will accede to this request and ask the Minister in charge of internal security to move the Motion of Adjournment.

Mr. Michuki!

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

INSECURITY IN MT. ELGON DISTRICT

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Deputy Speaker: Hon. Members, the time allocated for this is two and half hours. We, therefore, will be closing business as at 12.35 p.m. We will exceed 12.30 p.m. by five or six minutes. Mr. Kajembe, you have 15 minutes and as you know, hon. Members are allowed ten minutes. However, if you wish, by the indulgence of the House, we can reduce it to five minutes. Is that the wish of hon. Members that the time be reduced to five minutes?

Hon. Members: Yes!

Mr. Deputy Speaker: Then the Minister will be given ample time to respond! **Mr. Kajembe:** Thank you very much, Mr. Deputy Speaker, Sir, for allowing the House to go on with the Adjournment Motion. Being the Chairman of the Departmental Committee on Administration,

National Security and Local Authorities, it is my concern, my Committee's, hon. Members' and the Kenyan people that there is unrest in Mt. Elgon.

Kenyans have noticed loss of lives and destruction of property in Mt. Elgon. In our Constitution, it is the duty of the Government of the day to ensure that the lives of its citizens are protected. It is the duty of the Government to ensure that there is no destruction of property.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Those hon. Members who are standing should sit down while those who wish to withdraw from the Chamber should do so quietly! This is a very important debate!

Proceed, Mr. Kajembe!

Mr. Kajembe: Mr. Deputy Speaker, Sir, the Government is accountable for what is happening in Mt. Elgon because it is their duty as clearly stipulated in the Constitution of this country. Since this thing began taking place in Mt. Elgon, the Government has kept mum. It has turned a deaf ear to what is happening in Mt. Elgon. It is very important for the Minister in charge of national security to come out clearly and tell Kenyans what is happening there. There has been a tendency in the past that every time we are nearing elections, there are clashes, either tribal or otherwise, in the country.

In the developed world, if one life is lost, the whole country and the Government are concerned. Those who perpetrate those wrongs are brought to book. Up to now, we have not heard of anybody who has been brought to book. We have not heard the Government saying anything.

Mr. Deputy Speaker, Sir, the Departmental Committee on Administration, National Security and Local Authorities, which I chair, has made a brief follow-up on this matter by talking to people who were on the site. This Committee will visit the troubled area of Mt. Elgon next week in order to come up with very important information. However, those people we have talked to informed us that there is land allocation going on in Mt. Elgon. The Ministry of Lands is trying to settle people there by allocating them land. It appears that there are warlords in Mt. Elgon. They are the ones who are inciting the people of Mt. Elgon because they want to own large pieces of land in that area.

Mr. Deputy Speaker, Sir, it is my wish that the Government, and particularly the Ministry of Lands, should stop allocating land in that area forthwith so that there can be dialogue amongst the people of Mt. Elgon. That is, however, not to say that the people there should be denied ownership of land. There must be dialogue first and then land allocation should take place. The issue of land allocation is a big contributor to this problem.

As we talk now, schools in Mt. Elgon have been closed. Shops have been closed too and people there cannot get food. They are now dying of hunger. It is surprising that we have not heard the Government say anything. We do not know what measures it is taking to suppress a very bad situation like this one. It is important to state that those who have been killed did not die of illnesses. They died as a result of clashes and their properties were destroyed too. This Government is duty bound to make sure that those families, whose members have been killed and property destroyed, are compensated. I am talking about full and adequate compensation and not ex gratia payment. There has been a tendency in the Government that when it wants to compensate people, it sometimes makes ex gratia payment. We are now saying that we want adequate payment to the suffering people of Mt. Elgon.

Mr. Deputy Speaker, Sir, I want to state again that people are dying in Mt. Elgon and the Government and even Kenyans cannot afford to ignore that fact. Something must be done. In the developed world, if such a thing happened, the Minister in charge of security would lose his or her

job because the people of that particular country will talk very loudly about the nasty things that are happening like what is taking place in Mt. Elgon. Let us join hands together to make sure that the nasty things happening now in Mt. Elgon are brought to a stop. I know that the Government has the capacity to stop the unrest that is taking place in Mt. Elgon. Why is that capacity not being applied?

Mr. Deputy Speaker, Sir, we have done our homework. The Minister of State for Administration and National Security has posted an adequate number of security personnel to Mt. Elgon. However, when the security personnel on the ground see members of Mt. Elgon community quarrelling and killing each other, they only stare and laugh at them. They do not take any action. Why is that happening? Whose instructions are they going by? Whose orders are they following? This House is answerable to the people of Kenya. We are here as the watchdog of the people of Kenya. Whatever wrongs the Government does, we shall point them out.

Mr. Deputy Speaker, Sir, it is very interesting to note that even those intending to contest in the forthcoming General Election, be it for parliamentary or civic seats, are finding it easy to organise groups to fight each other just for the purpose of getting votes. Yes, one might do whatever one wants to do, but we have law and order in this country. There is a Government arm which can arrest and investigate. It is that arm of Government which will make the people of Kenya live in harmony.

It is my prayer, and I hope that for every Kenyan, that now that we are nearing elections, we do not want to see more tribal clashes erupting in other parts of this country. Some politicians view clashes as a way of winning elections. Let us approach the General Election that will be held at the end of this year with sober minds. The clashes should not be used to facilitate a candidate's victory in the elections. The Government should identify the warlords in Mt. Elgon area. It should come out clearly and tell Kenyans who these warlords are. The warlords should be brought to book. We want to live in a country where there is peace.

Mr. Deputy Speaker, Sir, I beg to "move" and with your permission, call upon hon. J. Nyagah to second this Motion.

(Mr. J. Nyagah stood up in his place)

Mr. Deputy Speaker: Order, Mr. J. Nyagah! There will be no voting on this matter. The Minister already moved the Motion so Mr. Kajembe, you cannot move it again. Mr. J. Nyagah will contribute and we have already agreed that each speaker will have five minutes only.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I wish to thank the hon. Member for Changamwe for bringing this matter, which is of great national importance, to this House. This subject has been hanging over this nation for a long time and yet we know that it is dangerous. It is not good, in this modern times, to continue talking about tribal clashes in this country.

Mr. Deputy Speaker, Sir, I have a lot of interest in this subject because I was a former Minister for Lands and Settlement. Therefore, I understand the actual problem from the Ministry's point of view.

Secondly, there is an area in my constituency called Mwea Settlement Scheme. It has the potential of having the same problem as Mt. Elgon District. I would, therefore, like this problem solved before it spills over into my constituency and other parts of this country.

Thirdly, Likia Settlement Scheme also has potential for clashes. We need to address problems facing these three settlement schemes before the situation gets worse.

Mr. Deputy Speaker, Sir, I have been following this problem closely. For example, I have sat with professionals from the Sabaot community and they properly briefed me on what has been happening on the ground.

Mr. Deputy Speaker, Sir, last week, our friends from the United States of America (USA)

raised substantial amount of money. They gave it to the Red Cross in order to feed the 40,000 or so people, displaced from their farms. This area has been the food basket of this country. It is a shame for this country that such a thing is happening now!

Mr. Deputy Speaker, Sir, the district is closed. Very few people have access to it. My own bishop from the Anglican Church was not allowed to give food to the people in the district. The Press and other people are not allowed into this district. All we can do is to speculate and imagine what could be happening there.

It is the responsibility of the Government to ensure that there is peace and a lasting solution is found. We must involve local elders to find a lasting solution to this problem. That is one of the ways that problems are dealt with in these communities. The process must be all-inclusive. If it is not so, we are wasting time here.

Mr. Deputy Speaker, Sir, if the Government is not willing to solve this problem, the Red Cross should be given the mandate to deal with it. I know the Government is capable of dealing with the problem because it has the instruments of power. It has the intelligence information and can deal with this problem decisively.

Mr. Deputy Speaker, Sir, the result of this conflict is that we now have internally displaced people. There are people who have left their *shambas* and are now moving into Uganda. The Teso and surrounding communities are being affected by this conflict. This is dangerous and can lead to a bigger crisis than we are imagining.

I know and appreciate that this is an election year. I know we are wooing votes. Let us not do it the way we are doing it now. If the intention is to win the elections, let us do so, peacefully. I have met candidates who are not allowed to get into that district. They cannot enter that district to campaign! They are scared of being shot dead. They are scared of entering the district because they know the implications.

Mr. Deputy Speaker, Sir, I feel very sorry for the people of that area and that is why I stand to second this Motion.

Mr. Deputy Speaker, Sir, I would like to see the involvement of churches in solving this problem. However, the responsibility lies squarely with the Government. They have all the instruments of power. They must know what is happening because I know what they did in Likia---

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

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, with those few words, I beg to second.

Mr. Deputy Speaker: Order, hon. Members! As we now start the real debate on this matter, as the Chair has always cautioned; I want you to exercise restraint. I want this matter debated soberly. No personalities should be involved. Let us debate with the aim of restoring peace in that troubled area.

It is fair to ask the hon. Member for the area, Mr. Serut, to contribute!

The Assistant Minister for Planning and National Development (Mr. Serut): Thank you, Mr. Deputy Speaker, Sir. Let me start by thanking the mover of this Motion, Mr. Kajembe, who saw it timely to bring it here today.

Mr. Deputy Speaker, Sir, the situation in Mt. Elgon is very sad. I want to say that the Government has been aware of this. The killings started in early August, last year. Up to date, we have lost a total of 85 people.

Hon. Members: 150! 150!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, I do not want to go by speculations. We have lost 85 people in Mt. Elgon. They include people from the Sabaot, Bukusu and Teso communities. The Bukusu and Teso are not beneficiaries of Chebiuk Settlement Scheme which looked to be the bone of contention in this issue.

