

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st November, 2000

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.421

ASSISTANCE TO VOLUNTARY
THEATRE ARTISTES

Mr. Deputy Speaker: Dr. Kituyi not here? We will leave his Question until the end.

Question No.632

PAYMENT OF BENEFITS TO MR. OUMA

Mr. Sungu asked the Minister for Finance:-

- (a) whether he is aware that pension and provident fund benefits for Mr. Thomas B.N. Ouma, Personal No.672631, ID. No.1164175/64, who was an employee of the former East African Community, has remained unpaid since the collapse of the organisation to date; and,
- (b) when the Ministry will pay the said benefits to Mr. Ouma and all former employees of the defunct East African Community.

Mr. Deputy Speaker: Anyone here from the Ministry of Finance? We will leave the Question until the end.

Question No.633

DISAPPEARANCE OF SISENYE
WATER SUPPLY PUMP

Mr. Deputy Speaker: Mr. Wanjala also not here? We will leave his Question until the end.

Question No.529

PROVISION OF DRUGS TO KIRICHA/
SARUCHAT/KAPKURES DISPENSARIES

Mr. Deputy Speaker: Mr. Kimetto not here? We will leave his Question until the end.

Question No.522

REALIGNMENT OF MWANIA BRIDGE

Mr. Deputy Speaker: Mr. Kikuyu also not here? We will leave his Question until the end.

Question No.560

APPOINTMENT OF LAND
CONTROL BOARDS MEMBERS

Mr. Deputy Speaker: Mr. Muturi also not here? We will leave his Question until the end.

Question No.423
CONSTRUCTION OF MARIMANTI LAW COURT

Mr. Deputy Speaker: Mr. Mwenda not here? We will leave his Question until the end. Let us go back to Question No. 421.

Question No.421
ASSISTANCE TO VOLUNTARY THEATRE ARTISTES

Mr. Deputy Speaker: Dr. Kituyi still not here? His Question is dropped.

(Question dropped)

Dr. Kulundu: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order to go on with the business of the House without a quorum?

Mr. Deputy Speaker: Order, Dr. Kulundu! You have been here long enough to know that we have not started the business of the day. We will start the business of the day when we move to the commencement of business. Let us move on to hon. Sungu's Question for the second time.

Question No.632
PAYMENT OF BENEFITS TO MR. OUMA

Mr. Sungu asked the Minister for Finance:-

- (a) whether he is aware that pension and provident fund benefits for Mr. Thomas B.N. Ouma, Personal No.672631, ID. No.1164175/64, who was an employee of the former East African Community, has remained unpaid since the collapse of the organisation to date; and,
- (b) when the Ministry will pay the said benefits to Mr. Ouma and all former employees of the defunct East African Community.

Mr. Deputy Speaker: Anyone here from the Ministry of Finance? The Question is deferred to Wednesday next week.

(Question deferred)

Mr. Sungu: Mr. Deputy Speaker, Sir, I do have the answer to the Question. Could I ask the Deputy Leader of Government Business to answer the Question?

Mr. Deputy Speaker: Order!

The Assistant Minister for Education Science and Technology (Mr. Karauri): On a point of order, Mr. Deputy Speaker, Sir. When an hon. Member asks a Question and a Minister is not here to answer and then, the member stands up to say that he has an answer, is that answer not sufficient? Why should the Question be deferred when he has an answer?

Mr. Deputy Speaker: Order, hon. Karauri! You know very well that this Question must be asked orally in the House, so that the Minister can give an oral reply. He has it in written form, but there is a difference between a Question which is put down for oral reply, and a Question which is asked through written form. In that case, it is not listed on the Order Paper. You really know that hon. Karauri! When Questions are listed on the Order Paper, they are for oral reply. Ministers must stand up in the House and answer them orally. That is what the Standing Orders say.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. Through your indulgence, may I request that this Question be answered on Thursday rather than on Wednesday? This is because Ministers tend to come late on Wednesday mornings. It is a very important Question that deals with the welfare of one of my constituents.

