

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th March, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.038

PAYMENTS TO CONTRACTORS IN LATE 2002

Mr. Mwenje asked the Minister for Finance:-

(a) how much money the Government paid to contractors during the months of October, November and December, 2002;

(b) whether the bills were genuine and if so, if he could lay on the Table proof thereof; and,

(c) whether he could table the list of the contractors paid, indicating how much each was paid.

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

(a) A total of Kshs4,561,150,088 was paid to contractors and consultants during the months of October, November and December, 2002, using Treasury Bonds. During the same period, Kshs1,349,426,589 was released as cash to Ministries and departments to pay pending bills on development contracts.

(b) These bills were genuine to the extent of the evaluations and recommendations of each of the following committees, namely, Mule Task Force, Private Audit Firm Consultancy Implementation Committee, and Claims Verification Committee. However, each committee looked at the cases brought before them without particular reference to the evaluations and recommendations of other committees. There is, therefore, probability that some of the contractors and consultants might have presented claims more than once and they were paid. The compilation of the recommendations and payments of bills by each committee is currently being undertaken by my Ministry to establish which claims were paid irregularly. Although these payments were made, there were, however, no budget provisions and necessary parliamentary approval to support them. The proof of the genuineness of these payments will ultimately be established when the Controller and Auditor-General finalises audit of the payments made so far.

(c) Here below is the list of contractors and consultants who were paid using Treasury Bonds during the period in question.

Mr. Deputy Speaker: Mr. Assistant Minister, have you laid the list on the Table?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I will.

Lastly, details of payments made by the Ministries and departments are being compiled and will be tabled once they are ready. I would like to table the list of contractors who were paid using Treasury Bonds.

(Mr. Katuku laid the list on the Table)

Mr. Deputy Speaker: Mr. Assistant Minister, to be clear, you said that the list is being prepared, and now you have tabled something.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I have tabled the list of contractors the who have been paid using Treasury Bonds. The list of the contractors who were paid through Government departments will be tabled in due course.

Mr. Mwenje: Mr. Deputy Speaker, Sir, it is, therefore, very clear from the Assistant Minister's reply that he has not exhausted inspecting what was paid. It is only the other day that the Minister for Roads, Public Works and Housing told us that some of these contractors were simply "cowboy contractors". It is clear that the answer given by the Assistant Minister is not conclusive. Should he not ask to be given more time to go and bring a

more conclusive answer? He has just given me a copy of the written answer. I have not seen it and it leaves a lot to be desired. We want to know who was paid what amount of money and whether the claim was genuine, as he has put it. Would the Assistant Minister bring a more comprehensive answer another day so that we can scrutinise what he has laid on the

Table? He has just laid the list on the Table and we have not seen it---

Mr. Deputy Speaker: Mr. Mwenje, you have already belaboured on that point. Could you let the Assistant Minister respond?

Mr. Mwenje: Yes, Mr. Deputy Speaker, Sir. Let us hear what he has to say about that.

Mr. Katuku: Mr. Deputy Speaker, Sir, I agree with the hon. Member that the details are not complete. As I said earlier on, we are expecting more details from different Ministries and departments as pertains to the cash which was given to them to pay these bills. So, I agree to his request.

Mr. Deputy Speaker: But, Mr. Assistant Minister, how long do you want? What period are you talking about?

Mr. Katuku: Mr. Deputy Speaker, Sir, next week will be appropriate.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading us that he needs a lot of time to get these details when I know that each Ministry has a financial controller who reports directly to the Treasury? Is he in order to say that he needs more time to get these details when he can get that information from those officers in every Ministry within no time?

Mr. Katuku: Mr. Deputy Speaker, Sir, you will agree with me that this involves a lot of figures and comparisons. I said earlier on that there were so many task forces which were involved in this matter. It takes a lot of time to verify which claim is genuine and which one is not. One week is not too much.

Mr. Deputy Speaker: Indeed, the Questioner has requested that the Question be deferred so that a more comprehensive answer is provided, which the Assistant Minister has consented to. He has said Wednesday will be fine. So, I will defer the Question to next Wednesday. Is that okay, Mr. Mwenje?

Mr. Mwenje: Mr. Speaker, Sir, I would rather have a correct answer even if it is delayed for a week. Let the answer be correct.

Mr. Deputy Speaker: Very well! So, the Question is deferred until Wednesday, next week!

(Question deferred)

Question No.040

MARKETING OF MANGOES IN TANA RIVER DISTRICT

Mr. Kofa asked the Minister for Agriculture and Livestock Development what plans he has to assist farmers in Tana River to market mangoes, a product which is the only livelihood for area residents.

The Assistant Minister for Agriculture and Livestock Development (Mr. Osundwa): Mr. Deputy Speaker, Sir, I beg to reply.

The Government is very keen in assisting not only the mango farmers in Tana River, but all the farmers in the country in diversifying their farming methods and crops. To assist the mango farmers in Tana River, the Government is doing the following:

Advising them to form marketing groups in order to improve their bargaining power. Towards this end, Chana Maro Multi-purpose Co-operative Society is in operation and oversees the marketing of mangoes. The Horticultural Crops Development Authority advises buyers and trains farmers on the correct time for harvesting mangoes for export. The Government is planning to introduce improved mango varieties so as to increase the harvest, hence the farmer's financial base. Plant hormones will be introduced for controlling of flowering so that mangoes will be ready at the right time to ensure higher prices.

Finally, the Government is in support of a mango processing factory by Milki Food Processors at Hola. This will add value to the mango crop and ensure a stable outlet and favourable prices for the fruit. No doubt the establishment of the processing plant will reduce mango wastage. Finally, the extension programmes within the Ministry of Agriculture and Livestock Development are geared towards intensifying proper mango agronomy to boost the mango quality.

Mr. Kofa: Mr. Deputy Speaker, Sir, I do not have that written reply. However, there is a processing

machine at Mtwapa owned by a tycoon who fixes mango prices as and when he wishes. He can declare that today a mango is going for Kshs5, or tomorrow the price falls to Kshs2. What price control policy has the Government put in place to control the behaviour of such tycoons?

Mr. Osundwa: Mr. Deputy Speaker, Sir, the Ministry strongly advises the farmers to form very strong co-operative societies and in so doing, they will be able to bargain for better prices for their crop.

Mr. Rotino: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that there are mangoes from South Africa which are being sold in local supermarkets? What is the policy of the Government as far as this importation of mangoes is concerned?

Mr. Osundwa: Mr. Deputy Speaker, Sir, we are currently trading in a liberalised market and the only solution to this problem is for our farmers to improve on their mango varieties. That is why I said in the beginning that the Ministry is going to introduce plant hormones which will control the flowering of the mangoes and when they are ready in time for harvesting, I believe we shall be able to achieve the right quality of mangoes for export, which will compete with the imports.

Mr. Muite: Mr. Deputy Speaker, Sir, there is no such thing as a liberalised market when it comes to agriculture. We do not find it anywhere in the world - not in the United States of America or Europe. What is the policy of the Government towards protecting Kenyan farmers in terms of marketing their produce, including research, so that the farmers can have high yielding and high quality mangoes and other varieties? What policy does the Government have to protect and promote agriculture in Kenya?

Mr. Osundwa: Mr. Deputy Speaker, Sir, I do not know why the hon. Member does not realise that we are operating in a liberalised market. The only thing we need to do here is to improve on our commodities to compete with the imports, otherwise, Kenya is not operating in isolation.

Dr. Ali: Mr. Deputy Speaker, Sir, I wish to inform the Assistant Minister that knowing that the people of Tana River are very poor, he has been told there is a tycoon who has his own machine and you are telling us that you are encouraging farmers to form co-operatives. What are you doing as the Government to make sure that these farmers form very strong co-operatives and what measures have you in place to assist them?

Mr. Osundwa: Mr. Deputy Speaker, Sir, the Government is not only encouraging mango farmers to join co-operatives but all farmers in general. They will be very strong, have bargaining power, produce high quality commodities and they will compete with the importers.

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my question. I asked him: What measures has he put in place to assist these farmers to form strong co-operative societies? He is only saying that we are encouraging them. That is not enough.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I do not know what to say. I am saying the Government is encouraging farmers to form co-operative societies. If they do this, they will be strong financially and buy their own machines. They will process their commodities, sell them outside this country and fetch the much needed foreign exchange.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, actually the Assistant Minister is joking. Kenya relies on agriculture. Other countries have protectionist policies to protect their farmers but you are hoodwinking the farmers. What are you doing for the Kenya farmers so that they can properly and competitively operate in a liberalised market?

Mr. Osundwa: Mr. Deputy Speaker, Sir, first of all, I demand an apology from the Questioner because Ministers do not joke. Secondly, I feel I have answered that question.

Mr. Kofa: Mr. Deputy Speaker, Sir, Tana River District is a semi-arid area where farmers are very poor and children do not go to school. This Question has been asked three times by hon. Dr. Ali and hon. Prof. Oniang'o here. What is the Government going to do to make sure that these co-operatives take off once they are formed, because how do you talk of a farmer being given money to buy machines and transport his mangoes? Where will they get the money? Could the Assistant Minister treat this Question seriously and answer it effectively?

Mr. Osundwa: Mr. Deputy Speaker, Sir, I sympathise with my friend. I have worked in Tana River and I understand the plight of the farmers. The Government, through the Ministry of Co-operative Societies, is advising the farmers to come together and form strong co-operative societies. I know in the past we have had problems with management of co-operative societies, but under the NARC Government, I can assure my friend there that we are now going to form very strong co-operative societies to protect the farmers.

Mr. Deputy Speaker: Next Question, Mr. M. Mahamud!

IMPROVEMENT OF LIVESTOCK
PRODUCTION IN ASAL AREAS

Mr. M. Mahamud asked the Minister for Agriculture and Livestock Development what programme the Government has initiated in ASAL areas to improve livestock production in the country.

The Minister for Agriculture and Livestock Production (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

For the last two decades, the Government has initiated a number of programmes in ASAL areas to improve on livestock production in the country. These programmes include: Kenya Livestock Programme Phases I and II; Integrated ASAL Development Programmes and Arid Lands Resource Management Projects. The Kenya Government Livestock Programme on Water Development aims at promoting sustainable livestock production in ASAL areas, strengthening of the Animal Health Delivery Services, strengthening of marketing, quality control, regulatory service, value adding of livestock products, enhancing the capacities of both the public and private sector services providers and the development of early warning systems in 20 arid and semi-arid districts.

Mr. M. Mahamud: Mr. Deputy Speaker, Sir, I have not received a written answer to this Question.

Mr. Deputy Speaker: What is happening? We have now heard complaints from two hon. Members that they are not getting written replies to their Questions. Could something be done about this because Ministers ought to submit enough copies of the written answers before coming to answer Questions? We have heard about two complaints now. Could we hear from the Minister for Agriculture and Livestock Development why he has not supplied the Questioner with his written answer?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the usual programme is that once I sign the Question, it is dispatched to the office of the Clerk to the National Assembly for distribution, and I carry my copy. This is what I did and I will have to check exactly what has happened to the conduit between my office and the desk of the Speaker.

Mr. Deputy Speaker: The Clerk has hinted to me that he has not received the written answer. May I, in general terms, ask Ministers to ensure that hon. Members who ask Questions receive copies of the written answers before Question Time. I think this is important, as I ask the Ministers to impress upon their officers who are supplying the written replies. It is very important.

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

Mr. Deputy Speaker: I thought I finished with that point. What is it, Mr. Kaindi?

Mr. Kaindi: Mr. Deputy Speaker, Sir, there seems to be a pattern from the Ministry of Agriculture and Livestock Development because the next Question is still from the same Ministry, and I have not received a written answer.

Mr. Deputy Speaker: Yes, why do you not wait until we get there? You may get it before that time!

Mr. M. Mahamud: Mr. Deputy Speaker, Sir, the Minister has given us a lot of programmes, but none of them has actually been implemented. We even do not have extension officers in the district, we have no vaccines and the animals are dying in large numbers! Could the Minister substantiate what he is telling us, that he is doing a lot in providing services to livestock farmers, yet the services are not there? Could he elaborate on what he is talking about; whether the extension officers are actually in the field or not?

Mr. Kirwa: Mr. Deputy Speaker, Sir, reading from the Question, it is supposed to be what the Government has done, not what the Government is doing as of now. The answers I gave pertain to that. However, the issue raised by the hon. Member about the services of extension officers is a matter we are addressing as a Ministry. My Ministry has 8,000 extension officers but there has been a bit of a problem in terms of funds for operation. We have done the necessary requisition to the Treasury for those officers to move on the ground.

Mr. Shaaban: Mr. Deputy Speaker, Sir, is the Minister aware that there is no livestock marketing policy put in place by the Ministry, especially with regard to the export of livestock and livestock products? Due to lack of that policy, livestock farmers have excess livestock and they cannot export it together with their livestock products. There is a lot of wastage in the country!

Mr. Kirwa: Mr. Deputy Speaker, Sir, the hon. Member has a point, but the issue that we are addressing now is to see that we are translating into Government policy what we campaigned as a platform policy for NARC Government. This is under way and we I am sure that in the next couple of months, we will be able to attend to even some of these issues.

Dr. Galgalo: Mr. Deputy Speaker, Sir, the Minister avoided answering hon. Mahamud's Question. I

want him to respond to that Question and mine also.

Mr. Deputy Speaker, Sir, the Minister has mentioned several programmes. Where in this country are these programmes working? Let the Minister name them. If they are in Moyale, he should say that they are in Moyale; if they are in Wajir, he should say which programmes are in Wajir? That is what hon. Mahamud asked!

Let me now ask my question: What plan does the Minister have to develop a proper livestock production and marketing strategy for this country? For example, we know that all other sectors have management boards that set out policies that improve---

Mr. Deputy Speaker: Dr. Galgallo, I gave you a chance to ask a question. I think you have asked the question. Do not make it a debate or something like that.

Dr. Galgallo: Mr. Deputy Speaker, Sir, I was building up to it. So, could the Minister consider---

Mr. Deputy Speaker: Order, Dr. Galgallo! Could you familiarise yourself with the Standing Orders with regard to asking questions and, in particular, Standing Order No.35? You know that what you are doing is completely out of order! Could you now ask your question?