Mr. Deputy Speaker, Sir, as a result of the killings, several schools have been closed and property destroyed. The warlord, who is behind the clashes, had been arrested by the Government but the surprising thing is that the same Government is now giving protection to the warlord.

Mr. Deputy Speaker, Sir, I urge Kenyans to push this Government to ensure that, that particular warlord---

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

Mr. Deputy Speaker: Order! Mr. Wamunyinyi, will you sit down?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, he has talked of a warlord---

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, could the hon. Members give me my time to contribute?

Mr. Deputy Speaker, Sir, the warlord is known. He has been facilitating the killings of people of Mt. Elgon. He actually facilitated the same in 1992 under the protection of the former regime. He did the same in 1997 and 2002 respectively. Some hon. Members of Parliament have been facilitating this warlord.

Hon. Members: Ahh! Ahh!

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

Mr. Deputy Speaker: Order, hon. Members! Will you sit down?

I will allow the point of order by Mr. Moi!

Mr. Moi: On a point of order, Mr. Deputy Speaker, Sir. You have heard the hon. Member say that some hon. Members of Parliament are involved in facilitating the warlord, could he substantiate? That is a very serious allegation!

Mr. Deputy Speaker: Mr. Serut, you know the rules of the House. You said that some hon. Members of Parliament are the ones facilitating the warlord. You are imputing improper motive without a substantive Motion. That is out of order!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, a fact is a fact! I have always named the particular hon. Member of Parliament. A time will come when I will table documentary evidence in this House to show who he or she is.

Mr. Samoei: On a point of order, Mr. Deputy Speaker, Sir. We should not allow Mr. Serut to treat this House to theatrics. He should name the hon. Member of Parliament, the warlord and table the evidence that he has.

Mr. Deputy Speaker, Sir, he is---

(Applause)

(Mr. Serut stood up in his place)

Mr. Deputy Speaker: Order, Mr. Serut! Mr. Samoei is still on the Floor!

Mr. Samoei has finished, Mr. Serut, please, proceed!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, I will name the warlord. He surrendered himself to the police after his name was circulated. He is Mr. Fred Chesebe Kapondi. I am asking the Minister; who is here, to ensure

that Mr. Kapondi is taken to court. A file had been opened. The Criminal Investigation Officers came from Mt. Elgon, collected him, but when he reached Naivasha, he was returned to Nairobi. Under whose instructions was he returned to Nairobi?

Mr. Deputy Speaker: Order! Let us all relax over this matter. Mr. Serut you have said that Members of Parliament are facilitating the clashes and you have been challenged. You are not getting away with that.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, there are hon. Members who have been inciting people in Mt. Elgon and they know the role that they have played. One of them is Mr. Samoei, Mr. Sirma, Mrs. Kilimo and Mr. Bett. If you want evidence, I am ready to produce it to that effect.

(Loud consultations)

Mr. Deputy Speaker: Order! Mr. Serut, just before you stood on the Floor, I did caution the House not to involve hon. Members of Parliament, name names and so on, but you have gone into that. I would like to warn hon. Members again to refrain from engaging in that kind of dialogue. The idea here is that the House will do a lot of service to the nation by debating this matter in a sober manner that will enhance or restore peace in Mt. Elgon.

Mr. Keter: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Serut to allege that Mr. Fred Kapondi is a warlord and yet he is not here to defend himself?

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, if there is a warlord out there causing the killing of my people, that is my priority. Mr. Keter is known to have been facilitating the release of Mr. Kapondi through a bond. Let it be on record.

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

Mr. Deputy Speaker: Order, Mr. Keter! Some of you are the ones who challenged him to name the warlord. The point I am making here is that hon. Members should not impute improper motives on other hon. Members.

Mr. Samoei!

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

Mr. Deputy Speaker: Order, Mr. Keter!

Mr. Samoei: Mr. Deputy Speaker, Sir. Are you giving me time to contribute?

Mr. Deputy Speaker: Yes. Did you stand on a point of order?

Mr. Samoei: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it Maj-Gen. Nkaisserry? Maj-Gen. Nkaisserry are you standing on a point of order?

Maj-Gen. Nkaisserry: No, Mr. Deputy Speaker, Sir. I am not on a point of order. I want to contribute.

Mr. Deputy Speaker: If it is a contribution, then it is Mr. Samoei's chance.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. You have mentioned, but you have not made a ruling. It is very important that we conduct business in accordance with the Standing Orders. There is a Standing Order that says that no hon. Member shall impute improper motive on another hon. Member other than by bringing a substantive Motion to discuss the conduct of that hon. Member. He has mentioned names of several hon. Members here as warlords and instigators of the instability in Mt. Elgon. Could I be in order to ask him to withdraw and apologise?

(Applause)

Mr. Deputy Speaker: Order! If you want us to go that route, we will take the whole day and hon. Members will not have an opportunity to deal with this matter. I cautioned hon. Members. I again agree with Mr. Raila that it is out of order for you to mention names of hon. Members without a substantive Motion. Do you have evidence on what you said about the hon. Members?

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, I have evidence against Mr. Bett and Mr. Samoei. They know what they said. It is a fact that Mr. Samoei was in Mt. Elgon telling people that they should not be given land but rather they should wait until ODM(K) comes to power and they will be allocated all the forest. We can produce the clips. We are not going to sit here to represent people who are going to be killed by---

Mr. Deputy Speaker: Order, Mr. Serut! Mr. Serut, you are not going to take over this House.

Go ahead, Mr. Samoei.

Mr. Samoei: Mr. Deputy Speaker, Sir, I think we should treat utterance by Mr. Serut with the contempt it deserves. We are dealing here with a very serious issue. I have personally been to Mt. Elgon about three or four times. The situation in Mt. Elgon---

(Mr. Serut stood up in his place)

Mr. Deputy Speaker: Order! Will you sit down?

Mr. Samoei: Mr. Deputy Speaker, Sir, the situation in Mt. Elgon is very serious. When we raised this issue eight months ago---

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Will you stop interrupting another hon. Member when he is on the Floor? Continue Mr. Samoei.

Mr. Samoei: Mr. Deputy Speaker, Sir, when we raised this matter eight months ago, the Government told us that we were playing politics. By then no single life had been lost. We told the Government to take up the issue of land in Mt. Elgon seriously, but they let the issue degenerate. Today, 150 Kenyans have lost their lives. I do not know what the Minister of State for Administration and National Security is doing when 50,000 Kenyans have been displaced. The Minister has sent security personnel to Mt. Elgon, not to provide security but to burn down houses, churches and bans.

Mr. Deputy Speaker, Sir, if you go to Mt. Elgon today, you will shed tears. Children are not only not going to school but they are sleeping without a roof over their heads, no blankets and they have nothing to eat. When humanitarian activity and personnel go to Mt. Elgon to take food and other humanitarian facilities, all the Government does is to block those people. I have on one occasion, together with Mr. Bett, other hon. Members of Parliament, accompanied by an Anglican Bishop, with food and blankets in a lorry, been denied entry in to Mt. Elgon on an account of instruction from the Minister of State for Administration and National Security. What a shame! The people of Mt. Elgon are paying for crimes they have not committed. Mr. Serut, without shame; a person who pretends---

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

Mr. Deputy Speaker: Order, Mr. Samoei! Mr. Serut, what is your point of order?

The Assistant Minister for Planning and National Development (Mr. Serut): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to mislead Kenyans that he

was taking food to the displaced people in Cheptais Division, when the area where people are being killed is Chebyuk which is in a different division?

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

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not need that kind of advice from Mr. Serut. The situation on the ground is very serious. This hon. Member has told the people of Mt. Elgon that because they did not vote for "banana" he is going to make sure that they are punished by this Government. The Government is turning a blind eye to what is going on in Mt. Elgon because this hon. Member continues to support it when his own people are dying. They are being killed. His own people are going without food. About 10,000 children in Mt. Elgon have not gone to school in the last one year and this fellow here is pretending---

(Mr. Serut stood up in his place)

Mr. Deputy Speaker: Order! Will you sit down?

Order, Mr. Samoei!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Deputy Speaker, Sir, it is my people who are suffering, not Mr. Samoei's. The Nandis are not suffering and yet he is coming to Mt. Elgon to cause chaos. He cannot abuse me! He has no business abusing me!

Mr. Deputy Speaker: Order! Mr. Samoei, you have referred to an hon. Member as "this fellow." That is out of order.

Mr. Samoei: Mr. Deputy Speaker, Sir, I withdraw and apologise. I was referring to Mr. Serut. About 10,000 children are out of school and that does not bother this Government. So long as Mr. Serut is sitting on the other side and voting for them, it does not matter to him or to the Government. This is a shame!

Mr. Deputy Speaker, Sir, this is a shame! what a shame that a Government with political experience can allow thousands of people to be displaced!

Hon. Members: Shame! Shame!

Mr. Samoei: What a shame!

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. I am a neighbour to Mount Elgon region. Is it in order for hon. Members, who live a long distance away from the affected area, to continue talking about this?

Hon. Members: Shame! Shame!

Capt. Nakitare: We want to discuss this issue. Could the Chair assist this House, so that we talk about the issue on the ground?

Mr. Deputy Speaker: Order, Capt. Nakitare! This matter is not limited to people of any area. Any hon. Member of this House has a right to contribute to the matter before us.

Mr. Samoei: Mr. Deputy Speaker, Sir, the issue at hand is very serious. We are talking about 100 plus Kenyans, who have lost their lives. We are talking about 10,000 plus students who have not gone to school for the last one year. We are talking about thousands who do not have a roof on their heads. What happens is that instead of the Government going to provide humanitarian service to the people, it has gone there to burn their houses.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker took the Chair]

Mr. Speaker, Sir, I, myself, have witnessed policemen torching maize barns. These are storage facilities for the people of Mount Elgon. They are now without food and shelter. The Minister has the audacity to roam this country, pretending that he is speaking to members of the Provincial Administration when he has not found time to go to Mount Elgon, where hundreds of Kenyans have lost their lives.