Mr. Deputy Speaker: All Questions that have been approved and listed on the Order Paper are important. Are you saying that you do not want your Question to be listed on Wednesday next week?

Mr. Sungu: I would like to have it on Thursday this week, if possible, through your indulgence.

Mr. Deputy Speaker: It is not possible on Thursday this week---

*(Mr. Deputy Speaker consulted
with the Clerk-at-the-Table)*

Okay! The Clerk has advised me that it is possible. So, it will be listed for tomorrow.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Let us move on to Mr. Wanjala's Question for the second time.

Question No.633

DISAPPEARANCE OF SISENYE WATER SUPPLY PUMP

Mr. Deputy Speaker: Mr. Wanjala still not here? Question dropped!

(Question dropped)

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. What is the rationale of dropping Questions asked by hon. Members when they are not there and yet when the Ministers are not here, the Questions are deferred? Is there any logic in that?

Mr. Deputy Speaker: Hon. Owino Achola, you have been here long enough to know the reason.

(Loud consultations)

Order! Order! It is in your interest that your Question is answered. So, it is you who is being done a favour, if the Minister is not here and your Question is deferred as opposed to being dropped!

An hon. Member: But Mr. Wanjala is not here and you have dropped his Question!

Mr. Deputy Speaker: No! Hon. Members, let us understand one another. When you have a Question, you ought to be here to ask it. I cannot defer Questions whose Questioners are not here and they have not bothered to explain why they will not be here to ask their Questions! I think I am doing hon. Members a favour. If a Minister is not here to

answer a Question, I will defer that Question because the answer to that Question may be of such importance that Members want to pursue it further. So, hon. Owino Achola, it is in your interest for the Question to be deferred. If you want it changed, let us change the Standing Orders, and you can do it through the House Business Committee of which you are a Member.

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. I think the problem we are having today is that, hon. Raphael Wanjala and other colleagues are organising the service of our departed colleague, hon. Magara. So, maybe, the Chair could be sympathetic enough not to drop the Questions.

Mr. Deputy Speaker: Hon. Kombo, all they need to have done was to say so. This is because the funeral service for the late hon. Magara did not start yesterday. They knew it from last week and if they had done so, the Clerk would have put other Questions on the Order Paper. I am sure there are other hon. Members who will be going for that funeral service.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. In fact, after Question Time, we do intend to move a Motion of Adjournment of the House so that hon. Members who are here can attend the funeral service for the late hon. Magara.

Mr. Deputy Speaker: Order! Order, hon. Murungi! That is totally unprocedural. Next Question by hon. Kimetto!

Question No.529

PROVISION OF DRUGS TO KIRICHA/
SARUCHAT/KAPKURES DISPENSARIES

The Minister Medical Services (Dr. Anangwe): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker: Hon. Angangwe, the Question must be asked first!

Mr. Kimetto still not here? Question dropped!

(Question dropped)

The Minister for Medical Services (Dr. Anangwe): On a point of order, Mr. Deputy Speaker, Sir. Whenever Questions are asked in this House, and some Ministers are missing, the whole House goes into uproar, screaming that Ministers are not present. May it be noted that instead of Questions being asked today, they are being deferred or dropped because the Questioners are not here while the Ministers are present?

(Applause)

Mr. Deputy Speaker: Hon. Dr. Anangwe, I do not know who you are addressing because those hon. Members who are not here to ask their Questions are not hearing you!

(Laughter)

Those who are here are ready to ask their Questions!

Next Question, hon. Jonesmus Kikuyu!

Mr. Maundu: Mr. Deputy Speaker, Sir, on behalf of hon. Jonesmus Kikuyu, I apologize for coming late.

Question No.522

RE-ALIGNMENT OF MWANIA BRIDGE

Mr. Maundu, on behalf of **Mr. Kikuyu**, asked the Minister for Roads and Public Works whether he could ensure that Mwanja Bridge is re-aligned, now that the work on Katumani-Wote Road is in progress.

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

My Ministry cannot ensure that Mwanja Bridge is re-aligned now that the Katumani-Wote Road is in progress. This is because this bridge is not located on the on-going Katumani-Wote Road Project.