Dr. Galgallo: Mr. Deputy Speaker, Sir, could the Minister consider establishing livestock production and marketing boards so that pastoralists and livestock farmers can have proper production and market for their products?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I may not have been specific in answering that question, but let me say this: The Ministry, in consultation with stakeholders, has been holding a number of meetings with a view to bringing together the livestock producers, the marketers, and technical staff of the Ministry, with a view to harmonising the current position so as to set up some of these boards to take care of livestock products and livestock itself.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, as you are aware, most people in arid and semi-arid lands (ASAL) depend on livestock. Could the Minister consider initiating subsidized AI services to farmers in order to improve their livestock?

Mr. Kirwa: Mr. Deputy Speaker, Sir, IA service is not only for the semi-arid areas; but as you know, it was privatised sometime back. We have been trying to review the position with a view to ensuring that farmers all over the country have quality seed and animal breeding.

Mr. Ndambuki: On a point of order, Mr. Deputy Speaker, Sir. I am aware that this service was privatised. I am asking the Minister whether he can consider initiating these subsidized services, through his Ministry, not through privatisation?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the question of subsidy cannot be done in isolation. It has to be done in the overall framework of Government policy, and the issue we are addressing as the Government, is to see how to ensure there is quality animal production. If subsidy is going to be one of the issues, therefore, we are going to consider it as a Government, but it cannot be done in isolation.

Mr. M. Mahamud: Mr. Speaker, Sir, considering the serious shortage of meat in this country, and the fact that we have so many camels in Kenya, and yet many Kenyans do not want to eat camel meat, what plans does the Government have to introduce more camels in ASAL areas, particularly Ukambani and parts of Rift Valley?

(Laughter)

Mr. Kirwa: Mr. Deputy Speaker, Sir, as the Chair is aware, actually I do not think that it is really the work of the Government to introduce any product in an area where it is not acceptable. What we are trying to do is to ensure that there is effective marketing of camels, both internally and externally. But we are cautious of the fact that, we are also hesitant not to allow female camels to be exported because we need more of them to breed locally.

Mr. M. Mahamud: On a point of order, Mr. Speaker, Sir. The Minister has a very bad attitude about the camel and yet he is the Minister for Agriculture and Livestock Development. Could the Minister's attitude change immediately?

Mr. Deputy Speaker: Mr. Mahamud, that is not a point of order! Next Question!

Mr. Kaindi: Mr. Speaker, Sir, I do not have a written answer to this Question.

Mr. Deputy Speaker: I am told that the written replies have just been brought and Mr. Kaindi is just receiving his answer. I think we could improve on that. Mr. Kirwa, you will undertake to improve that.

Question No.059

IMPROVEMENT OF LIVESTOCK
PRODUCTION IN ASAL AREAS

Mr. Kaindi asked the Minister for Agriculture and Livestock Development when the Kenya Meat Commission will be re-opened.

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Deputy Speaker, Sir, I agree with you that there is need for improvement in terms of answer delivery to the House.

However, I beg to reply.

The Kenya Meat Commission will be re-opened as soon as two conditions are fulfilled. First, we have a joint Cabinet Memorandum prepared by my Ministry and the Ministry for Finance on Economic Revitalisation of KMC. Therefore, the same will get to the Cabinet for effective direction and for us to take appropriate action thereafter. Secondly, approval of Sessional Paper No.1 of 2003 on Revival of Kenya Meat Commission which will be laid before this House for discussion and adoption.

Mr. Kaindi: Mr. Deputy Speaker, Sir, my Question was very straightforward, simple and specific; when will the KMC be re-opened. The answer the Minister has given does not indicate when the two Sessional Papers are likely to be discussed and finalised, and what immediate plans he has put in place to ensure, as a matter of national importance, that KMC is promptly re-opened to the livestock farmers?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the hon. Member and the House are aware that Government procedure has to be followed for us to effectively implement this particular promise to the House and the nation. But in the meantime, I have sent a technical team to the ground, led by the Permanent Secretary in charge of that particular Ministry to ensure that they look at the current status of KMC. In the meantime, I have also told the officers to give me an appraisal of the position of KMC; the creditors, those people owed money by the Government and any other creditors that have something to do with the KMC, so that when I will be preparing the Cabinet Memorandum and bringing the Sessional Paper to the House, some of these conditions should have been fulfilled for us to be clear on which way forward.

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

Mr. Deputy Speaker: Is it a point of order or a question?

Mr. Kuti: Mr. Deputy Speaker, Sir, I would like to ask the---

Mr. Deputy Speaker: Order! Then that is not a point of order. It is a question. Just stand up, catch my eye and ask your question. But do not stand on a point of order, unless you really have it. Do you have a point of order?

Mr. Kuti: Mr. Deputy Speaker, Sir, we have been jumping up trying to catch your eye since morning, but you have not seen us. Maybe it is because you do not know our names.

Mr. Deputy Speaker: Order! The solution is not to shout when you jump. Just keep on doing it. Do not get tired.

Mr. Sasura: Mr. Deputy Speaker, Sir, I appreciate the fact that the Minister is really working towards the revival of KMC. When we talk about the status of KMC as it is now, it is like telling footballers to go and play football without the existence of a football pitch. Considering the fact that there is no holding ground at the Kenya Meat Commission, because it has been grabbed by people we do not know, what is the position of the holding ground of Kenya Meat Commission, because without the holding ground there will be no Kenya Meat Commission, and who are the grabbers?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I do not want to deal with the second part of the question about the grabbers, but I will only say what the Ministry is doing. I sent the Permanent Secretary to look at the section around the Kenya Meat Commission and also look at possibilities of using the sheep and goats farm's 2,500 acres as a facilitative process as a holding ground for the animals. What we are studying is to see how the animals will move from the holding ground which is a few kilometres away, to the KMC. These are some of the issues we are trying to address so as to ensure that this factory opens as soon as possible.

Mr. Kuti: Mr. Deputy Speaker, Sir, the Kenya Meat Commission is the processing factory for meat products, and as you may realise, the processing factories for coffee and tea are situated where those crops are grown. The location of the processing unit of the Kenya Meat Commission is very far from the livestock farmers. Could the Minister consider putting more abattoirs and other processing units closer to the production centres which are in the ASAL areas?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is a very good question. The Government does not have the capacity to put up abattoirs all over the country. We are interested in opening up the central unit so that all animals from all over the country can get to Nairobi. But in the meantime, we are encouraging the private sector,

in consultation with the animal producers, to ensure that we have private abattoirs satellite to the KMC all over the country, closer to where the animals are produced.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, the Kenya Meat Commission is currently under receivership and is heavily indebted to Mitsubishi Corporation, UK, to the tune of US\$3.3 million. Why did the Government allow the Kenya Meat Commission to borrow such a loan without Government guarantee?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I may not be specific about the facts that the hon. Member has just raised, but what I am aware that the Mitsubishi Corporation undertook to do the refurbishing of the KMC. There are also other creditors including the local professionals. There are also some debts owing to the National Bank of Kenya, out of which the cumulative debt is Kshs3 billion. These are some of the issues that we are trying to look into, and that is why we have a joint Cabinet Memorandum between my Ministry and the Ministry of Finance.

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. You have clearly heard the Minister say that he is waiting to bring--

Mr. Deputy Speaker: Mr. Wanjala, you stood on a point of order.

Mr. Wanjala: Mr. Deputy Speaker, Sir, is the Minister in order to mislead the House that he is only waiting for the Sessional Paper and the joint Cabinet Memorandum when he knows very well that all the land belonging to KMC has been grabbed, and that is one of the problems why the KMC cannot be re-opened?

Mr. Kirwa: Mr. Deputy Speaker, Sir, if my memory serves me very right, I answered that question much earlier, and I thought the hon. Member should have been in the House to be able to get the answer I gave. I said that the ground next to KMC can hold a capacity of a maximum of 1,000 animals. But that is not adequate for the operations of that factory. We thought of looking at the goats and sheep land, which is 2,500 acres, a few kilometres away at Kitengela. That is the facility which we want to see whether we can make maximum use of.

Mr. Kaindi: Mr. Deputy Speaker, Sir, the Minister has stated that the debt portfolio for KMC today stands at over Kshs3 billion. That is true because the Government is owed Kshs1 billion, the National Bank of Kenya over Kshs1 billion, other debtors over Kshs250 million, and Mitsubishi Corporation over Kshs350 million. We have raised so many issues with regard to the Kenya Meat Commission, and in 2000 I brought the same question to the House.

Mr. Deputy Speaker: Mr. Kaindi, ask your question.

Mr. Kaindi: Mr. Deputy Speaker, Sir, in 2000, the Government had committed itself to re-open the KMC, but last year a Sessional Paper was brought to this House, which only addressed the aspect of the Mitsubishi debt and this House refused to approve that Sessional Paper. Does the Sessional Paper 2003, which the Minister has promised to bring to this House address all the components of the debt portfolio and other issues?

Mr. Kirwa: Mr. Deputy Speaker, Sir, during the period in question the current Minister was not in charge of this particular Ministry. Now I am in charge and I am taking into consideration all the aspects raised by the hon. Member and other issues incidental.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. The Minister is completely out of order. I do recall that the last Government tabled a Sessional Paper. Therefore, the Minister has no business telling us that another Government did so. Could he answer the Question on the basis of that Sessional Paper because there is always a Government in Kenya at all times?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I do not want to pick a quarrel with the hon. Member, but I was very clear. I said that I may not have been in charge of the Ministry at that particular time. Now that I am in charge of the Ministry, I will look at the issues raised by the hon. Members, the Sessional Paper tabled at that time, and other issues incidental to the opening of the KMC.

Mr. Deputy Speaker: Very well. Next Question!

Question No.013

ESSENTIAL SERVICES FOR SIGOR HEALTH CENTRE

Mr. Rotino asked the Minister for Health:-

- (a) whether he is aware that Sigor, Health Centre in Sigor Constituency lacks an ambulance, maternity wing, HIV/AIDS Testing Machine and blood storage machine/refrigerator; and,
- (b) when he will provide these essential services and facilities.

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Sigor Health Centre does not have an ambulance, but utilizes vehicles from the District Officer's office to transfer patients to Ortum Mission Hospital or Kapenguria District Hospital when need

arises. The centre has a maternity wing with a six-bed capacity. The centre also has a rapid test kit for HIV/AIDS and a fridge for blood storage.

(b) The health centre has already been provided with facilities to enable it offer essential services to the people. With regard to an ambulance, the Ministry will look for funds in the next financial year.

Mr. Rotino: Mr. Deputy Speaker, Sir, first of all, I want to thank the Ministry because as soon as they got a notice of this Question, they provided the HIV testing kits immediately. The Assistant Minister is misleading the House and the people of Sigor by saying that they use the facilities of Kapenguria. Kapenguria is 100 kilometres away from Sigor and Ortum is 50 kilometres away from Sigor. There is no telephone in Sigor Health Centre, so, how do you call for an ambulance from Kapenguria in case of an accident? In the first place, Kapenguria has no ambulance.

Mr. Deputy Speaker: Mr. Rotino, ask your question!

Mr. Rotino: Could the Assistant Minister give us a confirmation that they will provide, first and foremost, an ambulance for Sigor because of the terrain of the area and the distance from the nearest health facility?

Mr. Konchella: Mr. Deputy Speaker, Sir, as I said, we will provide an ambulance when funds become available.

Mr. Shitanda: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us the criteria used by the Ministry of Health in providing ambulances to health institutions?

Mr. Konchella: Mr. Deputy Speaker, Sir, the provision of ambulances is based on the population that is utilising the facility and the availability of funds. The Ministry is now looking into the requirement of ambulances countrywide and this will be acted upon in the next financial year.

Dr. Manduku: Mr. Deputy Speaker, Sir, as the Assistant Minister is aware, HIV/AIDS is the number one killer disease now in Kenya and we have no cure for it. One of the methods of transmission of this disease is through blood transfusion. Could he provide a monitoring system of HIV/AIDS to the patients in health centres and a simple blood bank so that we do not continue transmitting this disease in health centres? Could he provide them for all health centres in this country?

Mr. Konchella: This will be made possible when money is available. Our aim is to ensure that each hospital has a rapid test kit for testing of HIV/AIDS and a blood bank. We will provide this equipment to every hospital in the country.

Mr. Rotino: Mr. Deputy Speaker, Sir, I do not think that a maternity wing can do without water. Sigor Health Centre has no water. How do you expect a maternity wing to operate without water? Could the Assistant Minister ensure that there is water in the health centre?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry has allocated US\$2 million for provision of water to every district hospital in the country. We will also take this into account when more funds become available for allocation to all the health centres.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Did I hear you say that the Ministry has allocated US\$2 million? We do not use the dollar unit of currency here.

Mr. Konchella: Mr. Deputy Speaker, Sir, the US\$2 million is part of the money that has been given to the Ministry as a grant by our development partners.

Mr. Deputy Speaker: Is that for every health centre or for the whole country?

Mr. Konchella: Mr. Deputy Speaker, Sir, this is for the whole country.

Mr. Deputy Speaker: Next Question!

Question No.072

UTILIZATION OF REVENUE FROM
TSAVO NATIONAL PARK

Maj. Madoka asked the Minister for Environment, Natural Resources and Wildlife:-

(a) how much money has been collected from tourists through the Tsavo East and Tsavo West Gates in the last five years; and,

(b) how much money from the revenue in "a" above has been utilized to benefit the local communities.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) For the last five years, the KWS has collected the following revenue from tourists through Tsavo East and West Gates. I have a breakdown of collections, which the hon. Questioner has, from 1998 to 2000. The total for Tsavo West was Kshs440,374,843.70. I also have details of collections for Tsavo East for each year. The total revenue collected was Kshs809,574,895.95.

(b) There is no provision in the current Wildlife Conservation Management Act of 1999, Cap.376, for the KWS to share revenue with any stakeholder. However, the KWS through the Wildlife Development Fund (WDF), has funded the following projects around the two parks to benefit the local communities:

1. Maktawa Youth Polytechnic and Kiangachini Nursery School. These are ongoing projects and so far, the WDF has spent Kshs6,597,000.90.

2. Manyani Primary School - Kshs1,787,037

3. Ngiluni District Dispensary -Kshs840,778

4. Rombo Boys Primary SchoolKshs436,922

5. Kituti Secondary School-Kshs1,625,000

Mr. Deputy Speaker: Mr. Minister, is it a long list?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Yes, it is a long list. But the total amount spent on various projects is Kshs12,515,020. In addition to that, KWS has provided school bursaries to students from Rombo and Kuku Group Ranches of Tsavo since 1995, amounting to Kshs1 million annually.