(Applause)

Mr. Speaker, Sir, this Government should take things seriously. We are in the 21st Century. We cannot afford to run this country the way the proverbial animal farm was run. This is where some were more equal than others. The only crime the people of Mount Elgon have committed is that they are children of a lesser god.

COMMUNICATION FROM THE CHAIR

NEED TO DEBATE MATTERS OF NATIONAL IMPORTANCE WITH SOBRIETY

Mr. Speaker: Order, hon. Members! I have been listening and following this debate from my office. I want to state the following.

The framers of our Standing Orders understood clearly that there are instances where this House must suspend its business to discuss matters of national importance. That is why Standing Order No.20 exists. The rationale was that this House, being the representative organ of the people of Kenya, would, in sobriety, discuss those matters with facts and without emotion.

Sad to say, this morning we are abusing that rule. It is sad to say that when tens or hundreds of Kenyans die, we play politics with it. Let me state from this Chair that no hon. Member of Parliament owns their constituents!

(Applause)

No hon. Member of another constituency owns Kenyans. Kenyans are a sovereign people. Wherever they are, they are sovereign. Every hon. Member of Parliament here is expected to speak for the people of Kenya, and do so from a position of trying to seek a solution to a problem, and not to aggravate it!

(Applause)

Hon. Members, let us not aggravate the situation. I want to warn this House that if Standing Order No.20 is going to be abused again, in the manner in which it has been this morning, let me serve notice that I will be very reluctant to oblige to a request under it. The ball is, therefore, in the court of hon. Members. When you seek to take advantage of the rules of the House, obey all! There shall be no exception to obedience of the rules.

I have heard the hon. Member for Langata Constituency raise the issue of discussing hon. Members without a substantive Motion. That is a legitimate concern for every hon. Member here. No hon. Member will be allowed, this morning, to discuss the conduct of any other hon. Member without bringing a substantive Motion.

(Applause)

That will apply to everybody. That must be clearly understood. The Chair has given you this opportunity; please use it well. I hope from now on, we become Kenyans. I hope from now on, we become leaders. I hope from now on, we are going to be seeking solutions to problems. We are not attempting to make them worse than they are today.

So, shall we now continue in sobriety? I repeat, in sobriety! Any hon. Member who is not going to listen to the Chair will see the outside of this Chamber!

Dr. Kituyi, please, proceed!

*(Resumption of Debate on
Motion for the Adjournment)*

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Speaker, Sir.

I share the sense that the matter of the violence in Mount Elgon District deserves attention at the highest level by us as the political class. There are problems and we need to find how to deal with them. Rather than just apportioning blame amongst individuals, I am a neighbour of Mount Elgon. I am hosting most of the displaced people from Mount Elgon. All politicians going to Mount Elgon pass through my constituency. I have refrained from visiting the area on the advice we all got that at this difficult time, let politicians keep off for the time being.

Mr. Speaker, Sir, I have, however, met all the former Members of Parliament from the region, the current hon. Member and councillors to seek what is happening and ask where we are going wrong. Chebyuk was not a problem originally. In 1965, the Government decided to move 600 Ndorobos, who were staying in Chepkitale Forest, and created a settlement scheme in Chebyuk. This was created out of Government land, which was not occupied by anybody. When this scheme started being administered in 1971, there was a complaint from the Sabaot that they should also be given some of the land. The Government varied the original arrangement and gave one third of the land to the Soy.

Phase II was similarly administered, with one third of the land being given to the Soy and two thirds to the Ndorobo. In the current phase III, it was decided that since there are many landless people among the Soy the land be given 50-50. That is what the Government decided to do. It allotted 50 per cent of the land to the Ndorobo and 50 per cent of it to the Soy.

Mr. Speaker, Sir, since then a series of things have happened. One is that some persons have told the Soy not to take the 50 per cent of the land allocated to them. Some people are telling them, "do not accept this to be implemented; when we will be in Government you will get 100 per cent. We will deny the Ndorobo some of the land". I am not Ndorobo. The Ndorobo do not have too many educated people to go to Non-Governmental Organisations to speak for them. But the casualties of this are more in the Ndorobo than in the Soy.

Mr. Speaker, Sir, of the 84 people known to be dead today, 13 were raiders and 71 others. These include people who have died under other circumstances. There is the young man who lost his wife, and then got up and killed his brother-in-law and father-in-law because he had an AK-47 in his house.

Mr. Speaker, Sir, what do I get from the leaders from both sides of Mount Elgon? One is that young men in Mount Elgon among the Soy, who consider themselves the Sabaot Land Defence Force, are not accountable to elders. They do not take orders from the elders. The problem is that some of them are being reckless. An example is the one who was shown on the Kenya Television Network (KTN) screen, Mr. Matakuei Komon. He called a press conference to say, "I

have an army of 10,000 people and we will fight". *Wazee wanasema huu ni upumbavu*. But they are also saying, let the Government also not overreact. I request my colleague, the Minister in charge of internal security, to see that the Government does not overreact because of criminal irresponsibility by some young people. Many of the victims being killed have got nothing to do with land disputes. The killing of students happened in Kapsokwony. Chebyuk is not Kapsokwony. Those youth were killed by people who call themselves the Ganja Weed or guerillas of Darfur. This does not have any bearing directly to the crisis in Chebyuk. What is our responsibility? My colleagues from Rift Valley should not say that they are more concerned than others because that is their community. The community of Mt. Elgon is my community as well. The people of Mt. Elgon should not be divided between the Kalenjin and non-Kalenjin.

Mr. Moi: (Inaudible)

The Minister for Trade and Industry (Dr. Kituyi): The Government has not neglected them. Do not talk to me like that! Protect me from Mr. Moi.

Mr. Speaker: Order! Mr. Moi and Dr. Kituyi, I am in charge of these proceedings. I will remove from the Chambers any one of you who shows the slightest indication of misconduct, whether it is a Minister or Back Bencher. Mr. Moi and Dr. Kituyi, I hope you have heard me loud and clear.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, common sense requires that when dealing with a matter of lives being lost, we should resist the temptation to say that some ethnic communities are trying to help more than others. We have a collective responsibility to help. Those who are appearing in the media, being shown to have gone into Mt. Elgon more than others should ask themselves why there have been more flare-ups after they visited than before. We want to find a solution to this problem. The impunity of boys who form gangs and try to get land by force is not part of the solution. Political opportunism should not interfere with an effort to stop the wanton destruction of life and property.

Make no mistake; the main casualties of this problem are the Ndorobo. Do not pretend that the Soy are the main victims. Do not incite by cheating that you will form a Government and give them the land. You will not.

Mr. Speaker: Your time is up. Hon. Members must understand what I have stated. We will subsequently deal with other matters later. For the time being, I want everybody to keep their cool and follow the rules. I recognise the fact that we do have a shadow Minister for Security from the Official Opposition. We will come back to that Shadow Minister.

Mrs. Kilimo: Mr. Speaker, Sir, I would like the hon. Minister Serut to substantiate his claims that I am facilitating the problems in Mt. Elgon. What do I facilitate? I want him to table evidence to prove that.

Mr. Speaker: Order! I have got communication from the Deputy Speaker that he will deal with that matter. I let him deal with that matter because Mr. Serut flouted the rules of this House. To be precise, he went against Standing Order No.73(4) and he will be held to account. If you want to hold the Speaker to account, I have a duty to implement the rules. If you want me to deal with it now, I will do so, straightaway. So, you had better keep your peace. I hope you have no intention of causing scuffles in the House. Let it remain outside there. Keep your peace. You must keep out of that because the Deputy Speaker will deal with it.

Mrs. Kilimo: Mr. Speaker, Sir, I have had the opportunity, once, to go to Mt. Elgon when we were taking maize there. We took maize and blankets to women and children who were suffering because their property was burnt in their houses. Does that amount to my being the cause of insecurity in Mt. Elgon? If you saw the newspapers today, what I saw in Mt. Elgon is what I witnessed in Marakwet when the Pokots were fighting with the Marakwet over cattle. But that was cattle. What are people fighting over in Mt. Elgon? Women are suffering in Mt. Elgon such that at

night, they do not know which baby to keep next to them so that they can get some warmth. They do not know what food to carry.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker resumed the Chair]

As a mother I am concerned about the children of Mt. Elgon. When my children go to school in the morning, I remember where my great grand-parents came from. The origin of the Kalenjini community is Mt. Elgon. We cannot allow our roots to be destroyed by a person who is protecting his personality or parliamentary seat at the expense of the people of Mt. Elgon.

Mr. Deputy Speaker: Order, Mrs. Kilimo. We have moved away from that matter of mentioning names. You have not mentioned names, but steer clear of mentioning names because I will deal with this matter.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I have not mentioned any names. I have only mentioned my name by saying that I once took blankets there and the only weapon I had to protect myself against the gun was my shoe.

The Assistant Minister for Planning and National Development (Mr. Serut): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to say that an hon. Member who is from Mt. Elgon is protecting his seat and we know very well that there is only one Member of Parliament for Mt. Elgon. They are not two.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, it is a known fact that when insecurity takes place, the people who bear the biggest brunt are women and children. I am asking this House to do something to protect the women and children in Mt. Elgon. Normally, their men take off and most of them are the cause of this insecurity. They normally take off alone, but a woman takes off with ten children. How is that possible? The Government needs to come in and protect the women and children of Mt. Elgon.

The Government should also put up a rescue centre for the women and children. The men can stay out and protect us but we need the protection of the Government, especially as far as shelter and food are concerned.

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

Mr. Deputy Speaker: Hon. Members, before we proceed, I have just had a chance to look at the HANSARD of this morning. I was particularly going through the contribution by Mr. Serut, whereby he mentioned certain hon. Members as facilitators of the person he referred to as the warlord. Some of those names mentioned included Mr. Samoei, Mrs. Kilimo, Mr. Keter, Mr. Sirma and Mr. Bett. It is completely in contravention of Standing Order No.73(4) of this House which bars hon. Members from imputing improper motives on hon. Members without a substantive Motion.