Mr. Maundu: Mr. Deputy Speaker, Sir, this is a very crucial bridge on that particular river and we would like the Minister, when doing all the works on Katumani-Wote Road, to consider re-aligning this Bridge on the Main Makueni Road for purposes of easy access to that area.

Mr. Mokku: Mr. Deputy Speaker, Sir, in my answer, I said that the bridge is not on the on-going project. But the Ministry has set aside Kshs200,000 for maintenance of the said bridge.

Mr. Maundu: Mr. Deputy Speaker, Sir, when will the work on that bridge start? The Assistant Minister says he has allocated some money to that particular bridge. The re-alignment of that bridge should be done as a matter of urgency.

Mr. Mokku: Mr. Deputy Speaker, Sir, the work will be done in January and February, 2001.

Mr. Deputy Speaker: Mr. Justin Muturi's Question for the second time!

Mr. Muturi: Mr. Deputy Speaker, Sir, I apologize for coming late.

Question No.560

APPOINTMENT OF LAND CONTROL BOARD MEMBERS

Mr. Muturi asked the Minister for Lands and Settlement the criteria being used in the election and/or appointment of elders to the District Land Tribunals as well as members of Land Control Boards.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I apologize for not having been there when the Question was asked the first time.

However, I beg to reply.

The criteria used in the appointment of members of the Land Dispute Tribunals include the following:-

(a) One must be a resident of the local area.

(b) One must be an elder and a recognised person by the community by virtue of his age, experience and character. He should be competent to resolve land issues between parties within the community.

(c) One must own or occupy land in the community and;

(d) One must be recommended by the local leaders.

In the case of a Land Control Board, one must satisfy one or more of the following conditions:

(a) He or she must be a public officer in the area.

(b) He or she must be a councillor of the local authority within whose jurisdiction the Board is situated.

(c) Be a women's group leader.

(d) Be a farmer and a resident in the area.

(e) Be a person of integrity and good character.

In both cases, one must be recommended by local leaders.

Mr. Muturi: Mr. Deputy Speaker, Sir, arising from the answer given by the Minister and, particularly, the general answer that, in both cases, one must be recommended by the local leaders, I would like the Minister to state who constitutes "local leaders" in any given division or district. Do they include, among others, local elected Members of Parliament and councillors?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, local leaders include, among very many others, Members of Parliament, councillors, church leaders, Government officials, opinion leaders, women leaders, *et cetera*.

Mr. Mwenda: Thank you Mr. Deputy Speaker, Sir. The Minister has deliberately avoided answering the second part of hon. Muturi's Question. Who convenes the leaders' meeting because invariably we know that these men are purely appointed by the District Commissioners and there is no consultation whatsoever done with the local leaders?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that I did not refuse to answer the question the hon. Member has raised because it had not been raised. In any case, consultations take place and names are then brought to the District Commissioner. After consultation among the people I have just mentioned to the House, names are taken to the DC and they are forwarded to the Minister in charge of Lands and Settlement and, in his wisdom, he makes appropriate decisions and gazettes the names.

Thank you.

Mr. Sungu: Mr. Deputy Speaker, Sir, is the Minister aware that, in fact, these Land Control Boards are dominated by retired old chiefs who are actually deadwoods and are responsible for the corruption in these Land Control Boards? There is a recent Presidential directive that land should not be sold without the knowledge and permission of the immediate family members but this is still going on. Particularly, in my constituency, orphans are now losing land because of the lack of control that is supposed to be exercised by the Land Control Board. Is he aware of that development?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am aware that Land Control Boards in this country have been misused. That is, why among the steps that we took a few months ago, was to bank the so called special Land Control Boards. If any Member of Parliament or Kenyan is aware of situations where Special Land Control Boards are taking place, that is, without involvement of the entire membership, should make a lot of noise to stop it and let us know.

Mr. Deputy Speaker, Sir, yes, we are aware of problems in this particular area and we have specifically requested the Commission reviewing the land laws to look into this particular area.