Maj. Madoka: Mr. Deputy Speaker, Sir, I want to thank the Minister for that very detailed reply. We have heard that a total of Kshs1.2 billion was collected as gate earnings. Two-thirds of Taita-Taveta District is in the game parks. I want to thank KWS for the help which they have given to the Taita people. But this has been because of the goodwill of the officers---

Mr. Deputy Speaker: Maj. Madoka, ask your supplementary question.

Maj. Madoka: Mr. Deputy Speaker, Sir, last week we heard that Kshs250 million was collected from the gemstones. The Taita people---

Mr. Deputy Speaker: Maj. Madoka, ask your supplementary question.

Maj. Madoka: Mr. Deputy Speaker, Sir, could the Minister ensure that there is some legislation in place so that the Taita people can manage these funds?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I quite agree with the thrust of the hon. Questioner's assertion, but the truth of the matter is that, here we are dealing with a very outdated law. That one I accept. However, we are in the process of updating the provisions of the law, not only to allow the Taita people, but all other communities living around national parks to benefit from gate earnings. This is something that I think will come, at the very earliest, next year because there are two other Bills we have to deal with this year.

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, I also come from an area where we manage animals. Unfortunately, Maj. Madoka asked a very simple question. The Government collected Kshs1.2 billion as gate earnings. Out of this amount, only Kshs12 million was ploughed back to the community. That is less than 1 per cent. The balance of that money---

Mr. Deputy Speaker: Order! Maj-General, could you ask your question?

Maj-Gen Nkaiserry: Why was only Kshs12 million ploughed back to assist the Taita people and not Kshs120 million?

Dr. Kulundu: Mr. Deputy Speaker, Sir, that could be a very wonderful idea, if it was, indeed, included in the current legislation. However, if the hon. Member listened keenly, I said in part "b" of the Question, that currently there is no provision in the Wildlife Conservation and Management Act to share the gate earnings with any stakeholder. So, our hands are tied by the current legislation. However, as I said, this legislation will be reviewed, at the very earliest, next year.

Maj. Madoka: Mr. Deputy Speaker, Sir, the community living around Maasai Mara Game Reserve gets some money because their is a trustland. We would like to see the Taita people given some money while we wait for the legislation. Could the Minister assure us that he will do that?

Dr. Kulundu: Mr. Deputy Speaker, Sir, in fact, the amount of money I talked about was given to the Tsavo communities through the Wildlife Development Fund. This fund was set up in 1994 and was disbanded in 1998. This fund was supported by USAID and International Wildlife Animal Fund. However, because of corruption, this project ceased in 1998. There is a Community Service Division (CSD) within the KWS which encourages communities around national parks to write proposals. This division supports them to access funds independent of KWS. As a matter of fact, for the period under discussion, Tsavo East received Kshs221,946,744, through the community's initiatives while Tsavo West received Kshs220,099,977. So, there are avenues where

communities, through this CSD, can access funds independent of the KWS.

QUESTIONS BY PRIVATE NOTICE

BANKS' CAPITAL BASE LEVEL

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

In view of the recent events in the banking industry, which included the collapse of Euro Bank Ltd., where a number of depositors are likely to lose their deposits, could the Minister inform the House the number and names of banks whose capital base is below the minimum statutory levels of Kshs300 million as at 31st January, 2003.

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

As at 31st January, 2003, the following five banks had not met the minimum statutory capital base of Kshs350 million: National Bank of Kenya, Daima Bank, Fidelity Commercial Bank, Paramount Universal Bank and Industrial Development bank.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I asked this Question in the Eighth Parliament. However, at the closure of the House on Thursday 24th October, 2002, the Question was not answered. It was deferred to the next Tuesday, 29th October, 2002. Unfortunately, the House was dissolved on Friday, 25th October, 2002. We are not targeting any bank, but we want our money to be safe. You know what happened to Euro Bank. Those people who put their money there will get only Kshs100,000 as a refund from the Deposit Protection Fund.

My question to the Minister is: Could he indicate the current capital base of these five banks he has named? What action will he take to make sure that these banks comply with the minimum capital base level of Kshs350 million? In the first place, he should not have even given them the license to operate.

Mr. Deputy Speaker: Mr. Obwocha, you have asked your question, let the Minister answer.

Mr. Obwocha: Could the Minister indicate the current capital base level of these five banks? What action will he take to make sure they comply with that requirement?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, in banking, there are certain ratios of liquidity which are supposed to be maintained, so as to ensure the security of funds deposited. It is for this reason that the National Bank of Kenya (NBK) capital base of Kshs3.653 billion is not considered adequate. Daima Bank has only Kshs27 million; Fidelity Commercial Bank, Kshs263 million; Paramount Universal Bank, Kshs280 million, and Industrial Development Bank, Kshs296 million.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Minister, you have not responded to the part of the question on action being taken.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I am sorry about that omission; I did not get that bit from the Questioner.

I would like to inform the House that one of the problems this country has suffered from in the past was that the Banks Inspection Unit (BIU) at the Central Bank of Kenya (CBK) was not doing its work properly. We have now insisted that we get fully informed on whatever is happening in the banking sector. We have put Daima Bank under statutory management because it has been making losses, which have really lowered its capital base.

With respect to the others, we have already asked the Governor of the CBK to ensure that they comply with the minimum requirements. However, these banks are healthy. The most important requirement for any banking institution is what we call "the total capital to risk weighed against assets ratio." In respect of other banks, this ratio is very good. In other words, there is no risk of them collapsing. I would like to add that we started off with banks which had much lower capital bases, and they were required to go on increasing this amount in bits. That is why the capital base of some banks appears to be below the minimum amount.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, arising from the Minister's reply to the question, where he used the word "healthy", I would like to know whether the NBK is healthy.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I believe that the issue of "health" is relative. When I have a cough, for instance, I am supposed to be healthy.

Hon. Members: How?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, to answer Mr. J. Nyagah's question, honestly, the NBK needs a little bit of capitalisation. We are urgently looking into this aspect. Apart from that, the NBK is operating well. The moneys that are in that bank are safe.

Mr. Billow: Mr. Deputy Speaker, Sir, we were made to understand that both Euro Bank and Daima Bank were insolvent, and that was why the former went under while the latter was put under statutory management. Under the statutory provisions in the Banking Act and prudential guidelines, what action should be taken if banks do not comply with the minimum requirements on liquidity and capital? In respect of Euro Bank, why was action not taken in time to save the bank from going under?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I believe that I have partly answered that question. I do not want to go into the history. When I was appointed the Minister for Finance, I asked a similar question; why was action not taken two years ago to save the bank from collapse? But I cannot pretend to know the answer to that question. Even the immediate former CBK Governor could not give me a satisfactory answer to the question. However, we have changed the management of the CBK, and we are insisting that the CBK's BIU be brought to international standards, so that as it inspects commercial banks, it keeps us informed, so that we can in turn keep this august House informed.

Mr. J. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Has the new Governor put in---

Mr. Deputy Speaker: Order! Order! Mr. J. Nyagah, you are asking a question, and not raising a point of order. So, resume your seat.

Mr. Obwocha, could you ask the last question on this matter?

Mr. Obwocha: Mr. Deputy Speaker, Sir, what we require from the CBK is a strong inspection unit. If we do not have that, many banks will close down. Since the capital base of the NBK has been strengthened by workers' money from the National Social Security Fund (NSSF), what measures are being put in place, in terms of inspection, to ensure that this bank is back on track?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, as I speak now, I have appointed a team of three people, including two bankers and an economist, to look at the position of the NBK. I expect a report from the team by the end of March, 2003. We intend to implement the recommendations that will be made in the report. The report will, of course, tell us how much capital we need to put in as a Government, and attempt to answer many questions which we have asked.

Mr. Akaranga: On a point of order, Mr. Deputy Speaker, Sir. Recently, I saw the financial report of the Kenya Commercial Bank---

Mr. Deputy Speaker: Order! Order! Mr. Akaranga, raise your point of order. If you wish to ask a question, wait for another chance.

Mr. Akaranga: Mr. Deputy Speaker, Sir, I am in the process of learning. Last year, the KCB made provision of Kshs4 billion for non-performing loans. So, could the Minister tell us whether the culprits behind KCB's Kshs4 billion non-performing loans are the same people who have caused Euro Bank to collapse?

Mr. Deputy Speaker: Mr. Akaranga, that is not a point of order; it is a question. When you rise on a point of order, it is important that you actually raise a point of order, and not ask a question.

Mr. Akaranga: Mr. Deputy Speaker, Sir, the Minister has heard. So, let him answer.

(Laughter)

Mr. Deputy Speaker: Mr. Minister, could you answer Mr. Akaranga's question?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the hon. Member has asked a good question. I would like to assure him that although the KCB has made a loss of Kshs4 billion, this bank is going to be turned around, and it will be a very good bank in future. The hon. Member wants to know whether the people behind the collapse of Euro Bank are the same ones who owe the KCB the bad debts. Unfortunately, in respect of some of them, the answer is "yes".

Mr. Deputy Speaker: Order! Hon. Members, we are past Question Time and we have to make progress! Let us move on to the next Question by Private Notice by Mr. Syongo.

MEASURES TO CONTROL MYSTERIOUS CATTLE DISEASE

Mr. Syongo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture and Livestock Development the following Question by Private Notice.

- (a) What action is the Minister taking against a mysterious disease which has claimed over 10,000 heads of cattle in Gwassi over the last two years?
- (b) What measures has he taken to help farmers re-stock their herds?
- (c) What further measures has he taken to eliminate tsetse flies in the areas adjacent to Ruma National

Park.

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government is aware of reported cases of cattle deaths through trypanosomiasis, a disease transmitted by tsetse flies.

(b) The Government has put in place measures to eliminate the tsetse fly menace. Once that is done, farmers are expected to begin re-stocking their herds using their own resources. However, the Government will provide technical and professional advice through the field officers in the Ministry.

(c) The following measures have been put in place:

(i) Baseline data to establish the extent of tsetse fly menace inside and outside the park has been done.

(ii) The Suba District Tsetse Management Committee, which brings together stakeholders, has been formed.

(iii) Tsetse and trypanosomiasis eradication project for Lambwe Valley which was launched last year has been followed by release of sterile male tsetse flies, which are supposed to mate with female ones and once that process is complete, there will be no offsprings and, hence, that will lead to the eradication of the pest.

(iv) Next month, that is the month of April, a programme to treat cattle with pyrethroid will be done. Once that is done, the cattle act as mobile targets as they go around grazing in tsetse infested areas. Any tsetse fly that feeds on such treated cattle will pick the killer insecticide from the skin and finally die. That programme will also be done in the month of May and June.

Mr. Deputy Speaker, Sir, apart from that, regular consultative meetings between major stakeholders of Lambwe Valley Tsetse Fly Eradication Programme; namely, the Director of Veterinary Services, Kenya Wildlife Service (KWS) and the Kenya Trypanosomiasis Research Institute have been held to review tsetse control programmes. The Government is committed to make sure that the tsetse menace is eradicated once and for all.

Mr. Syongo: Mr. Deputy Speaker, Sir, even as we discuss this issue, the cattle continue to die and my consultation with the DC yesterday indicated that the number of deaths is approaching 30,000. There has been a sudden rise of school dropouts because the children cannot go to secondary schools because their parents cannot afford to pay their school fees which, hitherto, were paid through the sale of livestock. The nutritional intake of the children in that area is affected significantly---

Mr. Deputy Speaker: Mr. Syongo, ask your question!

Mr. Syongo: I am coming to my question, Mr. Deputy Speaker, Sir! I just want to set the background to my question. Thirdly, farmers are unable to plough because, in the absence of tractor-hire services, they cannot do so without their bulls.

My question is: Why can the Minister not put in action a system of compensating them or helping them to re-stock their herds, given that there is a Disaster Management Fund, and as far as we are concerned, that is a disaster! Secondly, there is a provision under the KWS for wildlife compensation scheme. Those tsetse flies breed inside Ruma National Park and frankly speaking---

Mr. Deputy Speaker: Order, Mr. Syongo! You will sit down if you cannot ask your question! We are not debating! We are on Question Time!

Mr. Syongo: Mr. Deputy Speaker, Sir, my question is: Why can the Minister not put in place a programme to compensate the farmers and help them to re-stock, given that there is a provision for that?

Mr. Kirwa: Mr. Deputy Speaker, Sir, under the current provisions of the law, we do not have such a programme. But it is something that we need to review as time goes by, so that we can see whether that can be captured in our programme of action as the Government.

Dr. Galgalo: Mr. Deputy Speaker, Sir, we know that this country, although it has a lot of potential for exporting meat products, we are unable to do so because our animals are highly infected with diseases. What plans does the Ministry have to establish a programme of vaccinating our animals against all diseases?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is in keeping with the Government policy and we are putting into high gear, all the technical staff, both for livestock production and veterinary services, to see to it that disease eradication is a priority in the Ministry, particularly in the Department of Livestock Production.

Mr. Syongo: Mr. Deputy Speaker, Sir, the approach the Minister has explained to us is not being used for the first time. The ICIPE and the Ministry had already applied the same strategies with little success. Could the Minister guarantee this House that, this time round, the disease eradication programme will work?

Mr. Kirwa: Mr. Deputy Speaker, Sir, given the seriousness of this particular matter, and given the fact that in the next couple of months we are going to read a new Budget, what we have done as a Ministry is to intensify our lobbying to ensure that the Ministry gets adequate funding for those programmes to be in full gear, so

that we can eradicate the menace once and for all.

Mr. Omamba: On a point of order, Mr. Deputy Speaker, Sir. I know that national park. I was once a trustee! Could the Minister---

Mr. Deputy Speaker: Order! Mr. Omamba, I said that was the last question and you stood on a point of order! Now, you are asking a question! You are out of order! Let us move on to the next Question.

TARMACKING OF ISIOLO-MOYALE ROAD

(Dr. Galgalo) to ask the Minister for Roads, Public Works and Housing:-

(a) Is the Minister aware that vehicles travelling to Moyale from Nairobi now use the Garrissa-Wajir route, an extra 300 kilometres, due to the impassable state of the Isiolo-Moyale Road?

(b) Could the Minister immediately disburse funds to repair the worst sections of the road, especially the Marsabit-Turbi section, covering about 200 kilometres?

(c) What plans does the Ministry have to tarmac the Isiolo-Moyale section of the Nairobi-Addis-Ababa Highway?

Mr. Deputy Speaker: Dr. Galgalo, I am told that you have agreed with the Minister to defer this Question to tomorrow. Is that the case?

Dr. Galgalo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well! The Question is deferred to tomorrow afternoon.

(Question deferred)

Let us move on to the next and last Question by Mr. Koros.