No Motion was brought in by Mr. Serut. Therefore, I now call upon Mr. Serut to withdraw that remark.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, I do not want to waste the time of this House because the issue which is being discussed pertains to my people. I wish to withdraw those remarks unconditionally and apologise to the hon. Members.

Thank you.

Maj-Gen. Nkaiserry: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. Peace in this country is very important. The lives of Kenyan people are very important. As we speak in this House today, we know that normal life in

Mt. Elgon has been disrupted. Schools and health centres have been closed. Diseases are also spreading and the Government of the Republic of Kenya is in a position to stop the problem, if it has the will. I would like to point out that---

(Loud consultations)

Mr. Deputy Speaker, Sir, could you ask hon. Members to consult in low tones so that I can continue with my contribution?

Mr. Deputy Speaker, Sir, it is very discouraging to see the reports that have been coming from the Mt. Elgon region, yet the Government has not taken any appropriate action. That is very discouraging. The cardinal responsibility of any Government is to offer protection and security to its citizens and their property. This Government seems to have abdicated this responsibility. I would like to pose questions to the Minister of State for Administration and National Security: "Where is the Mt. Elgon District Security Committee? Where is the intelligence of the Government? Why would people continue to be killed, yet we have the police, the Administration Police, the Provincial Administration and the Intelligence concentrated in that region? Why would we continue to see people losing their lives?" When you look at the causes of the problems in the Mt. Elgon, you will see that one of the main causes is the allocation of land. The Government has continued to allocate land to the wrong people leaving out the right people. That is the real cause of the problems in Mt. Elgon. We would like to call upon the Ministry of Lands to stop, at least, for the next three months, the allocation of land in the area until the problem is resolved.

Secondly, when you see manipulation from political leaders - and we have evidence - being channels of AMANI Forum, AMANI Forum is a channel for parliamentarians for peace. We have evidence that former and current politicians are involved in this matter. The Government must take firm action to deal with those threatening the peace in Mt. Elgon. I am very surprised that since these clashes started the Ministry of State for Administration and National Security has not visited the Mt. Elgon to see how people are suffering. That is very unfair to the people of Mt. Elgon and to Kenyans. The Government must provide security to its people, not only those in Mt. Elgon but to the whole country. That has to start from today. Anywhere in the country, where we have problems, the Ministry of State for Administration and National Security must move with speed to ensure that security is

restored in those areas. We have places like North Horr, Trans Mara and Laikipia where we want this Government to ensure that no life is lost, again, owing to insecurity. I have heard hon. Members, especially those in the Government side supporting the insecurity in Mt. Elgon just because one of their own is involved and he is a supporter of the Government. That is very shameful.

The Assistant Minister for Education (Mrs. Mugo): On a point of order, Mr. Deputy Speaker, Sir. Is the shadow Minister of State for Administration and National Security in order to imply that the Government side is supporting insecurity because of one of us? That is wrong. I, personally, do not support any insecurity and I am part of the Government. Could he substantiate or withdraw? That is wrong!

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, one cannot substantiate the obvious. This Government has been doing nothing to deal with the situation. You cannot substantiate the obvious! This Government has watched the problem go on unabated. The Government has proved that it is doing nothing. This Government must do something concerning the Mt. Elgon area. That issue must be dealt with today.

Mr. Deputy Speaker : Your time is up! I think we will benefit from a contribution from the Minister for Lands on this matter.

The Minister for Environment and Natural Resources (Prof. Kibwana): Thank you, Mr. Deputy Speaker, Sir. I hope I will get ten minutes since this issue involves the Ministry of Lands as it involves the Ministry of State for Administration and National Security. This is a very important occasion, when all of us, as sober people can sort out the issue and assist the country, instead of blaming each other. I hope that we will still not lose the opportunity.

The Chebyuk issue was originally a land problem which was converted into a political issue, and after that it became a security issue. I say that because yesterday, I was in a meeting for about six hours with leadership of the religious sector from Mt. Elgon and I was able to understand in a deep way what the issue is all about. Indeed, I think it is in order if we, first, extend our condolences to the families of the people who have died in the conflict, including families of policemen.

Up to now, the Ministry of Environment and Natural Resources has never de-gazetted the Chebyuk Forest. So, strictly speaking, there is no land available unless that forest is de-gazetted. That is why I made a comment, which was misunderstood by the media. I said that the first stage to settle people would be to de-gazette phase one, two and three because all those phases are still Government forest. I was not talking about giving out extra Government forest land because that is not tenable. Up to now, my Ministry has not been involved in the allocation of land in Chebyuk. During the former regime, the Provincial Administration was able to share the land 6,040 in phase one, 6,040 in phase two and within phase three, people were being told to go settle where they could. They were told: "*Nendeni huko halafu Serikali itawafuata.*" So, the bone of contention was when--- Before the end of the last regime, it was also decided that there should be fresh allocation of land to people. It was decided that people should apply afresh for land, especially where squatters were living. That is how we ended up having 7,000 people applying for land where others had already settled. When it was decided that 1,732 people should own the land, that caused a problem because many people, including others who had land elsewhere had applied. Part of the solution is the committee that we established of professionals, elders, religious leaders and the Provincial Administration to look through all the allocations with the Ministry of Lands so that there is formal allocation after formal de-gazettement of the land. The deserving people will then have the land.

Mr. Deputy Speaker, Sir, one of the problems that is igniting that issue is the squatter settlement scheme. We have cases of people settling on the land. We also have some people who come from elsewhere and who want to be allocated the land, including very advantaged people. I am determined to ensure fairness and justice in the final allocation of that land so that, politicians and traditional leaders do not use a very sorry situation to make people fight when they should not.

Mr. Deputy Speaker, Sir, you said that you will give me more time because that is a land issue. What is really sad is that a brother is fighting against another brother. A brother is fighting a sister. Essentially, the war is not between the Soy and the Ndorobo. But it is the Soy who are fighting their fellow kinsmen. When some people report anything---

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

Mr. Kosgey: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. The reason why hon. Members are getting a bit emotional is because they want to urge the Government to perform its functions. The purpose of a Government is to protect the lives and property of its people. The root cause of that problem does not matter. That is a situation that has got out of hand. The Government has not performed its functions. The Minister of State for Administration and National Security has not performed his functions. That is one glaring example of where the Government has failed. The Government should admit that it has failed.

Mr. Deputy Speaker, Sir, Prof. Kibwana has made reference to the former regime. The

former regime did not kill people. About 150 people have died as a result of the Mt. Elgon clashes. Most of those people have died in the last eight months. This Government has, all the while, been watching. The Government sent some security forces to Mt. Elgon District, but what did they do? They went there, burnt houses and participated in killing innocent Kenyans in the name of restoring law and order. They have become part of the problem. What have the officers on the ground done since the problem started way back when we were in power? Those Government officers have colluded with people on the ground. In fact, we have information that they have been selling land belonging to the allottees and, thereby, compounding the problem. But instead of the Government setting up a committee of independent people to look into that problem and stop the suffering of innocent people, it is mixing politics with the land problems. That has resulted in a situation where we have people who have taken the law into their own hands. The Sabaot Land Defence Force has some legitimate reasons. The Government should not dismiss them as criminals. They may be committing crimes but, why did they take the law into their own hands? Has the Minister examined why those people took the law into their own hands? The people of Mt. Elgon District are one and the same. Classifying them as Ndorobo, Soy, Mosop or Sabaot does not help.

Mr. Deputy Speaker, Sir, we are pleading with the Minister of State for Administration and National Security to find time and visit that area. He should have a properly constituted committee to look into that issue independently, so that a solution can be found. He should declare an amnesty so that all those people could return to their land, especially those who reside in Phase I and Phase II, where there is no dispute. At the moment, they are looking for people in Phase I and Phase II, but they have run away because of insecurity. In fact, why has the Minister closed the district? That is a colonial thing. We used to hear of districts which were closed during the colonial time. Maybe, that is because the Minister served as District Officer during the colonial era. He still has the training that one way of sorting out something is to close it. Mr. Michuki, that is not the solution. We are now in a different era!

Mr. Deputy Speaker: Order, Mr. Kosgey! Address the Chair!

Mr. Kosgey: Mr. Deputy Speaker, Sir, I am saying that we are now in a different era. We want transparency! We want to know what is going on. We want to visit that area and see for ourselves what is going on. You do not close a district and send police officers to shoot people and burn their houses. There must be a hidden agenda. You must be having a hidden agenda!

Mr. Deputy Speaker, every politician who has ever aspired to become a Member of Parliament of that area has always been elected by promising the electorate that he or she will sort out that problem. They have all failed! No politician will solve that problem. It is only the Government that can sort out that problem. We would like to ask the Government to perform its functions---

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

The Assistant Minister for Planning and National Development (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I come from Turkana District. The issues affecting Mt. Elgon District are similar to those affecting other marginalised areas in this Republic. Whether we speak about 84 deaths or a maximum of 150 deaths in Mt. Elgon District, the issue is that a Kenyan life has been lost. People have been displaced to the extent that we have internally displaced people. As a country, we brag that we have brought peace in Somalia and Sudan. Charity begins at home.

Mr. Deputy Speaker, Sir, this occasion is for this House - as the representative of the people - to show concern about the killing of people in Mt. Elgon District, whether we are on the Government or Opposition side. It is cheap politics to introduce brinkmanship in this House on such a matter. We have 101 occasions to demonstrate our ability to convince voters, but not on this matter. Mentioning names and blaming people will not resolve the problem of clashes in Mt. Elgon

District. It is good for this House and the nation to get informed by the statements that have been made, and especially the one by Prof. Kibwana. We also want to hear what the Minister of State for Administration and National Security is doing regarding that matter.