Mr. Kihoro: Mr. Deputy Speaker, Sir, it used to be a Government policy, a long time ago, when we had a good Government, to ensure that land in this country is not sub-divided into uneconomical units. These are units that cannot be used by an individual to cultivate and produce sufficient food for sustenance to ensure that he can lead a good life. What action and training has been given to the members of the Land Control Boards to ensure that land is not sub-divided into uneconomical units and, therefore, render the land useless?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I will be the first one to admit that no formal training, in the modern sense of seminars that Opposition Members are used to, has taken place. However, it is critical that in future, these members are given formal training as they take over their responsibilities. One thing that we have taken into account in the recent past is to include women and it is now compulsory to include at least one woman in order to address the issues where families have been disagreeing. Very small portions have been cut without taking into account women's consideration. That is why they were introduced and it is now compulsory to have them. We hope that will partially address the issues because women have been left behind and they were not always included in the exercise. However, I agree that we do not have the formal training that the Opposition is used to.

Mr. Achola: Mr. Deputy Speaker, Sir, could the Minister confirm that one of the requirements which he has omitted is the fact that one has to be a sycophant of KANU before he can be a member of these boards?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, KANU is a national party that covers the entire country. So, the probability of excluding a KANU supporter in any part of Kenya is close to zero. Having said that, I want to advise Members of Parliament to be actively involved in the appointment, selection and recommendation of members of these

boards. If they have not been involved so far, please, I would like them to be involved and I have assisted many Members in this House to have their names included in the boards.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said that KANU cannot be excluded from any deliberations across the country because it is a national party. Could he demonstrate to this House the presence of KANU in Central Province where it does not have a single Member of Parliament or councillor?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, KANU was voted for in huge numbers in Central Province. I was there personally in his Nyeri Town Constituency where I know his support is dwindling, and next time his seat, for sure, is going to Mr. P.G. Mureithi, who is the KANU chairman there!

Dr. Kulundu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to evade answering a legitimate question from hon. Sungu regarding the Ministry's stand on the plight of AIDS orphans and their protection? What measures is the Ministry taking to ensure that land left by people who have died of AIDS is not taken away from orphans through the Land Control Boards?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, as long as the law exists, I would appeal to Members of Parliament, councillors and local leaders to be actively involved in the selection of the membership of the Land Control Boards. This is because it is them who will represent and look at the interests of the kind of people the hon. Member is talking about. The problem comes when Members of Parliament, councillors and local leaders leave it purely to the Provincial Administration. I would urge them to be involved and the kind of issues concerning AIDS orphans he is talking about and others, will be addressed by a committee of integrity. That is a committee that encompasses the local community in its totality, so that there is no person who is misused or mistreated by the virtue of the wrong Land Control Board membership.

Mr. Ochillo-Ayacko: Mr. Deputy Speaker, Sir, we know very well that appointments to the District Land Tribunal or Land Control Board is done by the District Commissioners. What measures has the Minister put in place to ascertain that if a Member of Parliament or a councillor objects to an appointment, that objection would be carried? This is because invariably what happens is that, one does not get to know that an appointment is due, it has been done and when they sit. What measures has he put in place to ascertain that the opinion of elected leaders is sought and adhered to?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, all Land Control Boards that have been approved since I became Minister for Lands and Settlement, have incorporated the views of Members of Parliament. I do not guarantee that if there are eight members, all of them have performed to the happiness of Members of Parliament. However, some of them have been incorporated because as I said, local leadership is a concept that includes many people. In future, I would urge again that Members of Parliament be more involved. If you are unhappy with the Land Control Board in your area, I would urge you to please go and get involved so that a committee that makes sense of the local leadership is constituted.

Mr. Mwenje: Mr. Deputy Speaker, Sir, in the context of what the Minister has said, could he, therefore, now give instructions to the District Commissioners and Provincial Commissioners, and in particular, those of Nairobi, to make sure that Members of Parliament are involved in the composition of Land Control Boards?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, it is the case and I would like you to be more assertive and get involved in that exercise. We want local leaders and I have defined what it means to be included in these Land Control Boards. Local leadership includes you but I would also urge Members of Parliament not to assume that they are the only ones. Local leadership, at the grassroots, is a wide concept but some of your interests will be incorporated. I would urge the Provincial Administration to incorporate the views of Members of Parliament and other local leaders.