BARRING OF MS. JEPSONGOK FROM SITTING KCPE

Mr. Koros: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Why was Ms. Jepsongok Grace, who was registered as a Kenya Certificate of Primary Education candidate, registration number 509226035 at Ngeria Primary School, barred from sitting her examination in November, 2002?

(b) What action will the Minister take to ensure that the girl takes her examination this year, 2003, at no cost?

The Assistant Minister for Education, Science and Technology (Mr. Gumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ms. Jepsongok Grace, candidate for KCPE registration number 509226035 at Ngeria Primary School, was not barred by anybody from sitting for her examinations in November, 2002.

(b) Ms. Jepsongok Grace is free to sit for the 2003 KCPE examinations at her own cost since nobody barred her from sitting for the examination which she had paid for in 2002.

Mr. Koros: Mr. Deputy Speaker, Sir, it is false that the candidate was not barred. It was the headmaster who refused the student to sit for the exams. The student went there ready to sit for the exams but she was not allowed to enter into the compound. Why?

Mr. Gumo: Mr. Deputy Speaker, Sir, I do not think that is true because, according to the records that we have here, she was marked absent for all the subjects. She did not complain to anybody, even to the police, that she had been barred from doing her exams.

Mr. Koros: Mr. Deputy Speaker, Sir, the headmaster barred the said pupil from sitting for her examination, simply because she had delivered a few months earlier. The headmaster is running the school as if it is his personal property. He does what he wants when he wants to do it. Secondly, for the last five years, the school's books of accounts

have not been audited. What action will the Assistant Minister take against the headmaster?

Mr. Gumo: Mr. Deputy Speaker, Sir, the hon. Member has raised a different issue.

During the Kenya Certificate of Primary Education (KCPE) examinations, there was an invigilator at the school, and if the pupil was barred from sitting for her examination, she could have complained to the invigilator.

Mr. Rotino: Mr. Deputy Speaker, Sir, the Assistant Minister has misled the House by saying that he is

not aware that the said pupil was barred from sitting for her examination.

Mr. Deputy Speaker: Mr. Rotino, what is your point of order? **Mr. Rotino:** Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to mislead the House? He has said that the said pupil was not barred from sitting for her examination. Hon. Koros has said that the pupil was barred from sitting for her examination.

Mr. Gumo: Mr. Deputy Speaker, Sir, during KCPE examinations, there is always a supervisor and an invigilator in every examination centre. There is no way in which the headmaster could have barred the pupil from sitting for her examination. She could have complained to the supervisor or the invigilator immediately; I am sure she would have been allowed to sit for her examination. My records show that the pupil was marked absent during all the examinations. She did not appear at the school. She can sit for the examination this year if she is interested.

Mr. Deputy Speaker: End of Question Time! Next Order!

POINT OF ORDER

INTEGRITY OF THE HOUSE

Prof. Oniang'o: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement on a matter which touches on the integrity of this House, and of the hon. Members. This issue is causing a lot of concern among Kenyans.

A report contained in the *Daily Nation* on Monday, 17th March, 2003, was attributed to statements that were made by the Minister in charge of internal security, hon. Murungaru. The report has continued to appear in the Press, that money is changing hands in the House and there are plots here---

Mr. Deputy Speaker: Prof. Oniang'o, what do you want?

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I would like the Minister in charge of internal security to issue a Ministerial Statement on this issue.

Mr. Waithaka: On a point of order, Mr. Deputy Speaker, Sir. I had requested for a Ministerial Statement from the Minister for Environment, Natural Resources and Wildlife. I can see he is here and ready to give the Ministerial Statement.

MINISTERIAL STATEMENT

SHOOTING TO DEATH OF MR. S. KARIUKI MWANGI

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, on Thursday, 6th March, 2003---

Mr. Deputy Speaker: Order, hon. Members! The Minister is giving a Ministerial Statement as requested last week by Mr. Waithaka. May you, please, pay attention?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, on Thursday, 6th March, 2003, the hon. Member for Kinangop, Mr. Mwangi Waithaka, sought a Ministerial Statement on the shooting of Mr. Stephen Kariuki Mwangi by a Kenya Wildlife Service (KWS) warden, which took place at Ndunyu Njeru-Queens Gate Road in North Kinangop Location. I wish to state as follows.

It is true that Mr. Stephen Kariuki Mwangi was shot dead while hunting inside the Aberdares National Park. The deceased, who was met carrying a giraffe carcass, by the KWS rangers, was ordered to stop, but instead attacked them with a panga. He cut and damaged a rifle, and in the process he was shot dead. The incident was reported to Kinangop Police Station for investigation, and the body collected and taken to Naivasha Hospital Mortuary for a postmortem examination. Meanwhile, a KWS ranger, namely, Mr. Samuel Longalom, has been interdicted pending the outcome of the investigations.

Mr. Deputy Speaker, Sir, it is true that there was another shooting incident on 15th September, 2002, where Mr. James Kihumba Wakogi was shot dead. However, it is not true that the shooting involved the same ranger, Mr. Samuel Longalom, nor was it in the same locality. As a matter of fact, the ranger who shot Mr. Wakogi is called Mr. Ibrahim Katero, who was also interdicted. There is an on going case in Naivasha about the 15th September, 2002, incident.

Mr. Deputy Speaker: Mr. Waithaka, do you need any clarification on that statement from the Minister?

Mr. Waithaka: Mr. Deputy Speaker, Sir, I would like to seek a clarification from the Minister on the on-going case in Naivasha over the shooting of Mr. Wakogi.

Secondly, it is not true that Mr. Stephen Kariuki Mwangi was shot in the Aberdares Forest. He was confronted by three armed rangers, when he

was only carrying a panga. This was a 17-year old boy. How could three armed rangers use such excessive force to kill a 17-year old boy, who was only armed with a panga? They could have simply maimed him. They killed him simply because he was carrying a giraffe carcass.

Killing a human being is murder. Interdicting the officer who shot Mr. Kariuki dead is not enough. He should be arrested and arraigned before court for murder because he used excessive force against an innocent young man who was only armed with a panga. Even if the boy was armed, the rangers were in a position to immobilise him instead of killing him. This is a case of murder and should be investigated. The ranger should be arrested and arraigned before court.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, I fully share the sentiments of the hon. Member, but as I have said, Mr. Longalom has been interdicted to pave way for fair and independent investigations. It is only upon the results of the investigations that any further action can be taken against Mr. Longalom.

Mr. Waithaka: On a point of order, Mr. Deputy Speaker, Sir. The Minister has not mentioned the number of the on-going criminal case in Naivasha.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I do not have the case number with me now, but I can provide it even tomorrow.

Mr. Deputy Speaker: very well.

POINT OF ORDER

STATEMENT ON INSECURITY IN TURKANA

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. As you are aware, yesterday, I was ordered to leave the Chamber. I had stood on a point of order to ask why a Ministerial Statement I sought from the Office of the President two weeks ago has not been given.

Just allow me to explain why I was really agitated yesterday.

Mr. Deputy Speaker: No. Order, Mr. Ethuro!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I had raised the issue of insecurity in Turkana District. The other night, a nun was killed.

Mr. Deputy Speaker: Order, Mr. Ethuro! You stood on a point of order and requested for a Ministerial Statement. You now want to know why the statement has not been issued. So, even if you continue speaking, it will not help you.

Could we find out from the Minister who was supposed to issue the Ministerial Statement that you requested last week? What is the position? Office of the President, do you have any statement? There is no-one from the Office of the President.

Dr. Kulundu, could you, please, inform your colleagues in the Office of the President that Mr. Ethuro has been waiting for a Ministerial Statement for the last two weeks, and the Chair rules that the Statement should be brought to the House tomorrow afternoon, so that Mr. Ethuro can have it?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I will make sure that, that message is delivered to the Minister concerned. I am also told that the Minister was ready with the statement yesterday, but he did not get a chance to deliver it.

Mr. Deputy Speaker: I know that we ran out of time yesterday, but the Chair has ruled that tomorrow afternoon there will be time for the Minister in charge of security to issue a Ministerial Statement that was requested by Mr. Ethuro.

Mr. Ethuro, could you, please, hold your peace until tomorrow afternoon?

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I will hold my "feet", but I just wanted to emphasise the need for that statement to be made because we are continuously losing lives.

Mr. Deputy Speaker: Mr. Ethuro, the Chair has taken that issue very seriously and that is the reason why I have insisted that the Ministerial Statement should be made tomorrow.

Let us move on to the next Order now!

MOTIONS

CONSTRUCTION OF DAMS AND BOREHOLES IN ASAL AREAS

THAT, in view of the changing patterns of rainfall in the country; and being aware of the famine which affects Kenyans from time to time; this House urges the Government to construct at least ten dams and ten boreholes in each constituency in the arid and semi-arid (ASAL) areas.

(Mr. Rotino on 12.3.2003)

(Resumption of Debate interrupted on 12.3.2003)

Mr. Deputy Speaker: Who was on the Floor?

Hon. Members: Nobody!

Mr. Deputy Speaker: So, I will give Mr. Munyes this chance to contribute!

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Thank you, Mr. Deputy Speaker, Sir. First and foremost, I would like to move an amendment to Mr. Rotino's Motion by deleting all the words after the word "to", on the third line up to the word "constituency" on the fourth line, and insert the words "urgently consider constructing dams and boreholes", so that the Motion reads as follows:-

"THAT, in view of the changing patterns of rainfall in the country; and being aware of the famine which affects Kenyans from time to time; this House urges the Government to urgently consider constructing dams and boreholes in the arid and semi arid (ASAL) areas."

With all due respect for this Motion, I come from the ASAL areas and when the issues of water are brought up, like the one we have seen in this Motion, they touch me very much. The ASAL areas, we all know, make up 80 per cent of the land in Kenya, and this land is very dry with high poverty rate. This is an area which has been marginalised for many years. My Ministry considers supporting the ASAL areas. As we know, there is an affirmative action by our NARC Government--- The Chair heard this in the Presidential Speech when the President said that we will all put in our resources to ensure that the ASAL areas benefit in this regime.

In the Ministry of Water Resources Management and Development, we now have the new Act, 2002 in place which has given us more mandate to provide water in many areas, including the ASAL areas. The Act will be operational very soon and we hope to get in place management authorities providing services. We also wish to conserve all the water catchment areas. On top of that, the new Act says that all irrigation schemes will fall under the Ministry of Water Resources Management and Development. Flood control will also be managed by this Ministry. Sewerage, waste and storm water has been consolidated together with provision of water services so that my Ministry can now co-ordinate this in a proper manner.

Mr. Deputy Speaker, Sir, the problems experienced in the ASAL areas are actually inter-linked. We know we cannot do much about lack of rainfall, because this is something which is natural. But there are areas we can chip in by ensuring that we conserve water in pastoral areas. We know our people suffer from famine because we do not make use of the little water we get from the ASAL areas. Conflict in these areas is as a result of lack of water. Our people will cross over to other countries not because there is no pasture in our country--- Pasture is always enough in this country, but pastoralists in this country cross over to our neighbouring countries to look for water. The problems in the ASAL areas are as a result of lack of water. If we construct enough dams in ASAL areas and drill boreholes, which we intend to do in the near future, then our pastoralists will not cross over to our neighbouring countries.

Competition is also another problem being experienced in the ASAL areas. A good example is our refugee camps where our pastoralists share water with the refugees there. Because the resources there are inadequate, they compete and sometimes, they end up fighting.

On migration, our people are so mobile. They move from one place to another. For example, this week, they will settle here and next week, they will move out to another place. As a result they end up cutting down trees which they use to fence their *manyatta*. Our Ministry will try to provide water in the dry areas so that our people will not move all the time and end up destroying our environment.

I would like to say that if we provide enough water in those areas, our schools and families will have enough water. The biggest issue raised by many hon. Members was on irrigation schemes, which I have said are now under the Ministry of Agriculture and Livestock Development. Turkana District with 12 irrigation schemes, according to the research carried out by the Ministry of Agriculture and Livestock Development, has three times the potential of Trans Nzoia District in food production. So, you can imagine that Turkanas can feed themselves and we do not have to give them relief food. We also do not have to take relief food to West Pokot District and North Eastern Province if we improve the irrigation schemes. If this is done, these people will feed themselves and even feed other parts of the country so that the high potential agricultural areas can grow cash

crops such as tea and coffee, so that our country can earn foreign exchange.

Another issue which was raised by hon. Members, which I also support, is the role of our armed forces. We know that our armed forces have machinery which can be used to drill boreholes, construct dams, roads and control floods. In other countries, we see the armed forces doing all these kind of tasks. We will try to liaise with the Department of Defence so that some of the drilling rigs can be used to drill boreholes in the ASAL areas. In the past regime, one person would take a drilling rig to his home, or give it to a friend to drill a borehole in his home. We will co-ordinate these activities so that every district gets priority. We will ensure that five dams or five boreholes are done from one corner of the country to another. We will have a programme of all this. If we work closely with the Office of the President, we will achieve that goal.

The other issue which was raised here concerns River Nile and Lake Victoria. Hon. Members said that all the water flows to River Nile. I would like to say at this juncture that this is a sensitive matter which will have to be discussed by the Cabinet. We are still deliberating on that. We support hon. Members' proposals that some of the rivers which flow into Lake Victoria could be turned into dams so that we can have enough water. If we do that, we will control floods in areas like Budalangi. This is because when the rivers there are swollen, they become a menace. If there is a way we can control that, then I think our people will benefit. We have friends in the Netherlands and also in Japan International Co-operation Agency (JICA) who are getting interested in assisting us. By doing all that, I know we will solve some of those problems.

Mr. Deputy Speaker, Sir, our analysis on farming, as the Mover of the Motion initially put it, points at neglect. If our efforts as the Government were to be consolidated in our sector reforms being undertaken by the Ministry of Water Resources Management and Development, and then we start targeting the priority issues in every district, then we would get rid of this neglect. This should be so that we do not just come to respond to questions in Parliament, because we want to have a situation where every district gives us its priorities. We are a political Government and we want to talk to Members of Parliament after those priorities have been forwarded so that the Member of Parliament for that constituency tells us what are the most needy issues.

Mr. Deputy Speaker, Sir, we have amended this Motion because some areas might not want dams. One Member of Parliament may want to have a water catchment and another a spring. In Turkana North, where I come from, I might be very interested in having dams, but somebody in West Pokot may be talking of a spring because the terrain there is rugged and there are so many hills. So, we call upon hon. Members to give us those priorities and, by doing so, we will get into the issues that affect our people.