Mr. Deputy Speaker, Sir, this House is making that matter a national issue so that the necessary Government apparatus can deal with the problem at hand. This House is entirely convinced that the Government has the capacity, power and resources to deal with that issue. We wish it moved there yesterday. We want to bring a sense of urgency to that matter, so that it is not just considered as a small issue somewhere at the border-point and be said: "Who cares?" We care!

Mr. Deputy Speaker, Sir, I really do not care about the root cause of the problem. What is important is to put the necessary machinery in place, so that we can stop those killings. We have learnt that it could be land clashes or some form of crime. But the Government has a responsibility to protect the lives and property of its citizens. I know that the Minister of State for Administration and National Security has deployed almost 1,000 police officers in that area. Unfortunately, our police officers always disappoint us. That is why we are calling upon the Minister to go to the ground and show some empathy. He should be there to direct things. I speak from the Government side. I stood to support this Motion. So, when hon. Members say that the Government is supporting insecurity, I do not know whether they have requested the Minister of State for Administration and National Security to look into their issues. We are all in the Government and we are supporting continued security in this country. That notion should disappear from the hon. Member's minds. What is important is that we all go to Mt. Elgon District and make sure that no single life will be lost from today henceforth. Those are Kenyans. People might be tempted to do whatever they are doing this being an election year. However, we want to allay fears that this Government will not look for votes over blood. That happened on the other side, but not this Government.

Mr. Deputy Speaker, Sir, we have shown Kenyans that we have improved infrastructure, lowered the price of commodities and that all the things that matter to the Kenyan farmer or pastoralist, are important. That is what will get this Government elected. Kenyans will not elect us on the basis of futuristic thinking. They will elect anybody on the basis of what has been realised.

Mr. Deputy Speaker, Sir, we want the issue of Mt. Elgon resolved. As I speak, there is a border dispute between Turkana and Pokot districts. We also want the Minister to address that issue. We have cattle rustling in the upper eastern area and we want it to be addressed. That is why I am looking at this issue from the point of view of this question: Are we having a perception that these marginalised and geographically displaced places are seen in a different light than maybe a problem in the heart of Nairobi? As the Chair made the ruling, Kenyans wherever they are, are sovereign. Mt. Elgon people are sovereign. They do not belong to the Rift Valley Province and that Rift Valley Province does not only belong to a particular community.

With those remarks, I support the Motion with speedy conclusion to the clashes.

Mr. M.Y. Haji: Bw. Naibu Spika, ninasimama hapa kuunga mkono Hoja hii. Bunge ni pahali ambapo wananchi wa Kenya walituchagua kuja kwa sababu walijua sisi tunaweza kuwaongoza. Hoja hii ni juu ya maisha ya binadamu. Hoja hii inahusu maisha ya watu ambao tunawakilisha hapa Bungeni. Kwa hivyo, halitakuwa jambo nzuri kwa sisi kulaumiana au kutukanana. Ni lazima tuonyeshe ukakamavu kuwa sisi tunafaa kuongoza na kwamba yale mambo ambayo tutazungumza hapa yataleta suluhisho kwa matatizo katika Wilaya ya Mt. Elgon.

Bw. Naibu Spika, ni kawaida kwa wazee au watu wowote likitokea jambo kama hili kuulizana swali. Tumesikia ya kwamba haya matatizo yalianza mwezi wa nane, mwaka jana. Mpaka leo ni karibu miezi minane. Kwa nini matatizo haya hayakutatuliwa kwa wakati uliofaa? Tunajua ya kwamba hata vita vya Marekani na Iraq havikuchukua miezi minane. Ni ajabu ya kwamba wilaya ndogo kama ya Mt. Elgon, watu wanazozana na wanauana kwa muda mrefu. Ni kwa sababu hii Hoja kama hii imeletwa ili tujadiliane na tuone njia ambayo tunaweza kutatua haya

matatizo.

Bw. Naibu Spika, ni aibu kwa nchi yetu kusikia ya kwamba kuna kikundi cha watu ambao wanajiita Sabaot People's Land Force. Sisi tunajua ya kwamba kuna Serikali na ni kosa la jinai kwa kikundi cha watu fulani kujitwika silaha na kusema wazi wazi kwa runinga kuwa wako tayari kutetea ardhi yao. Hata wanavaa mavazi rasmi. Hii inaonyesha ya kwamba kuna hatari na ikiwa hatutachukua hatua mwafaka, basi nchi hii inaweza kuwa na matatizo.

Bw. Naibu Spika, nilikuwa Mkuu wa Mkoa wa Bonde la Ufa kwa muda mrefu. Kwa hivyo, ninajua matatizo ya Wilaya ya Mt. Elgon vizuri na vile yalivyoanza. Ninafurahi kusema ya kwamba wakati huo ambapo mashamba haya yaligawanywa watu, watu wa wilaya hiyo walikuwa na uhusiano mzuri kati yao. Jambo la kushangaza ni kwamba baada ya miaka kumi watu hawa wanazozana juu ya mashamba katika sehemu hiyo.

Jambo lingine ambalo linafanya matatizo haya kuwa magumu, ni kwa sababu si kawaida ya watu wa jamii moja kuuana juu ya jambo kama hili. Kwa hivyo, Serikali ni lazima iingilie haya matatizo kwa nguvu zaidi kuliko wanavyofanya sasa.

Suluhisho si kupeleka askari wengi katika wilaya hiyo. Tunaambiwa ya kwamba askari hao wanachoma nyumba na kuwabaka wanawake. Mimi kama mkuu wa mkoa na Waziri wa zamani, ninaishauri Serikali hii iwapeleke ma-DO 15 katika Wilaya ya Mt. Elgon. Ninapendekeza pia wilaya hiyo igawanywe katika sehemu 15. Halafu kila sehemu iwe na askari wa utawala na wala si vikosi vya GSU ama Jeshi la Nchi Kavu. Wao wachunguze chanzo cha matatizo haya. Tunajua ya kwamba wakuu wa wilaya wana lugha ya kuweza kuzungumza na kuwatuliza watu. Pia wana mbinu ya kupata mashauri kutoka kwa wazee na vijana ili tuweze kusuluhisha jambo hilo. Haifai kuwapeleka askari wengi kwa sababu si watu wa nchi zingine ambao wana sababisha vita. Askari wa kikosi cha GSU na Jeshi la Nchi Kavu wanahitajika sana kulinda usalama mipakani. Kwa mfano, Wilaya ya Marsabit watu wetu wanauwawa na majangili kutoka nchi jirani. Tunafaa kupeleka kikosi cha GSU na Jeshi la Nchi Kavu katika wilaya hiyo kulinda mpaka wetu. Lakini jambo la ndani kama matatizo haya, yanaweza kutatuliwa kwa njia ya kikazi bila kutumia nguvu yoyote.

Bw. Naibu Spika, chanzo cha matatizo haya kinaweza kuwa ni siasa. Hata hivyo, siasa haiwezi kuwa suluhisho---

Mr. Deputy Speaker: Mr. M. Y. Haji, wakati wako umemalizika!

Mr. M. Y. Haji: Bw. Naibu Spika, kwa hayo machache, ninaunga mkono Hoja hii.

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to speak on this Motion. I want to say that security of Kenyans can never be compromised. It is of utmost importance to all of us leaders, including the Government. It is a wrong insinuation to say that the Government supports insecurity. That is cheap politics.

Our hearts bleed, especially when we see children, women and old men being butchered senseless. It is not because of their own mistakes. We know that most of the time when such wars occur, it is the men who are involved in fighting. However, at the end of the day, it is the women, children and old men who suffer. Therefore, we are bothered and feel very sad about this fighting.

Mr. Deputy Speaker, Sir, I would like to inform this House that security is not only a matter of the Government. It is a matter of all us, as leaders. We should take care when making our pronouncements, particularly when we go to regions to ask for presidential and parliamentary votes. We must be careful not to incite the communities. That is what happens most of the time. So, if we are really serious about maintaining security in the country, even the Opposition side must be serious. I do not think that the Government alone will bring about security in this country. The Minister can visit the area to preach security, but what happens in the night? We all know that most politicians go to incite those communities which are experiencing problems of insecurity. We

have seen clashes flare up every time before the general elections. It is the politicians who fund them.

I feel very sad when I hear that many schools have closed and many children are not accessing education. Who is to blame? It is the leaders both on the Government and Opposition sides. Until the leaders decide to put the interest of families and children first before power, we shall not have any security, no matter what the Minister of State for Administration and National Security does. So, we should all take responsibility.

Mr. Deputy Speaker, Sir, I support the formation of committees in the affected areas, where elders can meet and discuss about their welfare. These committees should include women from those clans in dispute, because they do not want to see fighting going on. They do not want to see their children decamping from their houses. When I was growing up, we had to sleep in pineapple plantations, because we were afraid of being attacked in the night by colonial forces and home guards. I hate to see that happening to our own children and grand children in some parts of this country. We must protect our own; not just our tribe. They are our children, wherever they are.

Mr. Deputy Speaker, Sir, we are looking very seriously into the issue of education. This is because we want to make sure that the children's education is not disrupted. That is why we want security to be re-established. I am sure it is at the fore-front of the Minister of State for Administration and National Security, to see to it that security is established again among these communities. The children must be able to go to school. But I want to ask the politicians from both sides of the House to stop pretending that it is a Government issue. This is our issue. Unless, the hon. Members on the Opposition side are prepared to take responsibility and make sure that they preach peace and not incite people, we shall not be peaceful.

With those few remarks, I beg to support.

Mr. Cheboi: Thank you very much, Mr. Deputy Speaker, Sir. I will speak on this issue with a lot of authority, because my constituency has gone through similar problems, but we have surmounted them.