Dr. Kulundu: Mr. Deputy Speaker, Sir, what steps has the Ministry taken to ensure that the new Land Control Boards for the new divisions, that is those that were created upto 1995, have been gazetted?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, if the hon. Member reads the Kenya Gazette on a weekly basis, he would know that we have been gazetting those boards on a continuous basis as they are constituted. I doubt if there are very many boards that are pending in my office at the moment. This is because we process them as they come. Recently, we had a special exercise where we gazetted a whole group of land control boards and tribunals in order to reduce the problems facing our people. If there is a specific case of any hon. Member who has a problem, I will be very happy to assist.

Mr. Muturi: Mr. Deputy Speaker, Sir, you have heard the Minister go round in circles giving general statements about hon. Members of Parliament not being involved in the nomination and appointment of members to the boards and tribunals. Most specifically, I represent a constituency where there are two land control boards and the names of their members were gazetted on 19th May, 2000. However, there was no meeting held by the local leadership to nominate or appoint members to those land control boards. Therefore, in the light of what he has said, could he direct that those members who were nominated and appointed to those boards, be cancelled forthwith and

others be nominated and appointed after consultation with the local leadership of my constituency? The Minister should not hide under the general rhetoric of local leaders which embraces all manner of quacks surrounding him, so that we can now start seeing openness in the whole exercise.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, in this specific case of the hon. Member for Siakago, he sent in names to be considered among the membership that I gazetted. Several of the people he recommended have been gazetted and are members of those boards and tribunals. That is why I said it is not possible for the local leadership to define itself as the local Member of Parliament only because it includes many leaders. In this particular case, eight or nine names were forwarded by the hon. Member and they were considered. Therefore, I have no intention of cancelling that gazette because it took extensive consultation.

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

Mr. Mwenda: Mr. Deputy Speaker, Sir, I apologise to the House for coming late.

Question No.423

CONSTRUCTION OF MARIMANTI LAW COURT

Mr. Mwenda asked the Attorney-General:-

(a) when the construction of Marimanti Law Court in Tharaka will commence; and,

(b) how much money has been set aside for this project.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The construction of a court at Marimanti is at the planning stage; involving securing of land and preparation of drawings. The proposed court has been included in the forward budget of the High Court of Kenya.

(b) There is no allocation in the current Development Vote of the Judicial Department. It is, therefore, not possible to start the construction of the court in the course of this year. But because it has been included in the forward budget of the High Court, let us hope that in the course of next year, something will be done.

Mr. Mwenda: Mr. Deputy Speaker, Sir, every Kenyan has a right to have access to a law court, so that their disputes, claims and cases can be determined. This right is negated if the cost of accessing a law court is prohibitive. Considering that the nearest courts that people in Tharaka can access are in Nkubu and Chuka towns, about 70 kilometres away, could the Attorney-General consider sending a resident magistrate and hiring some facilities to be used as a court room?

Mr. Wako: Mr. Deputy Speaker, Sir, I think the hon. Member said the right thing that every citizen of our land is entitled to is a court. But we have financial constraints. What the Judiciary has done is that the magistrate who is based at Chuka Town travels once a week to Marimanti Town to dispose of cases. As I said, the fact that we have already included this in the forward budget is indicative of the Judiciary's concern about what you have stated. I hope that next year, something useful will be done.

Mr. Murungi: Mr. Deputy Speaker, Sir, as a matter of fact, you do not need an elaborate building called a court house for a magistrate to sit and determine a dispute. We have had cases in the past which were decided under a tree. In view of the high level of unemployment among law graduates in this country, could the Attorney-General consider posting a magistrate to Tharaka District? This can be done even without a proper court house because he can be allocated an office in the DC's office or any other office. If there is no office, he can sit under a tree and listen to cases of Tharaka people because they are congesting the courts at Nkubu which is in my constituency. There is no law that requires a building called "a court" for the magistrate to sit. He can sit under a tree!