Mr. Deputy Speaker, Sir, other countries have benefitted from maximum use of water harvesting technologies. We learn a great deal from the Middle East, Israel, Egypt and even some parts of Sudan. I went to Namibia the other day and I found big ranches where people were preparing land, receiving rain water and conserving it for many purposes. I think the same can be done in this country. If I go back to the Presidential Speech which is now giving us the mandate to put more resources in the ASAL areas in order to improve the potential in these areas, then I feel that in another three years we will be on our way in getting a masterplan for some of the ASAL areas. We should not only talk of ASAL areas since we know that the whole of the country is facing water problems. We are also looking into that.

Mr. Deputy Speaker, Sir, as we said the other time, and my colleague, hon. Ms. Karua, has echoed the same in several meetings, we do not want to give a tender to a company to manage water and leave out sewerage. We want to combine these two areas so that if you are dealing with the issues of water, then you can also deal with the issues of sewerage or waste water. We want to consolidate all these factors. However, the bottomline is for us as a country to actually be able to get out of this corruption that is affecting the very little resources that we get. We know in our district headquarters there is always enough money for the Ministry to ensure that there is enough water, but you will also realise that the money sent to the districts sometimes does not reach the districts. We will try to be strict on how we spend our resources and I think by doing that, every Kenyan will get closer to the issues of water provision.

Mr. Deputy Speaker, Sir, I do not want to talk much on that. After reacting to those issues, we feel, as a Government, that there is need to support this Motion. This is because if we do not support it, the dry areas of this country will not develop without water even if you introduce affirmative action. Without providing water in these areas, we will not do anything.

With those few remarks, I beg to move.

Mr. Deputy Speaker: Mr. Assistant Minister, since you moved an amendment to the Motion, who is the seconder?

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I am here to second the Motion, although an hon. Member is asking: "Why Turkana?"

Mr. Deputy Speaker: Order! Mr. Ethuro, you are not entitled to speak from where you are speaking.

Mr. Ethuro: Even when seconding?

Mr. Deputy Speaker: It does not matter! You have forgotten that you are no longer an Assistant Minister. Move to the microphone behind there!

(Mr. Ethuro moved to the BackBench)

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir, for reminding me. I am not used to speaking from here since I used to speak from the Dispatch Box in the last Parliament. However, I wish to second this Motion and the amendments because I think the Assistant Minister has brought the amendments so that each constituency can be able to identify its needs. We are not specific on the number of constituencies since they might be 20 or 30. Even if this Motion was to be passed, as the Secretary of the Pastoralists Parliamentary Group, I know that we have about 42 constituencies that qualify to benefit in these ASAL areas. I know this for a fact because this is my concern.

Mr. Deputy Speaker, Sir, the normal commercial people will use Ksh1 million to dig a borehole, but if we are going to use our military personnel as part of this exercise, we can be able to dig one borehole at a cost of Kshs500,000. So, we are not going to spend more than Kshs20 million per constituency. So, this is absolutely important because, when we are talking about erratic rainfall patterns, drought and famine in this particular country we should realise that 80 per cent of the land mass of Kenya is considered ASAL. Then we are talking about more than 60 per cent of the livestock herds in these particular places. People in those areas need water both for domestic animals and human consumption.

Mr. Deputy Speaker, Sir, therefore, I think this is one of the most important Motions. I plead with the Assistant Minister, given that he comes from Turkana District and there is a commitment by the NARC Government and His Excellency the President through this House that it will have a special political dispensation for North Rift, North Eastern and North West and by extension to the Maasai rangelands - the Southern part of this country---

An hon. Member: And the Lake Region!

Mr. Ethuro: And also the Lake Victoria since I sympathise with my colleagues from the tsetse fly-infested areas. We need to rise to the occasion. We are hoping that the NARC Government shall not be like the previous Government which made promises that were never implemented. As the English say, the taste of the pudding is in the eating thereof. Therefore we do not just support a Motion, bring in the necessary amendments and then we allow it to disappear.

Mr. Deputy Speaker, Sir, right now, the Minister for Water Resources Management and Development is in Japan. Indeed, very many people are talking about water. When we were in UNEP for the Governing Council meeting, water was identified as one of those critical issues that were going to affect humankind in this century. We are saying, as environmentalists will always tell us: "Let us think globally, but act locally." The place to act locally in terms of water is where you have scarcity of this particular commodity. Precipitation is a limiting factor in production. We cannot convert the land mass that we have into productive land in the ASAL districts due to lack of water. Once in a blue moon we get a lot of run-off water. The dams can be able to tap that run-off water which can be used, at least, for one year. We have seasonal rivers that flow into river beds and we can still be able to dig boreholes and get water for our people and their livestock.

Mr. Deputy Speaker, Sir, there are areas with springs that we need to develop and use simple technology like hydro-power that does not require a lot of money. I am glad the Assistant Minister has conceded that there is corruption in that particular area. We used to have a District Engineer who used to sleep during meetings. You wonder what he was doing at night when the rest of us were sleeping. We had water technicians in these community-based water organisations who used to bring us water pumps, but because they wanted to be paid night out allowance, they would tell us that this particular equipment was missing and then people would contribute money for its repair. However, they would go on and say the filter was also missing.

Mr. Deputy Speaker, Sir, corruption is such a big issue that, unless the Government puts in place the basic infrastructure--- What I consider to be the basic infrastructure are the roads, telephone services and water. Before we encourage our communities to start managing these projects - This is not possible because even the infrastructural network has not been put in place so that we can access water.

I wanted to support this Motion because I think it touches on the areas in which we can, as NARC Government, develop pastoral areas; especially North Eastern Province. It will forget KANU forever and join NARC because there will be water for everybody. It should not be an empty promise like the "water for all by the year 2000." When the year 2000 came, we started saying, it was not an intention, but something to be hoped for.

We want it to be real! There should be water, boreholes and dams in the ASAL constituencies, by the year 2005.
Thank you, Mr. Deputy Speaker, Sir.

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

Mr. Biwott: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion as amended.

It is good that I have had a chance to contribute immediately after the speaker who has just left the Floor. He seems to have forgotten where he came from; and also the fact that anything which is in place at the moment was set up by those whom he was with before he crossed over.

Mr. Deputy Speaker, Sir, the ASAL regions are areas which are known for their aridity and semi-aridity. It means that water is scarce and, therefore, we need to give it special attention with regard to sustainability; first, the question of food security. Food cannot be produced without water and the water in those regions is scarce. Therefore, there is need to do something about that constraint.

Mr. Deputy Speaker, Sir, the previous speakers have touched on areas where attention needs to be given. I would like to support the amendment because it broadens the scope of what can be done within that programme. Today, people who live around these areas are entirely dependent on the grace of God; when the rains come and the rivers begin flowing. Therefore, there is a special need to focus on the areas where water can be conserved and be made available when it is lacking. Also, it needs the management of the water sources. The management of the water resources in this area requires more than the management of the water itself. It is the managing of the entire environment of that area. There is the soil erosion problem which needs to be attended to. There is a problem of ensuring that the river beds are taken care of and also ensure that the escarpment where water is withheld when rain falls and is distributed down the stream is taken care of.

Mr. Deputy Speaker, Sir, there is also the need for the settlement of people because, for people to be given proper services, it requires permanence. There is need to have towns and centres, not only through one dam, but to manage the water from the source so that we have wells, dams and so on.

The North Rift is a place which God loves because the soil is good but only lacks water. God also provides water which is coming from the escarpment and going through these areas. So, it is the question of managing that water. If you look at the entire area, beginning from Marakwet, all the way to the Sudan or Ethiopian border, there is a huge potential.

Mr. Deputy Speaker, Sir, when I was the Minister for Regional Development we carried out a study and we found out that 100,000 acres could be irrigated, not in terms of irrigating for crops, but also for livestock. That is why Turkwel Project was conceived as a multipurpose project; where the water could be re-distributed after it had produced electricity. I think that project could still be sustained.

Mr. Deputy Speaker, Sir, I support the idea of using the Armed Forces because they can actually train as they provide the service. I also support the idea that the donors who are there should be encouraged, like the Dutch and others. In fact, the Norwegians did a commendable job when they constructed the road to open up the area and they tarmacked it all the way. That actually opened up the Turkana area.

The concept of irrigation is not new. I remember way back, I think it is almost going towards 40 years, when the Turkanas did irrigation on small-scale and grew dates and things like that. Therefore, it is something that we need to concentrate on at the moment. We do identify it and we know that this is a problem that needs to be tackled because we need food security.

Mr. Deputy Speaker, Sir, there is no need of tackling famine by doing piecemeal things which are forgotten. There are already studies which have been done and the reports are available. Therefore, we do not need to go and carry out studies. It is a question of collecting the information which is available and implementing it. This is not an invention, it should not be taken as if NARC has just woken up and discovered that there is need for irrigation. I think this is something which is available for them to move on in terms of continuity because we are a mature democracy. A mature democracy means you hand over to whoever defeats you and then, next time, if you defeat the person, he hands over back to you. This is how we should be thinking as mature Kenyans and behaving like Europeans; whenever they have an election, they do not go on singing about those whom they have defeated, they just go forward, implement and do jobs.

(Applause)

Mr. Deputy Speaker, Sir, I would like also to highlight the fact that water is something which Kenyans must understand to be very important. A country such as Egypt is doing surveillance all the time on the usage of

water; right up to this country. They come here to assist us drill boreholes so that we do not look at the rivers---

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to say that Kenyans should start behaving like Europeans and yet we have got our own culture?

Mr. Biwott: Mr. Deputy Speaker, Sir, indeed, I believe in being "culturally African." But the word "democracy" is not African, though we keep on singing about it. The way we do our elections at the moment is not African. The system we used to vote during the last General Election was not African, but British, it is Westminster. All I am saying is that, if we have adopted it into our own way of life, we should accept to go to an election either to win or lose. If you win, you continue, if you lose, you hand over and continue supporting that Government because it belongs to the country. It is the maturity aspect of democracy rather than to keep on yapping about somebody you have defeated and so on. That is known and it ended the moment the ballot papers were counted. What people want is the job well done; like this irrigation.

People will be very happy when they see the Government implementing irrigation projects. The Kenya Government is for everybody and not for one party. It is for the 30 million people who are now looking at it to provide the services. This is a very important service which we need.

Mr. Deputy Speaker, Sir, Egypt is very mindful of the water resources. I would like Kenyans to be very mindful about the water resources. At the moment, there is a plan which, when I was in the Ministry in charge of the affairs of the East African Community, we developed a programme for the Lake basin development. That will deal with the conservation of water around the lake basin region, which also covers the escarpment which Mr. Munyes was talking about. I think we should focus on it and maximise our efforts towards achieving this goal and the water resources that are going to the ASAL areas. This also applies to North Eastern Province, the entire north eastern region and every dry area where, because of the growing population, we need to specialise and get everybody committed to working together. This includes the military and everybody else; to ensure that we provide means of sustenance for our own people. Water is life, and without water there is no life.

I beg to support.

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

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

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

(Question of the Motion as amended proposed)

Mr. M. Kariuki: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion.

I wish to state that I come from an urban constituency and we know the effects of lack of water in the semi-arid areas. At the beginning of each year, we have an exodus of people from the arid areas coming to look for green pastures in the urban areas. That is the case with Nakuru, where pastoralists from arid areas such as Narok and Baringo have to come to Nakuru Town to look for pasture. The reason they have to come is because they have no water in the areas where they live. This Motion is timely and it is important that those persons who live in those arid areas should actually have the benefit of having dams so that the impact that their exodus has on the urban population is, in fact, lessened.

Mr. Deputy Speaker, Sir, I know that it is very difficult to plan for a population that keeps migrating from one point to another. Hopefully, those dams will enable the Government to do proper planning for the lives of the people in those respective areas. I say so with tremendous respect, because I know that the pastoralist communities have had to put their children in boarding schools because they keep moving from one point to the other. The bottom line is that they have no water. The moment there is water, it would be much easier for them to plan their lives, to have day schools wherever the dam is and lessen the cost of boarding schools.

Mr. Deputy Speaker, Sir, in terms of development, the pastoralist communities have great disadvantage in the sense that they cannot move forward like other agricultural communities where the settlements are fixed.

People who keep moving from one point to another hardly have time to have permanent homes and permanent development structures that are, in fact, very necessary for purposes of moving forward.

I support this Motion, bearing in mind that we are one nation. It does not matter whether one comes from North Eastern Province. Whatever happens in North Eastern Province is going to impact one way or another on the people who live in more comfortable areas.

Mr. Deputy Speaker, Sir, I think the Ministry seems to lack a long-term strategy in terms of water. We have the Water Act 2002, which was passed by this House last year. These are some of the factors which should have been taken into account when this House was deliberating on the Water Bill. Development plans should be developed from the villages, where people come from, because the local people know their needs better than those who sit comfortably in offices in Nairobi and draw plans for what the people want. I would like a situation where the plan for development, whether it is for provision of water or other areas of development, is developed from the village level and brought to the headquarters for implementation.

Mr. Deputy Speaker, Sir, we are endowed with some very good resources in this country. We have some fresh water lakes like Lake Victoria, Lake Naivasha and Lake Baringo. If you visit, for example, Lake Baringo, despite the fact that this is a fresh water lake, there is hardly any development surrounding that particular lake. It is important that the Ministry comes up with a strategy to utilise the fresh water reserves that we have, in order to enable those areas that are disadvantaged to move forward. Lake Baringo is an ideal area where irrigation can be carried out for the benefit of the local people who are basically pastoralists. We have seen that Lake Naivasha, in fact, has been overused, in the sense that flower farming has surrounded that area, putting the lake at a big risk. I think there should be control over the extent to which a natural resource like Lake Naivasha should be utilised. We must guard against a situation where we are going to end up with a lake that dries up, and it is of no use to the local community.

I think there should be a strategy about the use of the natural resources that we have in terms of water. We have seen that, Nyanza Province, for example, is rated as one of the poorest provinces in Kenya yet it is the most endowed in terms of fresh water provided by Lake Victoria. I think we need to plan ahead. We have seen that a country like Libya has put about Kshs20 billion to drill for water in the Sahara region, and today Libya is an exporter of cereals, because they have invested their money in a proper way to be able to irrigate the Sahara Desert. So, the semi-arid areas of this country can be developed if the Ministry is ready to give leadership in terms of utilisation of the water resources that we have in this country. We should be able to live comfortably. There would be enough food, because the issue of water is directly related to the question of the food strategy. This country does not seem to have a proper food strategy plan. Whenever we have a dry spell for two to three months, the issue of lack of food arises, and the movement of livestock from one area to another has also to be considered.