Mr. Deputy Speaker, Sir, the first thing that is very important, is for everybody, particularly, the Minister for Administration and National Security, to know the real problem. It is very important that we do not refer to this issue as tribal clashes. These are land clashes which have matured to become political clashes. Why do I say this? This problem has an historical cause. First, the Ogiek community - not Ndorobo like many of my colleagues have been referring to, because it is a derogatory term - were in an area called Chepkitale. They were transferred from Chepkitale to Chebyuk. That was the first problem. The Ndorobos are hunters and gatherers. When you take them to an environment where you want to transform them into an agricultural community, there are a few things which you must do. You must build capacity for these people.

(Laughter)

Mr. Deputy Speaker, Sir, generally, the Sabaot Community in the early days were people who were very proud. When they went to areas like Trans Nzoia, they were declared *persona non-grata* because they refused to cook or serve the interests of the whites. That is why you realize that it is the more friendly communities who would easily work in those white farms who were taken to Trans Nzoia and they were transplanted back to Mt. Elgon.

Mr. Deputy Speaker, Sir, I say this with the intention of creating a solution. I would want to bring up an issue that the Government should look into very critically. First, the process of allocation of land, particularly in Phase III, must stop.

Hon. Members: Yes.

(Applause)

Mr. Cheboi: Mr. Deputy Speaker, Sir, the issue of issuing land and removing people who are already in those areas is going to create a very big problem. This is what happened: When the Government decided to settle the Ogiek and some of the Soy, there were people who were already in those farms. These are the people who have now created the problem because they had already developed that particular land. I am sure hon. Serut will bear me out. Some permanent houses had already been constructed in those areas. When you go and say that this particular person be taken to another area, they will always create a problem.

Mr. Deputy Speaker, Sir, some of the people who have gone to the forest to fight for their rights have gone there for different reasons. Some have gone there to try and reclaim what they already had. Therefore, sending the police to go and flush them out or fight them can never be a solution because, first, the police do not even understand the terrain of that area. The people you call "army" understand that terrain even better. So, the police will not even be able to go in there. What should you do? The first thing that you should do is to give them some amnesty, whether we like it or not. By doing that, we can be able to sit down together, talk to them and ask them where the problem is. If it is the issue of land, the Ministry of Lands should come out and give a solution, even if it means separating the warring communities!

Let me tell you why that happened. In my constituency, when I was not yet an hon. Member, there were tribal clashes in 1992. A particular community was taken to another area in the constituency of hon. Mukiri and they have been living there peacefully up to this moment. Those are some of the things that must be considered.

Mr. Deputy Speaker, Sir, there are elders in that particular area who are very respected, and I know them by name. But I am not going to take the liberty of naming them. They are very respected elders. When you name them on paper and say that there is some particular amount of money on the head of one particular elder, they run away! But they will run away after having advised their communities to go to war. So, the first thing that you must do is to remove the bounty on their head and ask them to come home to participate in the peace process.

(Laughter)

Mr. Deputy Speaker, Sir, the reason why we have peace in Kuresoi Constituency now is because we established---

Mr. Deputy Speaker: Your time is up, hon. Cheboi!

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

Mr. Poghio: Mr. Deputy Speaker, Sir, I would like to thank you for the opportunity to contribute to this Motion. I would also like to pick up from where Mr. Cheboi left, because I thought he had actually started speaking about the path of the provision of the solution to these issues. I am, in a way, a neighbour of Mount Elgon. If you look at the history of Mount Elgon and the Sabaot people, you will realise that they are people who have been struggling to just feed themselves in every situation. They started doing so a long time ago, their land having been occupied. In fact, they refer to themselves as "*bikap koret*", which means "the people of the land", and yet they have no land to talk about. The land is so small. These are people who are proud of being land owners. So, when you deal with the Sabaot and the Sabei of Uganda, who are almost of the same community, they have the same problems. Look at their history. They struggle to feed themselves. They also have the feeling that the other communities around them have been oppressing them, and are struggling to get out of that oppression. Now, within the same district, one group feels terribly oppressed by another. It happens in every district. There are people within a

district who are much more powerful than others. Therefore, the struggle to free yourself is key to sorting out this problem.

Mr. Deputy Speaker, Sir, I want to congratulate the Minister of State for Administration and National Security for what he has done or not done. His wisdom in not moving with haste is helping sort out some of the issues. Suppose the Minister of State for Administration and National Security had actually started arresting the people we tell him to arrest! We might have been minus the area Member of Parliament, who is an Assistant Minister. We might have been minus the other hon. Members who have been named here. So, in a way, there is wisdom in not rushing to do some of these things.

The issue at hand is not whether it is the individual. Mr. Serut alone cannot cause the trouble that we have seen in Mount Elgon. Mr. Kapol - whatever his name is - or the others, cannot, on their own, cause the problems that we have seen in Mount Elgon. We tend to think that those individuals have more strength than the Government. Is that what we are trying to portray? Can those people actually make the whole district of Mount Elgon go up in flames and we just sit and watch? I do not think so. I think there are issues that we are not addressing, which must come out. I would like to recommend that the decision has to be made by this House that the troubles in Mount Elgon be made to come to a stop. Those troubles can be stopped if we decide that in this House.

Mr. Deputy Speaker, Sir, that means taking all the drastic measures that are needed to make sure that from today henceforth something is done. Even if it means stopping the land allocation exercise in Phase III of the settlement scheme, the Government should do so and let the people live. I have been in worse situations than this. In a place in Northern Uganda called Gulu, from where the Lords Resistance Army (LRA) have been operating, people were displaced within their own areas. Just when the LRA and the Government agreed to cession of hostilities, those people started breathing from that night. It is possible to do it. I know that the Government is listening. It has all the intelligence, and all the power to do what it needs to do. My suggestion is that the Government should move in to stop the suffering in Mount Elgon from today. It can be done, but let us not talk about taking orders from people on who to arrest and who should be victimised. Let us leave those things out. Let us leave this to the wisdom of Mr. Michuki and his team. Let us leave this to the elders and the young people of Mount Elgon.

Mr. Temporary Deputy Speaker, politics should be left out of this issue. Let us go for humane solutions to this problem. Remove some of the officers who have been in that district for a long time. Let them go, so that you can bring in fresh people who understand and who can be trusted. That has been an issue within that district. Let us deal with this matter now.

With those remarks, I beg to support.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute in support of the very fact that we all support security, and echo those who have said that it would not be in the interests of any Government to support a situation of insecurity, and that if we use politics in this way, it does not help us in any way to resolve this and other issues.

Mr. Deputy Speaker, Sir, this is a national problem in that we have been with these clashes from the 1990s. In fact, in the 1990s, there was much more intensity of these clashes. I hope that some of us who are talking so strongly now spoke as strongly in the 1990s, when the problem was much more than what we are experiencing. It is in this regard that if we make these issue a matter of political opportunism, like one hon. Member has said, we will not get anywhere in terms of getting to the root cause of the problem.

Mr. Deputy Speaker, Sir, I would also like to say that this is a national matter in another way. We experienced this in Marsabit. We talked about political opportunism. We have

experienced this in the Rift Valley Province and in Laikipia. If you look at the bottom of it, you will find that politicians, not necessarily the sitting hon. Members, and I must say a lot of those who are aspiring to be Members of Parliament in 2007, are being involved in one way or the other in fermenting these crisis.

Secondly, I would like to say that this is a national matter because it is also a matter of gross inequalities. It is a matter of gross inequalities in the way we have allocated our land in this country. It is unfortunate that 7,000 people are fighting over a few acres of land when there are people in this country who own provinces, districts and whole constituencies. It is really a pity. It is the same when you come to the Mau, the Rift Valley Province and other places. It has got a lot to do with unequal distribution of resources, which is so pronounced.

Unfortunately, a lot of these people who own these masses of land are no more less than primitive accumulators, in the sense that if you ask what they are doing with this land, so that they can benefit a majority of the people who have not had access to this land, it is not clear. If you have a whole province, district or constituency and you use it productively by having factories and big farms where you can employ people and pay them well, it makes a big difference in terms of how many other people benefit from that.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I do not want us to go back to the issue about the sanctity of private property. We cannot talk about the sanctity of private property if you did not acquire that property through hard work. Sanctity of private property has got to do with people who have worked hard for it. You cannot talk about capitalism if you do not want to go by the rules of capitalism, which is hard work and sweating for whatever you get. Therefore, that is why I say that we should re-examine the whole land issue in this country. It has not been addressed and it has been a problem since Independence. We need to do better.

If we address this issue, we are going to have many more families who are settled and we are going to avoid a lot of these problems that we are noticing of clashes. In addressing it, we must be more public and transparent about it. Let these people, whether they are on the Government side or on the Opposition side, come out clearly and tell us how they acquired the land that they have, when they acquired it and what they are doing with it. We also have to get this land put to productive use. If you put it to productive use, you will benefit a lot of Kenyan communities.

The Temporary Deputy Speaker (Mr. Poghisio): Is this related to Mt. Elgon?

The Assistant Minister for Education (Dr. Mwiria): Yes, Mr. Temporary Deputy Speaker, Sir. It is a land issue. It is so related, only that we would like to look at the surface. We do not want to look at the real problem.

The Temporary Deputy Speaker (Mr. Poghisio): It is related. I get it!

The Assistant Minister for Education (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, related to this is also the issue of demarcating land. There are problems of clashes because land has not been demarcated. This applies all over, including my constituency, namely, Tigania West and Tigania East, where people continue to clash over land because it is not quite clear where your particular permanent settlement is. Again, one of the ways of dealing with this issue is to quicken the process of land adjudication across the country.

Finally, if we agree, politicians have a lot to do with this and especially politicians who have benefited from that kind of accumulation. It is important for us to educate the people to reject

those kind of people, because as long as they come back to this Parliament, they will continue to use land as an issue and to cause problems and we will never resolve these problems.

With those few remarks, I beg to support.

Mr. Kones: Mr. Temporary Deputy Speaker Sir, the Chebyuk problem is not unique. It is not unique in the sense that we have witnessed such problems all over the Rift Valley Province. It is now spilling over to Mt. Elgon District, which is also a Kalenjin dominated area. The problem is actually historical. It is historical because in the past, most of our people were pushed out of their land to the periphery and made squatters. Later on after Independence, they had to get somewhere to live.

Mr. Temporary Deputy Speaker, Sir, you heard that the Chebyuk problem started in 1965. That is when they were allocated some forest land. It was named Phase I. Later on, they were allocated more land. That was named Phase II and Phase III. It is shocking to hear from the Minister that even the land that was allocated in 1965 is still gazetted as Government forest land. The problem starts when people occupying those parcels of land are left speculating. They do not know when that land will actually belong to them. That is bound to cause double allocation of the same land. That has happened and it has caused a lot of problems not only in Chebyuk, but in other areas in Rift Valley. It has happened in Likia and the Minister is aware of that. It has also happened in Ndoinet. In fact, as we are talking now, we are sitting on a time-bomb in Ndoinet where land was allocated---

The Temporary Deputy Speaker (Mr. Poghiso): Where is Ndoinet?

Mr. Kones: Ndoinet is in Kuresoi Constituency. Government land was allocated back in the 90s, but it was not de-gazetted. Some time back, two or three years ago, it was de-gazetted and given to certain individuals. As we are sitting here now, certain people are coming with allotment letters saying that they have been allocated those pieces of land. It is going to be a double or triple allocation. It is going to cause problems. In Likia, it is the same scenario. The land was given to people, but was never de-gazetted. It has the same problem.

So, we think it not just an insecurity matter. It is a problem that the Ministry of Lands has to deal with it, and deal with it now! Otherwise, we are going to blame the Ministry of Internal Security for nothing. It is not a security matter. It turns into a security matter later on, when people start killing each other. But the genesis of the problem is that the Government is not taking a decision to de-gazette the land, so that it could be allocated to the people. The people should be allowed to develop those pieces of land without disturbances. So, the Chebyuk problem is just that. People were given land, but they were not told that they owned it. They were just told to squat on that land. Later on, other people came in and said they owned that land.

Mr. Temporary Deputy Speaker, Sir, it is a shame that we are talking about 85 people having lost their lives in the last eight months. The Government is not taking any action. If the Government takes action, it does not need to involve all of us. The Government just needs to go down there. The Ministry of Lands and that of Administration and National Security should go down there and sort out that problem. But if we leave it to the politicians, it will never end.

Mr. Temporary Deputy Speaker, Sir, when we hear Kapondi becoming a warlord--- How does Kapondi become a warlord? Kapondi has no capacity. Kapondi is a very humble person. He has got nothing. How could he become a warlord? He is such a humble and helpless person. He is somebody who owns nothing. Then we say that Members of Parliament are inciting the people. If somebody went there one day to donate a few bags of maize, how does that incite communities to fight? I think it is something that the Government ought to have dealt with yesterday.

Mr. Temporary Deputy Speaker, Sir, even the Mau eviction has not been resolved up to today. People are still hoping to go back there. Some have already gone back. Some have not decided what to do. The Minister of State for Administration and National Security and the

Minister for Lands have not given a decision on what will happen. I think somebody needs to take us a bit more seriously. It is now perceived that, every time there are tribal or land clashes, it is in the Rift Valley among the Kalenjins. That is wrong. Somebody is trying to portray us as people who are not law abiding or people who are primitive in their thinking. That is not true. It is just because the Government does not help us when we have a problem.

With those few remarks, I beg to support.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, this issue of Mt. Elgon must be looked into very seriously because we have to get to the root cause of the problem. We should not only be saying that it is insecurity! We must know what happened from the beginning until the time it became insecurity. I know, as Mr. Kones has said, he knows the issue. He was the Minister for Lands at the time the swam was being allocated. He knows the root cause of the issue.

Mr. Kones: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Assistant Minister is correct to say that once upon a time, I was a Minister for Lands in the last regime. I was never a Minister for Lands! I have been a Minister in charge of internal security which is for sure. However, I have not been a Minister for Lands.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, he was still a Minister in that Government. If he was the Minister in charge of internal security, still, he was a Minister and he was in the Cabinet.

(Applause)

So, the root cause of the issue is about land and later on, it was hijacked by politicians to fight each other. In the course of fighting, children, women and the people in that land were killed. Even those who are alive, the women are in problems.

The Temporary Deputy Speaker (Mr. Poghisio): Are you talking about Mt. Elgon?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Yes, Mr. Temporary Deputy Speaker, Sir, I am talking about Mt. Elgon.

The Temporary Deputy Speaker (Mr. Poghisio): So, you are saying that he knows about Mt. Elgon!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, I am talking about Mt. Elgon.

The Temporary Deputy Speaker (Mr. Poghisio): Please, leave the individuals out of it!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, that is an individual. I said that he said rightly the issue of Mt. Elgon was land. From a land problem, the politicians hijacked it and started fighting each other, using it. Those who suffer are the grass who are the people; women and children. So many people have died because of this small issue; because of politicians and interested people who own the land. So, when we are talking about insecurity, it is true that right now, it is insecurity. However, as we are addressing the issue of insecurity, we should also look for the root cause. I want to appeal that the people of Mt. Elgon should be safe. I want to ask the Minister of insecurity---

(Laughter)

I am sorry, Mr. Temporary Deputy Speaker, Sir. I meant the Minister of State for Administration and National Security and the Minister for Lands to take action. They should go over there and address the root cause of the matter. It should be dealt with and the issue put to rest.

By so doing, we shall save the children. I am crying for the women who have been raped everyday and the children who cannot sleep in their houses. I do not want Mr. Michuki to be blamed. There are people who started it. Why are we not blaming the politicians who started the fighting? I hear that there is a person who instigated the issue who was arrested. He was let to go and fighting started again. So, this is why I am saying that the Minister for Lands and the Minister of State for Administration and National Security should go right up to Mt. Elgon and address the issue. We do not want to blame people for no reason. I support the Motion by saying that we must save and attend to this problem as soon as possible.

With those few remarks, I beg to support.

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Biwott: Thank you, Mr. Deputy Speaker, Sir. This is a very serious problem that requires every single minute of attention to be dedicated to it. When this Motion was approved, I expected that every speaker on the Floor of this House would address it correctly. The way this problem started is just as Dr. Kituyi put it. He, therefore, should be in a position to advise the Government on this matter.

Mr. Deputy Speaker, Sir, the clashes in Mt. Elgon need to be condemned in the strongest terms possible. We need to understand the way things developed. Mt. Elgon is a small district and it has been peaceful for a very long time. It has the same people and whether you call them Ndorobos or not, they are Sabaots because they all speak the same language. Therefore, you cannot talk about tribal clashes because the people of Mt. Elgon are one community. We need to ask ourselves: Why did this problem arise? It arose just as Dr. Kituyi stated in his contribution. The problem then developed to what it is at the moment and it is all because of poor leadership. I think the Government has failed in the leadership of the area, especially in terms of providing enough security cover and administration of land. Therefore, it is incumbent upon the Government to provide that leadership because there is the Ministry of State for Administration and National Security and the other Ministry is responsible for land. So, altogether, the Government should take charge. The Government cannot escape from that leadership responsibility.

Mr. Deputy Speaker, Sir, it is also up to the leaders of that area, led by the hon. Member for Mt. Elgon, and other people such as elders and the clergy to sit down and solve this problem. It is important that they solve the existing problems starting with the issue of land itself. They should also concentrate more on the last phase of this matter, which, actually, sparked off the clashes and see how they can address it.

The solution, therefore, lies in collective and serious efforts by all concerned parties. No attempts, by both sides of this House, should be made to score politically. If you bring politics and other emotions into this matter with the aim of undermining others, you will not achieve anything. It is important that this matter be isolated and dealt with firmly and accordingly. I think that some of the conflict resolution methods that were used to quell the Molo clashes and other parts of this country where a similar problem existed could be applied here even though Mt. Elgon is unique.

It was said earlier on, and I believe so, that opportunistic criminals have now come into play. This is a matter that is within the responsibility of the Ministry of State for Administration and National Security to ensure that no criminals are allowed to flourish. If there are warlords or other people, they should be dealt with firmly. How difficult is it to deal with one or two individuals? If we isolate them, they have to be accountable because life is very important.

Mr. Deputy Speaker, Sir, since I spoke yesterday, I do not wish to take long except to suggest that the Government should demonstrate proper leadership in this area. Let the Government stop this problem and tackle it in the shortest time possible. The political leadership should co-operate with other leaders to resolve this problem. I urge people of Mt. Elgon District to inform the police of all the criminals among them. The Government must firmly deal with the issue of land, so that the matter is settled.

Mr. Deputy Speaker, Sir, I hope the Government will address the issues of women and children within this month. We would like to see children going back to schools in May. I also urge the Government to protect people and their property.

With those few remarks, I beg to support.

Mr. G.G. Kariuki: Thank you, Mr. Deputy Speaker, Sir. The problem we are discussing here is very serious. When hon. Members started contributing on this issue, I thought they would have seen the seriousness of it. Exchange of bitter words will not solve any problem, but it will only escalate it.

Mr. Deputy Speaker, Sir, this situation should not be seen in isolation. It is an indication of what may happen and, which has happened before, when we are approaching general elections.

The Government and the people of Kenya should resolve the land issue in this country if they want to live in peace. We know some lands are de-gazetted while others are not. In this kind of situation, we expect the same problem to arise.

Mr. Deputy Speaker, Sir, the problem in Darfur started in the same way. Things happened exactly the way they are happening now in Mt. Elgon District. We thank God because we were able to resolve the same problem in Laikipia District. Even now, I believe we can find a lasting solution to problem of Mt. Elgon. We have Ministries created to take care of this problem. We have the Ministry of Lands and the Ministry of State, For Administration and National Security. The latter comes in after the matter has been messed up by land allocation.