Mr. Deputy Speaker, Sir, I think this is a very sound Motion, and I do support it. But we must look at the larger picture, that we are developing a country to be self-sufficient in food production and bring development to our people wherever they are. We are trying to make them settle, in the sense that they will be able to get more of our national resources from wherever they stay.

Mr. Deputy Speaker, Sir, I am aware, for example, that Turkana District in the Rift Valley comprises 42 per cent of the land mass in the Rift Valley Province and yet it is one of the poorest districts in that particular province, although it has a lake which is about 130 miles long. That lake has not been of use to the local people in terms of moving forward. These are the kind of resources I am talking about. We are endowed with certain resources, but we are unable to plan and provide leadership; to make proper utilisation of these limited resources that we have. We are not a poor people as such, but maybe we are poor managers or have poor leadership. That is why we cannot utilise fully the kind of national resources we are endowed with. I look forward to a situation where the people in Turkana, for example, will be self sufficient in food. They would not have to move their animals from one point to another and they will be able to put up day schools so that their children can go to school and come back home. As things are, because of the natural calamities that have hit these areas in terms of drought and lack of water, people are compelled to move from one point to another. People who move from one point to another will never be able to develop. People who move from one point to another will never be able to develop. I am aware that in the long term this particular Motion will also benefit even the people in the urban areas.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! I have very few minutes before I call on the Mover to reply. I will give three minutes to Mr. Bahari.

Mr. Bahari: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion because, if you want to address development issues in ASAL areas, then water is very fundamental. The scarcity of water in the world and in the country that we are talking about, and which the Minister has mentioned, is different from the scarcity that we are talking about in the ASAL areas because this problem is extremely critical there. All the potential in the

ASAL areas has not been utilised due to the serious scarcity of water. We are talking about water for domestic consumption and water for livestock. If anybody wants to think about initiating development in the ASAL areas, then water is certainly a very critical issue to be addressed.

The Government has expressed its interest in developing and prioritising issues that affect development in the ASAL areas. They had better treat this as one such important issue. In the past, the contractors who have been responsible for sinking boreholes and dam construction have been "cowboy" contractors. A lot of money has been wasted on these projects. I know the technology of sinking of boreholes is very much advanced. I am happy that previous speakers have stated very clearly that the army should be involved in this exercise. The Ministry needs to be keen on who else can be given this contract to drill for water in the ASAL areas. It should not select contractors who will take advantage of these projects and we end up with no water at the end of the day.

We need to train our personnel on solar and windmill technology. It appears that the human resources that are available to ensure that this technology is effectively implemented are limited. Due to lack of time, I would like to mention the issue of water---

Mr. Deputy Speaker: Mr. Bahari, I gave you three minutes and they are over!

Mr. Bahari: Thank you, Mr. Deputy Speaker, Sir, and I beg to support.

Mr. Deputy Speaker: I will now call upon the Mover to reply.

Mr. Rotino: Mr. Deputy Speaker, Sir, before I reply, I would like to donate two minutes of my time to Mr. N. Nyagah and three minutes to Mr. Billow.

Mr. N. Nyagah: Thank you, very much. I would like to support this Motion. I would like to congratulate the Mover of this Motion because, in 1999, I did bring a Motion before this House which was urging the Government to have a 15-year plan in which water would be availed to Kenyans.

Mr. Deputy Speaker, Sir, the Water Act which is a creation of the Government Ordinance Act of 1929 which was then repealed on 7th May, 1952, needs the Government's concerted effort to ensure that Kenyans do receive water. I am glad to say that the Ministry of Water Resources Management and Development, in consultation with the various stakeholder Ministries have come up with committees that will try and harmonise all the various 26 Acts. Some of those 26 Acts are independent while some are sub-independent of others. Therefore, we need some harmonisation so that we are able to get this water.

According to a professional analysis that I have, it states that North Eastern Province has only 16.91 per cent of water that has been utilised. Eastern Province has 35 per cent, Coast Province has 52 per cent and Rift Valley, which is a big province, has only got 37 per cent. The Government realised, in its wisdom, that, that needs to be changed. For instance, Ewaso Nyiro has a capacity of underground water that can supply Nairobi, which has a population 3 million, with water for the next 200 years. That is something the Government should be thinking about since we have enough water.

We do not lack fertile soil in areas like the North Eastern Province, the Rift Valley and so on. What we lack in these areas is availability of water and we want to address this problem. I have a case in mind of a man called Ng'ang'a who is a farmer in a place called Norindad in Gilgil. He has blocked up a river so that the people downstream are unable to get this water. I would like to pass on the details because there has been a big demonstration in that part of the world where they are fighting because of this water. The other thing the Government needs to address is this issue where some people tend to divert water for their own use in catchment areas. The Government should take very stern action so that the people downstream are able to get this water.

With those few remarks, I beg to support.

Mr. Billow: Thank you very much, Mr. Deputy Speaker, Sir. I would like to thank the Mover of this Motion. This Motion is long overdue. The issue of lack of water in the ASAL areas has been a nagging one from the time of Independence up to now. We have had water problems being highlighted and it is a pity that the Ministry of Water Resources Management and Development, which has the responsibility of providing water, does not consider it necessary to take such matters seriously. I think the Motion would not have been necessary if the Ministry understood that its responsibilities also cover ASAL areas.

I wish to mention two things. One, in addition to what has been mentioned in the Motion, I would appeal to the Government, particularly the Ministry of Water Resources Management and Development to consider buying at least one drilling rig for each of these provinces in the country or one or two for the ASAL regions. That would make it very easy for these boreholes to be replaced if they fail or collapse. They need to have a rig at least in each of the provinces or in the ASAL areas.

Secondly, I would also imagine that the Ministry would consider this Motion because there is no time frame on it. This provision of ten dams and ten boreholes should be in addition to whatever programmes that have already been drawn up in the context of the Arid Lands Resource Management Programme (ALRMP) in the

Office of the President. That programme has also got a budget for drilling boreholes, but it is not adequate and we think that the Motion is over and above whatever provision that may be there within the ALRMP.

Thirdly, the significance of this Motion is that it will ultimately improve self-sufficiency in the ASAL areas. Livestock is the main source of livelihood. Without water we cannot keep animals or consider irrigation as mentioned by the hon. Member who spoke before me. So, in order to enhance self-sufficiency and even livelihood, it is fundamental that the Ministry of Water Resources Management and Development expedites this exercise of putting up dams in those areas.

In addition, I would like to mention that dams and boreholes are not the only consideration. There are urban areas in some ASAL areas which lack water. For example, in Mandera District, there is River Dao that runs ten to 12 months of the year. There is plenty of water, yet the major urban centres along that river do not have water. So, we appeal to the Ministry to provide water as a priority to the urban areas of ASAL areas as well. They should consider developing the whole area in the context of provision of water.

With those few remarks, I beg to support.

Mr. Rotino: Mr. Deputy Speaker, Sir, I want to thank all the hon. Members who contributed in support of this Motion.

This Motion is timely because there is a meeting in Japan to address water issues all over the world. Ministers and representatives of various governments are meeting in Japan to deliberate on the water issue. As the population increases, the land does not expand because it is static. Therefore, the demand for water keeps on increasing which leads to a conflict between human beings and animals because of this scarce commodity called water.

Mr. Deputy Speaker, Sir, many hon. Members have contributed and underlined the importance of water conservation. Hon. Members from the ASAL areas have talked here and appealed to the Government to avail water to our people. One of the hon. Members said that the Libyan Government spent over Kshs20 billion to provide water to its people. Right now, that country is exporting horticultural produce. Egypt is using water from our country to irrigate its shambas. We know that 75 per cent of the catchment of Lake Victoria is in Kenya. Egypt, which uses the waters of Lake Victoria, is now donating food to Kenya. What a shame! We have water but we cannot utilise it and feed our own people. I plead with this Government because statistics have been given on how much water we are using at the moment. We can still tap more water. We have enough underground water. I would like to request the Government to implement this Motion so that we provide water to our people.

Mr. Deputy Speaker, Sir, many Motions, even during the last Parliament, were passed. But most of them have never been implemented. I plead with the NARC Government to kindly implement this Motion because this is the heartbeat of the ASAL people. If this Motion is implemented, our people will not rely on famine relief again. It is sad that year in, year out, our people depend on famine relief. We have irrigation projects that have stalled. For example, Amolem Irrigation Project, Kasilo Irrigation Project, Laloi Irrigation Project, among others. These projects are situated along the Turkwel River. I urge the Ministry of Agriculture and Livestock Development to revive those projects so that our people are able to feed themselves. Provide us with water and we will not need anything else.

Many hon. Members have talked about the possibility of using the drilling rigs of the army or the NYS. Let us utilise their machines to drill so that we avail water to our people. There are water boards in the districts and provinces. These boards should be provided with the necessary machines so that they can drill boreholes and build dams to provide water to our people.

Mr. Deputy Speaker, Sir, many people have talked about conflict. We have talked about cattle rustling because of lack of water. If this Government can avail water to our people, I am sure we would succeed in fighting cattle rustling in ASAL areas. Let us drill boreholes in West Pokot, Turkana, Trans Nzoia, Samburu, among other areas. If we provide water to these people there will be no conflict over pastures and water.

Mr. Deputy Speaker, Sir, I call upon the Government to rehabilitate and desilt many of our dams so that we avail water to our people. I have talked about food security. One of the strategies towards achieving food security in this country is to provide water to our people. Let us start many irrigation schemes. We could get donor money to set up these schemes. I hope when the Minister comes from Japan she will bring us good news. I hope she will come with money to desilt dams and drill more boreholes. Let us invite many NGOs in those areas to drill boreholes and dams to provide water to ASAL areas.

With those few remarks, I beg to move.

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

Resolved Accordingly:

That this House approves that, in view of the changing patterns of rainfall in the country; and being aware of the famine which affects Kenyans from time to time; this House urges the Government to urgently consider constructing dams and boreholes in the arid and semi arid (ASAL) areas.

SELECT COMMITTEE TO INVESTIGATE
DEATH OF DR. ROBERT OUKO

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

THAT, noting with grave concern that the murder of the late hon. (Dr.) Robert Ouko in 1990 has never been resolved and aware that the Judicial Inquiry was disbanded before concluding its proceedings; this House resolves to establish a Select Committee to investigate and report on the circumstances leading to the death of the late Minister and that the following be appointed as Members of the Committee:-

The Hon. Paul Kibugi Muite, MP

The Hon. (Dr.) Oburu Oginga, MP

The Hon. (Prof.) Kivutha Kibwana, MP

The Hon. (Prof.) Christine Abungu Mango, MP

The Hon. Mirugi Kariuki, MP

The Hon. (Dr.) Abdulahi, I. Ali, MP

The Hon. Gor Sungu, MP

The Hon. Njoki S. Ndung'u, MP

The Hon. Otieno Kajwang, MP

The Hon. George M. Khaniri, MP

The Hon. Henry Obwocha, MP

The Hon. Joe M. Khamisi, MP

The Hon. Soita P. Shitanda, MP

The Hon. Samuel Chumel Moroto, MP

The Hon. Samuel Leshore, MP

and further that the Committee shall submit its report and findings within nine months upon establishment.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the late Dr. Robert Ouko was the hon. Member for Kisumu Town. I now represent Kisumu Town East Constituency. He was then the Minister for Foreign Affairs. The late Dr. Robert Ouko went missing on Tuesday 14th February, 1990. His body was later discovered on 16th February, 1990, at Got Alila, approximately six kilometres away from his home.

The gory details are that when the body was discovered, it was badly burnt beyond recognition. It was badly mutilated. The arms and legs were smashed and virtually the entire stomach parts and other parts of the body were missing. There were no signs of a struggle at the scene.

The then Commissioner of Police, Mr. Kilonzo termed, it "murder most foul." It was a cruel, inhuman and most bloody murder. Those who immediately arrived at the scene included the then Police Commissioner, Mr. Kilonzo, the late Hezekiah Oyugi, the then Permanent Secretary, internal security, Mr. Noah arap Too, then Director of CID who is a Member of this House. At that time, the Government said no stone would be left unturned to discover the murderers of Ouko. It is shocking that up to now, the murderers of Dr. Robert Ouko have not been known. The murder has not been resolved and, apparently, the stone was so heavy.

Mr. Temporary Deputy Speaker, Sir, allow me to go into the background of this murder. The late Dr. Ouko was believed to have left his house at approximately 3.00 a.m. on the day of his disappearance. The only person in the house at that time was Ms. Selina Aoko, who was the house servant. The body of Dr. Ouko was

discovered several days later, a few kilometres away from the former Minister's home. Following this murder, Kenyans expressed their disgust, dismay and outrage at this heinous crime. There were riots and demonstrations all over the City of Nairobi. Kenyans protested. In Kisumu, people died. A funny thing was that an Assistant Minister in the Office the President, Mr. John Keen, supported the demonstrations.

The murder of the late Dr. Robert Ouko is comparable to the murder of the late J.M. Kariuki in 1975. In both cases, there were signs of involvement of the Government of the day; subsequent events that took place in both cases could only give this impression. There was public demand for the truth. So, in order to pacify the Kenyan people and bring temperatures down, the Government of the day brought in the Scotland Yard to investigate the murder. The good British Government sent here Superintendent John Troon, Inspector Graham Dennis and Dr. Ian West, who carried out a thorough investigation and later on submitted a report to the Government.

Mr. Temporary Deputy Speaker, Sir, before his death, the late Dr. Robert Ouko had attended a national prayer breakfast in Washington DC in the company of former President Daniel arap Moi, Mr. Nicholas Biwott, among others. Upon his return from the national prayer breakfast, like a dog, the late Dr. Ouko was sent packing to his home. His bodyguards were dismissed; he was left a lonely man. These are clear signs of the involvement and complicity of the Government of that time in this murder.

After many months of investigations, at great public expense, Superintendent John Troon submitted a report, and then a Judicial Commission of Inquiry into the murder was formed. The Commission was led by the current Chief Justice, Justice Gicheru. The Commission worked tirelessly. In an attempt to get to the root of the murder, the Commission interviewed witnesses, both prominent and ordinary persons. The Commission called prominent personalities of that time, including Cabinet Ministers and Permanent Secretaries. Among those called by the Commission to testify were Mr. John Anguka, the late Hezekiah Oyugi and Mr. Nicholas Biwott.

The sad thing is that the Judicial Commission of Inquiry, which conducted its inquiry at great public expense, was disbanded before it could submit its report. The Commission was disbanded when its inquiry reached a critical stage; it was just about to unearth the truth behind the murder of the late Dr. Robert Ouko. The Commission was disbanded at a time when it was touching some key officials of the former Government, some of whom are with us in this House today. Despite the Government's promise then that no stone would be left unturned; despite the millions of shillings that were spent from the Treasury, the pleas of the late Dr. Robert Ouko's mother, and those of wananchi, the Government turned a deaf ear. The obvious conclusion is that there was Government involvement and complicity in this murder. There was a blatant attempt to conceal the truth about the murder of the late Dr. Ouko.

Mr. Deputy Speaker, Sir, it behoves the Ninth Parliament of the Republic of Kenya to stand up and be counted as having unearthed the truth about the murder of the late Dr. Robert Ouko after the fall of the despotic regime which we buried on 27.12.02. May I paraphrase one of the philosophers of our times, that the possibility that somehow inaction will make this matter go away on its own must be shunned, because it will never go away. Parliament must act to unearth the truth. A major player in the world of politics today has said that there are known knowns since we know that we know them, there are known unknowns since we know we do not know them and there are unknown unknowns since we do not know that we do not know them. This House has the responsibility of finding out the known and the unknown, and tell Kenyans about them.

Arguments have been advanced that, maybe, this matter should be handled by a truth and reconciliation commission. As a Parliament, we have a responsibility to know the truth about those involved in this crime. We know that persons such as Mr. John Anguka have been crucified and vital witnesses eliminated or died mysteriously. We know that after the disbandment of the Commission, a senior police officer who had been detailed to investigate the murder - the officer who arrested one of our colleagues, who is here with us - died in mysterious circumstances. We should never be discouraged by the death of those important people. We know that there are still other witnesses. We know that Superintendent John Troon is still alive and available. We know that he submitted a report to the previous Government, which was never released to the public.

Mr. Temporary Deputy Speaker, Sir, we know that the likes of the Ouko family lawyer, Mr. George Oraro, and others, are amongst us, and that they have vital information, which will help us to unearth the truth. We know that there are some people who were mentioned adversely in connection with this matter, and have reaped where they should not have reaped, such as my colleague and friend, Mr. Biwott. We know that at that time, there was a President who was in charge of the Government. The responsibility of the Select Committee will be to interview all these people to unearth the truth about the murder. We know that the Ouko family and the international community still exist. We know that the evidence that was withheld from the Commission that was headed by Justice Gicheru is still there. It was never submitted to the Commission even though documents must be in existence. I must say that if we are to do that, the truth must come out to liberate us. There are questions

pertinent to this issue that we must ask as a Parliament. This is the House of truth. It is written there: "For the Welfare of Society and Just Government of Men".

An hon. Member: And women!

Mr. Sungu: Thank you! We must ask: Why did the Government of the day and President Moi disband the Ouko Commission of Inquiry at the critical stage, when it was about to unearth the truth? Why did the President renege on his promise to make the findings of the Troon Investigations public and yet, the report exists and was submitted to the then Government? Why did he renege on his promise to leave no stone unturned? Were there political motives for that murder? Why were Mr. Biwott and the late Oyugi arrested and released without being tried in a court of law? The truth must be known.

Mr. Temporary Deputy Speaker, Sir, I said earlier that there are arguments for a truth and reconciliation commission to be established in Kenya. There are those who argue that the truth and reconciliation commission will unearth the truth regarding some of the matters. Nay! I must say that, that was an individual crime. The details of that crime are known and they are written in the annals of history of this country. The Government of the day tried to sweep those details and facts under the carpet at great public expense. We need answers to those questions. My constituents in Kisumu need to know the truth. The family of the late Dr. Ouko needs to know the truth. Kenyans need to know the truth. The world also needs to know the truth.

We have every opportunity to find the truth. We will seek assistance from the judges who chaired the Ouko Commission of Inquiry in Kisumu and other parts of Kenya. That is because their report was never released. The documents still exist. There are organisations in this country that are vested with the responsibility of knowing the truth of what is going on behind the scenes. There are records kept by the former Special Branch or the current National Security Intelligence Service and they know it. A Select Committee of Parliament will have the power to call for those records.

Mr. Temporary Deputy Speaker, Sir, John Troon's evidence will be invaluable in finding the truth about this matter. Now that the despotic Government that threatened John Troon is out of the way, I think the way is clear. Examples exist that even at the end of 13 years after Dr. Ouko died, we can still find the truth. Those who perpetrated the Jewish holocaust were tried, punished and imprisoned. Those who perpetrated the Rwanda massacre are being tried and imprisoned. That is also happening in the Balkans and the rest of the world. Some people must be brought to book.

Mr. Temporary Deputy Speaker, Sir, the role of the police of the day must not be discounted or ignored. The police tried to cover up this matter on behalf of the Government of the day. They supported the Government which was murdering its own. We must not allow those involved in those cover-ups to go scot-free.

Mr. Temporary Deputy Speaker, Sir, let me remind the House that, this is not the first time a Parliamentary Select Committee has been established to investigate and find out the truth about murders. In the case of Mr. J.M. Kariuki, a Select Committee was formed in 1975. Dr. Ouko was one of us. He deserves our sympathy. The family deserves our sympathy. He deserves our commitment. The family deserves our commitment. He deserves a good memory in the society of Kenya. The family members are yearning for that. He deserves our support as a former Member of this August House, because everybody in Kenya wants to know the truth. That kind of thing can befall anybody. Let that be a lesson in history; that, you can murder, no matter how much power you have but, one day, you will be held accountable. This Parliament has the sacred duty of bringing those people to book!

(Applause)

Mr. Temporary Deputy Speaker, Sir, we must do that, so that, one day, it will come to pass that if you ever perpetuate a crime in this country, you will be brought to book. This Parliament must do that and stand up to be counted, so that no person, no Government, no tyrant will ever think of doing the same again! With those few words, I beg to move and ask Mr. Kariuki to second.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to second the Motion. First, I wish to state that, in February, 1989, the late hon. Dr. Robert Ouko, who was the then Minister for Foreign Affairs and International Co-operation, was visiting the Scandinavian countries, where he attempted to defend the human rights record of the Kenya Government. In an interview which is documented, the late hon. Dr. Robert Ouko was asked about detention without trial. Incidentally, in February, 1989, I was in detention at Shimo-la-Tewa Prison. When the late Dr. Ouko was asked about detention without trial, he defended the Government record and said that people who threaten the law should not be afforded the protection of the law. In the same interview, the late Dr. Ouko was asked about the torture of suspects at the Nyayo House dungeons. He defended the Government record, saying that the Government was entitled to use reasonable force to contain

insurgency.

Hardly did the late Dr. Ouko know that 12 months down the road, he would be a victim of torture and murder! In February, 1990, he lost his life to the very people whose track record for human rights he very vigorously defended. So, in February, 1990, the late Dr. Ouko did, in fact, lose his life after going through serious sessions of torture. He had defended torture himself.

Mr. Temporary Deputy Speaker, Sir, I wish to transgress a little and say that, sometime in 1982, I had occasion to have a little talk with the late Jaramogi Oginga Odinga and I raised with him the question of the murder of the late Pinto. The late Jaramogi Oginga Odinga told me that in 1965, in a Cabinet meeting, the late President Jomo Kenyatta raised the matter and said: "There is a certain Mhindi here, who is a thorn in the flesh! How can we silence him?" The answer from two Members of the Cabinet namely, the late Tom Mboya and Charles Njonjo was: "Mzee, leave this business to us." Five days after those statements, the late Pinto lost his life.

Mr. Temporary Deputy Speaker, Sir, we have embraced a culture of impunity. Hardly did the late Tom Mboya know that four years down the road, he was going to fall victim to assassins, in the same way that Pinto had fallen victim to assassins. This country has a history, where we have embraced a culture of impunity; that, one of us loses his life and we decide: "Life goes on and it does not matter one way or the other". This is our greatest problem. We must understand today that the security of one Kenyan is the security of all of us. If one Kenyan disappears mysteriously today, you are not safe, neither any of us is, in fact, safe! As long as the killer is out there, he is going to go for another victim. That is what we must understand. We must bring this chapter to a close. The way to bring this chapter to a close is to ensure that we go to the bottom of the death of the late Dr. Ouko. One of the fundamental rights enshrined in our Constitution is the right to life. It is said to be sacrosanct.

Nobody should take away the life of another, unless through a lawful process. That is, if we sanction murder through our legal system. This involved life, and was grave enough. We made all attempts to set up a Commission of Inquiry, which was frustrated by the Government. Luckily enough, we still have the Chief Justice, Hon. Gicheru, and he has a tale to tell. The room in which he stayed in a hotel in Kisumu was bugged. His telephone was bugged, and he was constantly harassed in the course of the inquiry. We were going through an era of dictatorship in 1990. Kenya was a one-party state, and hardly could anyone raise a finger against the establishment. We are happy that some of the people who were in charge of the dictatorial rule in this country are still alive, and if they had any part to play in these evils, we will catch up with them.

I recall the events that followed the death of the late Dr. Ouko. First, the then President, in the particular week that Dr. Ouko disappeared, went round central Kenya with a clear message. First, he said that the Kikuyu community must understand that it is the most endowed community in terms of property. He also told the Kikuyu community that it had a duty to protect the President and the Government. The second message that went out during the week the late Dr. Ouko lost his life, was that any person who dared to challenge the Government of the day would face full consequences. That was the message that went out for five days until the body of the late Dr. Ouko was found at Got Alila. Any lawyer with a mind on circumstantial evidence will be able to relate that particular talk with the death of the late Dr. Ouko. I think it will not be much of a problem for Parliamentarians to do that. We are talking of a very serious situation involving the life of one Kenyan, and it is important that we put our feet down to get to the truth of this issue.

The Judiciary has no capacity to undertake the task that this Motion wants undertaken. The Judiciary was put under test through the Commission of Inquiry. It was put under test when Mr. Anguka was tried for murder, and was found wanting. The Judiciary was not able to catch the killer, and the inquiry that was conducted by Justice Gicheru did not catch the killer. But I think that Parliament has the capacity to resolve this issue. The proposed Select Committee will go round the country, interview people and go through the relevant documents, and then come back here and make appropriate recommendations, which then the Judiciary and the other arms of the Government can take up and get to the bottom of this issue. I, therefore, submit that a parliamentary select Committee of the nature proposed in the Motion is appropriate in the circumstances of this particular murder, which we are trying to resolve.

Mr. Temporary Deputy Speaker, Sir, while going into the issue of the death, it will be important to visit the issue of torture. Before the late Dr. Ouko lost his life, he was subjected to torture. That is borne out by the medical evidence that was submitted to the Justice Gicheru inquiry, and I am sure it is still available. We are aware that today the torture dungeons, which the late Dr. Ouko tried to defend very strongly, are still there. The proposed inquiry will be a moment for Kenyans to try and reflect on what they went through during those dark days. We are now in a multiparty system. We have now embraced democracy, and every other day our leaders are saying that they shall respect human rights, yet the most fundamental aspect of human rights, the right to life, is not being defended in this country.

I urge that all of us support this Motion. There will be no witchhunting. I am aware that some hon. Members of this House had at one point or another been interrogated. We shall have an open mind to ensure that each and every person who will be adversely mentioned during our inquiry will have an opportunity to give his side of the story. So, there should not be fear, that this Motion has been brought to the House to witchhunt any particular individual. The proposed select committee will have an open mind, and every Kenyan who will be adversely mentioned will have the opportunity to defend himself before the committee submits its report to the House.

It is important to note that in the history of this country, several other people have lost their lives through the culture of impunity. We lost Messrs. Pinto, Tom Mboya, Kung'u Karumba, Argwings-Kodhek and Ronald Ngala in suspicious circumstances. We have gone through that horrifying history because we never dared to get to the bottom of the matter. Let us not shy away from our duty. Let us be bold now and say that we must get to the bottom of the matter. We should say what the Germans said after the second World War: "Never again will Kenya have the kind of experience it has had due to political assassinations".

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

(Question proposed)

The Member for Bomachoge (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, my names are Joel Onyancha, the Member for Bomachoge Constituency.

I rise to support this Motion and highly congratulate the Mover. The Motion is really long overdue. We need, as a House, to approach this Motion with sobriety. The Motion raises an issue that concerns Kenyans, not only because the late Dr. Ouko was the best Minister for Foreign Affairs this country has ever had, who was tremendously eloquent, brilliant and charismatic, but also because he was simply a Kenyan. There is need to delink ourselves from past regimes under which disappearances, deaths and assassinations have remained unresolved.

Kenyans fought to have good governance in this country. We fought to have a Government that will no longer abdicate its responsibilities to its citizenry, a Government that will no longer entertain the Nyayo House dungeons. This country has witnessed the unresolved murders of messrs. Pio Gama Pinto, Thomas Joseph Mboya, Josiah Mwangi Kariuki and Dr. Robert John Ouko. It is the Government's responsibility to safeguard the security of Kenyans and their property. When Dr. Robert Ouko died, the former President of this country did indicate that no stone would be left unturned in as far as the murder of the late Minister for Foreign Affairs and International Co-operation was concerned. He also did indicate that he was Dr. Ouko's best friend. Thirteen years down the line, Kenyans do not yet know who killed Dr. Ouko. This Motion therefore, urges this House to establish a Select Committee to resolve this murder once and for all.

Mr. Temporary Deputy Speaker, Sir, it is instructive that a senior member of the disbanded Judicial Inquiry into the murder of Dr. Ouko is now the Chief Justice of this country. This is a good signal that the NARC Government is likely to be more committed in implementing the findings of the Select Committee of this House once submissions are made.

(Applause)

Personally, I am looking forward to an era where no Kenyan will be murdered and investigations reveal that he took paraffin, poured it on himself, remembered to light a match-box, closed the match-box, carried a gun and shot himself. The only legacy we can bequeath Dr. Ouko, as the Ninth Parliament is, of course, to have his murder resolved. This is a grave matter which concerns everybody here, and I would like to congratulate the Mover of this Motion and look forward to a day when Kenyans will be happy that this murder, and other murders will be resolved.

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

The Member for Matungu (Mr. David Were): Thank you, Mr. Temporary Deputy Speaker, Sir. It is very interesting that my maiden speech will touch on this serious topic which has haunted Kenyans for a long time. Kenya, in the first 30 years of Independence, was a field of bloodshed. As other speakers have said, in 1965, we started witnessing the kind of Government which we had, with the murder of Pio Gama Pinto. This was closely followed by the murder of Tom Joseph Mboya in 1969, where somebody emerged from the street and shot him. Definitely, somebody could not have just woken up one day and decided that he would carry a gun to the streets to shoot the late Mboya. This is actually something which had been planned and well executed.