Mr. Deputy Speaker, Sir, if this land was just a problem between the two families, it would have been solved amicably. The two families would not fight and involve the whole village. It is a matter which ought to have been resolved immediately by the administration and opinion leaders in the area.

Mr. Deputy Speaker, Sir, we need to look into this matter. We are told that there are many areas in which to expect the same problem to occur. We are sitting and watching. It is a fact that there are people who would be happy to see a crisis because it will help them advance politically. That is happening all over. However, if one creates problems, so that he be elected, I wonder whether he worships the right God.

Mr. Deputy Speaker, Sir, when there is a political crisis, there is always a warlord somewhere. So, when it was mentioned here, everybody wanted to stand up because something had been mentioned in the name of a warlord. Warlords are all over the place. What would you call a politician who supports wars or crisis in their own area? They are warlords! I think it is high time we matured from this primitive way of politics.

Mr. Deputy Speaker, Sir, when political issues arise, for example, when this matter started, I am sure that the sub-chief and the Criminal Investigation Department (CID) officer who is there, noted and realised that something was happening. But whether the report is taken seriously, is a question that we need to ask ourselves. I have been in charge of internal security before, and I know that at no time can a situation arise from anywhere without the full knowledge of those who are in the Government, unless they are working to sabotage that Government. It is important, and we must know as politicians, that when politics take the height that it has taken in this country, we must always expect---

With those few remarks, I beg to support.

Mr. Deputy Speaker: Order! We will not be able to conclude this Motion. Time is against us. The Minister will be responding to this Motion at 12.15 p.m. I, therefore, give the remaining three minutes to Mr. Bett.

Mr. Bett: Mr. Deputy Speaker, Sir, thank you very much for the time given. I want to begin by thanking Mr. Serut for giving me names of people to talk to in Mt. Elgon while searching for information---

Mr. Deputy Speaker: Order! That was withdrawn, so do not refer to it.

Mr. Bett: Thank you, Mr. Deputy Speaker, Sir. No amount of grand-standing will solve this problem. No amount of name-calling will do so and no amount of name-dropping will do it. This problem can only be solved through sobriety, dialogue and consultation between all the parties concerned. We need to ask what happened in Mt. Elgon from 1935. We need to ask what happened in 1955 and 1971. Were the people allocated land fairly? Were the Mosop people allocated land fairly? How did the Soy people come to be together with the Mosop at Chebyuk? We need to ask those questions with sobriety and fairness. We need to find a way of solving it.

Mr. Deputy Speaker, Sir, there was also a lot of talk about land officers. I am happy that the Minister has talked about it. There was the issue of bribery; money changing hands for land and allotment letters. It is high time that the Government appointed a team to investigate the possibility of bribery on the part of land officers, Government officials and any other party in the political sphere. We need to look at them because they are the people who caused the problem. We also need to ask ourselves what happened in phase three. Were some people displaced unfairly? Were some people removed and others put on their land? Were others removed and thrown away for political reasons? I believe that the young men in the forest went out there because of frustration. They were seeing their fore-fathers land being allocated to other people. We need to ask the question: Why did we do that? The Provincial Commissioner (PC) in that area called people to register. Was it right?

With those few remarks, I beg to support.

Mr. Deputy Speaker: Order! I now call upon the Minister of State for Administration and National Security to respond.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to respond to this very important Motion. A lot has been said on this Floor. I would like to draw your attention to that period over which altercations were exchanged between the two sides of this House. There lies the problem. If you analyse what was said before this House became sober, you will understand the genesis of this problem. The settlement scheme in question, otherwise known as "Chebyuk", was established in 1971. This background is very important as has been stated by many hon. Members.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! I want the hon. Members in front of me to my right to pay more attention and consult in lower tones so that we can hear the Minister.

Mr. Minister, please, proceed!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, it is very important that every hon. Member listens.

It was established in 1971. It has been a source of potential and real insecurity in Kapsiro Division. There are four divisions in Mount Elgon. It is within the division called Kapsiro, specifically in a location known as Emiang'. Mount Elgon has a population of 270,000 people. The area affected originally had 3,000 people. Of course, therefore, there is available land for allocation. That attracts a lot of people. So, the population swelled when it was learned that free

land was available.

Mr. Deputy Speaker, Sir, as the Minister for Lands said, the forest was not degazetted in 1971. In 1975, people were still being promised settlement. In the same year, 1975, it was decided that the land should be surveyed. This proposal was not accepted by some communities in the area. At that time, it was possible to allocate 20 acres to a family.

In 1989, there was a further attempt to survey the land and issue title deeds. However, it was found that very few people would benefit, considering the number of landless people, who had by then increased and settled in the scheme. The population was building up, and in 2004 it was agreed that the land be sub-divided into two-and-a-half acre plots. After identification and survey of the plots was done and excising of public utility plots, there was found to be 1,732 plots which were to be shared between the Soy and the Ndorobo on an equal basis. Therefore, there were to be committees of the Soy and Ndorobo elders to select 866 settlers, who must have been selected on the following basis: one must have been a resident of the scheme, must have had no land elsewhere, must have had a national identity card because of the proximity of the scheme to the border, and must personally attend the vetting session.

Mr. Deputy Speaker, Sir, in order to arrest the fear and suspicion between the two communities, the Ndorobo and Soy, it was agreed that each community will form a vetting committee of their own, which they did. When people were invited to apply for this land, I think they were about 7,000 when in fact the number of plots was that what I have just mentioned. Some people previously occupied and cultivated larger pieces of land than the 2.5 acres that became the norm for allocation. Due to this, they objected to having to surrender their land for occupation by other people, although it is the clan that identified those people.

After the allocations, the Provincial Commissioner instructed the DC to ensure that the list of those who had been selected was displayed, not only at the DO's notice board but also at the chief's office so that any objections could be raised. We know of no objection that was raised during that time.

Mr. Deputy Speaker, Sir, as a result of this situation where groups of people were unhappy with the process, it was suspected that politics, particularly by former Members of Parliament, councillors and some disgruntled people was introduced into this process. This House understands quite clearly that it started as a land settlement but has now moved into politics. That is where it still is, and I hope it will be finished this time, here in this House.

I now want to touch on the response of the Government on the various issues that have been raised. The Provincial Security and Intelligence Committee has taken the following measures in order to arrest the situation. On 28th January, this year, over 520 combined regular Administration Police and GSU were immediately dispatched to the area around Mt. Elgon in order to flush out those criminal gangs which had now turned themselves into an army. You have heard the story where somebody comes dressed in uniform and challenges the Government to come forward and fight.

So, we sent our security forces to strengthen the forces that were already there. At the end of the day, we mobilised about 650 security officers. Those security forces were instructed to arrest those who were committing crime in the area and were killing people. They were also told to seize their weapons. The security agents identified the names of 80 members of these gangs who have been operating between the forest and the settlement area in the other divisions of Mt. Elgon District. These names have been circulated for public knowledge. For those whose photographs were available they were placed in the media so that *wananchi* could help to identify them to the police. We have received very little co-operation from the local people. Security agencies also identified names of Ugandans--- We are collaborating because that operation is being done with a very good understanding from the other side of the border. The names of those who have run away

to Uganda have been forwarded to the Government of Uganda.

Mr. Deputy Speaker, Sir, on 21st March, 2007, the provincial security committee held a meeting for leaders in Mt. Elgon District. All the participants heavily implicated politicians in the area. I have no authority from the Chair to name them, but I am sure this House knows them. Many hon. Members here are aware of that. Over 280 suspects and criminals have been arrested during the operation, 13 killed and 23 injured. Of course, there were 13 civilians who were injured as well. The police have flushed out most of those criminals residing in the forest. Some of those people lived in caves in the forest. It is like in those days when anthropology was interesting.

Mr. Deputy Speaker, Sir, the meetings that have been going on in that area have recommended that the Ministry of Lands should immediately issue title deeds to those who benefited from the plots, so that people should stop harbouring the idea that the process will be invalidated. The Ministry of Lands has accepted the proposal and will be fast-tracking the process of issuing titles to the beneficiaries who were selected by community committees.

Mr. Deputy Speaker, Sir, amnesty has been given to those young gangsters to surrender any weapons which they may be having. The same message is being disseminated by the elders and the security teams which are going around the district.

Mr. Deputy Speaker, Sir, on 3rd April, 2007, the provincial team met 15 key religious leaders of the main denominations operating in Mt. Elgon District, together with the Minister for Lands. I am sure you heard the Minister say that he had that meeting. The Minister promised that he will address the issue of land allocation to those who did not benefit from the allocation that was made on the recommendation of the community elders.

Mr. Deputy Speaker, Sir, four chiefs in the district have been interdicted because of their involvement in the matter. Three councillors and a string of politicians have also recorded statements. A new provincial commander sourced from the General Service Unit (GSU) is now in charge.

Mr. Deputy Speaker, Sir, I hope that after the meetings that are being held in the villages to reconcile people--- The elders and the Provincial Administration have reported to me. I hope that, that problem will be addressed. But, if those meetings will not come up with any workable solution, we intend to follow some of the recommendations that have been given here. For example, the recommendation that has been made by Mr. M. Y. Haji, which is very practical. He has requested us to get a number of District Officers (DOs) to deal with the matter.

Mr. Deputy Speaker, Sir, the security personnel whom we have sent there will remain in the district until security and calm is fully restored. So, the allegations about the Government not taking action are not founded. We have made statements now and again. The Provincial Commissioner has held many meetings. But we trust that this matter will be given the reporting it deserves by the media, who have neglected the side of the Government in the past.

Mr. Deputy Speaker, Sir, with those remarks, I beg to end my speech.

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! That concludes the business of the House this morning. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.