In 1975, we had the murder of the late J.M. Kariuki. A commission was set up to investigate this

murder and came up with some findings. In 1992, we had the death of Mr. Masinde Muliro which occurred at the airport. Up to today, we really do not know what happened. In 1990, we had the murder of the late Dr. Ouko. This was a serious murder which every Kenyan talked about. Many people wanted to know exactly what happened. This created a state of fear among Kenyans and they really lost trust in the Government which they had elected. This was a Government which could not bring out the facts of this murder. It showed lack of transparency on the part of the Government because a Commission was set up, results were never released and the Commission was disbanded. This resulted into suffering of the families and relatives of the deceased.

Mr. Deputy Speaker, Sir, we remember all these gentlemen who were killed and up to right now nobody has come up to say exactly how they met their deaths and who was responsible. Now that the NARC Government has taken over power, it is like Kenyans have travelled for 40 years, like the children of Israel travelled from Egypt to Canaan. They have now reached Canaan and they have a lot of hope. They know that since they have a transparent Government which is committed to the rule of law, the truth of the murder of Robert Ouko and the others who died before him will come to the fore.

Mr. Deputy Speaker, Sir, Kenyans know that we have talked so much about our intelligence officers. We have said that they have to be re-trained so that they can become more qualified and well-armed intelligence officers, but the question is: With all these people, how come the Government has not been able to come out with results? Robert Ouko was a brilliant leader; nationalistic in character, charismatic and a strong defender of the Government that he was serving and so the best thing that the then Government should have done at that time, was to disclose who were behind his murder. We know Kenyans have pointed fingers at certain personalities for a long time, but the mystery still remains. As we walk around everytime and mention Robert Ouko, names are mentioned; that so-and-so was involved. This murder ought to be actually investigated and the truth known. Dr. Ouko's only sin was to defend the nation as our colleagues have said. He defended the nation even where the nation was wrong and he did so so strongly that finally his defence finished him. Kenyans want to know the truth. I will not say much since I support the Motion that a Committee should be set up to investigate the murder of the late Dr. Robert Ouko.

Thank you.

Mr. Kipchumba: Thank you very much, Mr. Deputy Speaker, Sir. I would also like to rise to support the Motion that a Select Committee be formed to investigate the circumstances that led to the death of the late hon. Dr. Ouko. I just want to make a few remarks that I would have loved if the Motion included other prominent Kenyans because we know we have lost, as my colleagues have said, very many other prominent Kenyans. However, let it not be a Select Committee just to get the results, but it should be a Committee whose results would be forwarded and those involved prosecuted because we do not want to get results and nothing is done.

(Applause)

Mr. Deputy Speaker, Sir, I think it is important that Kenyans have a right to life and those who have divergent political views should not be prosecuted. I think it is important that we get to the root of this matter. It is also important to get the facts right so that no accusing fingers are pointed at the wrong persons so that anybody who was not involved will be absolved hopefully by this Committee. We hope the Committee will be very objective. We would not like a situation where people's names are maligned because of political reasons.

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

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

I believe the Committee is made up of very independent-minded people. I respect the persons named in that list and I am sure they will come up with a very objective report, with the support of all Kenyans.

Mr. Temporary Deputy Speaker, Sir, like my colleague has said, it is very disappointing that Kenya has the best people in terms of intelligence, but when it comes to cases like that of murders, we go round in circles for very many years. I remember the late Dr. Ouko; because whenever he was shown on TV defending the country; and during that time we were at the university, all of us would leave our lectures to watch what the late Dr. Ouko would be saying about this country. Like my colleagues have said, some of the things could be right and some of them could just be for the sake of defending the Government. But then we liked his eloquence and defence of the country.

When he died, all of us walked all the way from our institutions of learning to demand that the truth be told. But up to now, of course, nothing has been said. If it was a good democratic Government, I think whoever was in charge of the security of this country would have resigned because we are talking about a Minister of the Government at the time. Whoever was in charge, the Police Commissioner, the Minister in charge of security, the PS in charge of security, should have all resigned in view of the fact that they were supposed to provide security to a very important person of this country. But still they are overseeing the investigation. I think it loses a lot of credibility when---

I think we should learn a lesson in this country that, if you are in charge of finance and there is a big scandal in finance; the best thing to do is for you to quit honourably, so that those who are doing investigations have some freedom to carry out investigations. So, we are saying, let it be a lesson and let us get recommendations as well, not only concerning the murder, but also what we should do in future with regard to running of this country.

Mr. Temporary Deputy Speaker, Sir, I think it is important that we look at every Kenyan irrespective of his tribe, race and region to the extent that all those who have been involved should be brought to book so that Kenyans know the truth, given that many of these people who have been killed have been politicians. I know many other Kenyans have lost their lives, but these great Kenyans have lost their lives because of their political beliefs. I think it is important that we get recommendations. It is also important that the security of this country be re-looked into afresh because we cannot have people being prosecuted and we do not come up with solutions or recommendations as quickly as possible.

Mr. Temporary Deputy Speaker, Sir, I would not like to dwell much on this issue because it is very straightforward, and I think everybody who feels that every Kenyan has a right to life should support.

With those few remarks, I beg to support.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir.

This is a simple and straightforward Motion which is asking for the formation---

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister contributing or giving the Government response?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am giving the Government response.

This is a simple and straightforward Motion which is asking for the establishment of a Select Committee to look into the murder of the late Dr. Robert Ouko. Life is precious. The life of any Kenyan is precious and should be safeguarded at all costs.

Mr. Temporary Deputy Speaker, Sir, it is a belief of the NARC Government that in cases of this nature, there should be no cover-up at all. It is also the belief of the Government that any person who commits an illegal act must carry his or her own cross. Those who torture people must know that they are doing it illegally and if there is evidence that they perpetrated those acts, they will be prosecuted. If at the end of the Select Committee's sittings they come out with findings as to who the perpetrators of this atrocious act were, I would like to assure this House that there are no sacred cows in the NARC Government and that person or persons will be prosecuted.

Mr. Temporary Deputy Speaker, Sir, once the Select Committee is established and the truth is known, it will set us free. The late Dr. Robert Ouko was an able Government Minister, and it is sad that up to today, we do not know who murdered him. Many people were mentioned, and it is only fair that they clear their names so that we stop blaming people who may be innocent. It is important that this Select Committee is formed and, as quickly as possible, come up with the report. The Motion suggests that they bring the report within nine months, but I would even suggest that they do it earlier than that because, unfortunately, we are told that almost all the witnesses have either died or been murdered. It would be good for the Select Committee to establish how those all those witnesses died.

Mr. Temporary Deputy Speaker, Sir, this is a simple and straightforward Motion and the Government supports it. I would like to assure the House that if, at the end of the hearings of the Select Committee, any person is deemed to have committed an offence, that person will be prosecuted.

Those who perpetrated the murder, tortured or purported to give concocted stories of how he met his death, will have an opportunity to defend themselves and clear their names so that the truth is known, and the truth will set us free. It is important that this is done, so that we stop this issue of political assassinations. These atrocious acts should end. There should be no more political assassinations. If people disagree, they have a right to disagree, and nobody should take it upon himself to eliminate other people. This should be done as quickly as possible. The reports should come to this House. I am assuring the House that whatever recommendations will be made, will be implemented.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda. Ningeomba vile vile kuichangia na kuunga mkono Hoja hii ambayo ni ya kutengeneza kamati ya kufanya uchunguzi juu ya mauaji ama kifo cha marehemu Waziri wa Mambo ya Nje, Dkt. Robert Ouko. Jambo la msingi ambalo linaweza kufanywa na kamati hiyo na ambalo ni mfano mzuri katika nchi yetu ni kutetea haki ya uhai ya kila mtu katika nchi ya Kenya. Uhai ndio haki ya binadamu ya kimsingi na kwa kila mtu na nilazima tuitetee. Hii ndio sababu tunapopata mtu amedhulumiwa kuwa ameiba halafu anapigwa risasi na polisi, huwa tunalaani kitendo hicho kwa sababu uhai wa mtu unatumiwa kinyume cha sheria. Vile vile wakati umma unapovamia mtu na kumuua wakati amedhulumiwa kwa kuiba au kwa kufanya uovu wowote, huwa tunalaani hicho kitendo. Huwa tunakilaani na tunasema ni kibaya na hakiwezi kuwepo katika nchi inayostaraabika kwa sababu hiyo ni kuchukua maisha ya mtu kinyume cha sheria.

Ni muhimu kwamba kama mtu atauawa kwa sababu amefanya kitendo kingine kibaya kama kuuu mtu mwingine, lazima apelekewe mahakamani na auawe kulingana na sheria, ingawa mimi ninaipinga hiyo hukumu ya kifo. Pamoja na hayo, ningependa kupinga mateso kwa watu. Hata kama mtu amehukumiwa kwa kufanya makosa, hakuna mtu yeyote ambaye ana haki ya kumtesa katika korokoro ya polisi, gerezani au mahali popote. Hivyo si vitendo vinavyoambatana na maisha ya ustarabu. Hii ndio maana Hoja hii, ambayo ina lengo la kujaribu kutuweka katika bara bara ya ustarabu na kulinda maisha na utu wa mtu katika nchi, inafaa kuungwa mkono.

Katika kuunga Hoja hii mkono, sikubali kwamba marehemu Dkt. Robert Ouko alikuwa Waziri mzuri kwa sababu wakati Waziri huyo alipokuwa akiitetea hiyo Serikali, mimi nilikuwa ninateswa gerezani. Wakati huo alikuwa anasema kwamba hii Serikali ni nzuri sana na inatekeleza sera nzuri sana. Hata alikuwa anahalalisha kugandamizwa na kuteswa kwa watu gerezani na udhalimu uliokuwa ukiendelea. Hata hivyo, pamoja na kwamba nilikuwa mmoja wa watu ambao waliteswa na hizo sera alizokuwa anaunga mkono, vile vile nina jukumu la kutetea haki yake ya kuishi. Hakustahili kufa vile alivyokufa. Kuna umuhimu wa ukweli kuangaliwa mpaka mwisho ili tuhakikishe kwamba kitendo cha kutoa uhai wa mtu kinyume cha sheria na ubinadamu ni kitendo ambacho kitatuondokea katika nchi hii yetu milele. Kuna watu katika nchi hii ambao wanaamini majina yao yanapakwa matope kuhusu kifo cha Ouko. Ninaamini kwamba kuundwa na kutekelezwa kwa Kamati hii kutasadia kusafisha majina yao. Kamati hiyo itampa kila mtu haki ya kusema anayoyajua **[Mr. Mwandawiro]** kuhusu kifo cha Robert Ouko. Ikiwa mtu alitajwa na hakuhusika na kifo hiki, basi atakuwa na nafasi nzuri ya kujitetea vizuri na kusafisha jina lake. Jambo hilo litatusaidia kuendelea mbele.

Ni muhimu pia Serikali yetu ifikirie kuunda tume ya ukweli na maridhiano. Je, tume hiyo itakuwa na uhusiano gani na Kamati ya kuchunguza kifo cha Robert Ouko? Kuna mambo mengi ambayo yanakuja. Ninasikitika kwa sababu Serikali yetu inachelewa sana kuchukua hatua kuhusu mambo yaliyo wazi. Je, inangojea kuundwe Kamati kama hii na tume ili waweze kuchukua hatua kuhusiana na mambo haya wazi kabisa?

Bw. Naibu Spika wa Muda, majina yametajwa ya wale watu waliowatesa watu katika Nyayo House. Nimetaja majina yao hadharani katika magazeti lakini Serikali haijachukua hatua yoyote. Hapa wanatuahidi kuwa Kamati hii ikimaliza kazi yake, watachukua hatua na kuhakikisha haki inatekelezwa. Ikiwa Serikali imeshindwa kuwachukulia hatua watu waliowatesa wananchi, na badala yake inawapa madaraka, sidhani watatusaidia kutatua kifo cha Ouko.

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii. Lakini ni lazima Bunge hili liwe macho kwa sababu tunaweza kuleta ripoti hapa lakini Serikali ikatae kuchukua hatua yoyote. Kwa hivyo, ni lazima tufikirie jambo ambalo tutalifanya ikiwa Serikali haitachukua hatua yoyote.

Asante, Bw. Naibu Spika wa Muda.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. First of all, since Independence, we have seen many progressive Kenyan leaders being eliminated after the reactionary forces took control of the machinery of power in this country. It is important for us to go to the bottom of the death of the late Dr. Robert Ouko; not just to clean the names of those who think they were mentioned adversely, but also to send a message that political assassinations will not be encouraged by the NARC Government. This will also help us find out to what extent the previous regime was involved in the murder of Ouko.

Mr. Temporary Deputy Speaker, Sir, I am saying this because a Commission of Inquiry was set up by the Government. However, when it was nearing the conclusion of its investigation, it was disbanded. If the Government of the day or its powerful officials were not at all involved in the murder of Robert Ouko, why was that Commission disbanded? So, it is important for this

House to set up a Select Committee to find out who in that Government was involved because it is very clear that they were involved.

Mr. Temporary Deputy Speaker, Sir, we all know that Robert Ouko was a rising star, an intelligent and honourable man who was going places in the political arena in this country. He was the envy of many in the Government. We are told, and even from our readings, that outside this country he was also a respected leader; one who stood shoulders above the others in this country. Therefore, he had to be eliminated to pave way for the clique that was controlling this country. That is why we have to get to the bottom of this murder. It is not just the murder of Dr. Robert Ouko that we should concern ourselves with. This must be the beginning. We need also to find out who killed Pio Gama Pinto, one of the leading nationalists in the Independence movement. We also need to know who killed the late J.M. Kariuki and other nationalists who spearheaded the fight for Independence in this country.

It is very important right now to investigate the murder of Dr. Robert Ouko because there is still evidence even though many witnesses who would have given very useful evidence have either died in mysterious circumstances, or perhaps they were eliminated by the same powerful forces. It is important for us to salvage the remaining evidence for us to be able to find out who indeed killed Robert Ouko. I believe, especially for us who have been following the events that led to the death of the hon. Minister, that the killers of Dr. Robert Ouko are alive.

The Temporary Deputy Speaker (Mr. N. Nyagah): Order! It is time for the House to rise. Mr. Munya, you will have seven minutes to finish your contribution.

ADJOURNMENT

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

The House rose at 12.30 p.m.