Mr. Wako: Mr. Deputy Speaker, Sir, we have moved a long way from those times in the old days when our elders sat under trees and discussed on issues and agreed. Now we have buildings. I wish to inform the hon. Member that, in fact, the plans for the building are ready, the estimated cost is there, and it is just a question of waiting for a short time before we can implement it. In the meantime, action has been taken along the lines I have talked about.

Mr. Muchiri: Mr. Deputy Speaker, Sir, is the Attorney-General aware that in all courts in the Republic of Kenya, and in particular Mombasa High Court, there are no toilets? All the toilets are blocked and magistrates, judges, lawyers and prisoners cannot go for short calls. What action will he take with effect from today?

Mr. Wako: Mr. Deputy Speaker, Sir, I am not aware.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the University of Nairobi and other universities in India, Europe and America are churning out so many law graduates to this country and yet, we do not employ them. In view of the fact that there are so many divisions without law courts in this country, what is the Government policy in so far as establishing a law court in every division? It is a pity that Thika District, with over 700,000 people, has only two courts, in Gatundu and Thika towns. Could he consider setting up a law court at Ruiru, Gatundu North and Gatanga constituencies, so that the bulk of pending cases can be disposed of as fast as possible?

Mr. Wako: Mr. Deputy Speaker, Sir, as I said, everybody has a right to have access to courts. The only problem is financial constraints. I would want and wish to have as many courts as possible throughout the country, but it is not possible because of financial constraints. Consequently, plans are under way to increase the number of courts depending on the urgent needs of specific areas. I can tell you, for example, we recently completed the Bungoma and Limuru courts. The Garissa Court is almost 99 per cent complete. The law courts in Naivasha, Marsabit and Sirisia are under construction. So, we are moving towards the target of ensuring that, ultimately, the people of this country have access to courts.

Mr. Ndicho: Mr. Deputy Speaker, Sir, there are so many fines that litigants and accused persons are charged in court and because of the congestion in the prisons, courts have taken a stand of fining accused persons instead of sending them to jail. Could the Attorney-General tell us where all the money that is collected from all the courts goes to? In one year, for example, the money collected from the accused persons can build a court in Ruiru or at Gatanga in Gatundu North Constituency. Could you tell us where all that money, collected in all courts in this country, goes to because it is in billions of shillings?

Mr. Wako: Mr. Deputy Speaker, Sir, I think the hon. Member is aware that all the money collected goes to the Consolidated Fund. Out of the Consolidated Fund, through a Budget approved by this Parliament, the money is disbursed.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I have been spending some of my time in courts lately and I can confirm that the court at Nyeri is in a very bad condition. I have also been to Makadara and Kibera law courts and the condition is pathetic. Could the Attorney-General assure this House that he will put in place a programme for maintenance and upkeep of court houses in the country? This is because they are a demonstration of the Government's inability really to dispense justice. I do agree with hon. Muchiri that toilets are blocked and the stench around the courts is terrible because, from a distance of 100 kilometres, you can tell that there is a court house somewhere.

Mr. Wako: Mr. Deputy Speaker, Sir, as I said in my answer to Mr. Muchiri, I was not aware. But it is common knowledge that where you have so many buildings, once in a while in different places, there is bound to be a blockage of a toilet. So, that is common knowledge. The Judiciary has a budget for renovating and repairing any breakages. The only thing is that the budget allocated is not sufficient but they are trying their very best within the little resources that they have to carry out and undertake the necessary repairs. As to the courts that he has referred to, I will bring it to the attention of the Registrar of the High Court.

Mr. Muchiri: Thank you, Mr. Deputy Speaker, Sir. There are very many Kenyans who are in remand today awaiting trial. Also, there are very many civil cases pending in courts all over the Republic. Could the Attorney-General consider appointing special magistrates to man special courts so that we can reduce the backlog of all cases pending in courts within the Republic of Kenya?

Mr. Wako: Mr. Deputy Speaker, Sir, the Judiciary is definitely increasing the number of the established magistrates throughout the country. I would like to remind this House that, about two years ago, we increased the number of judges to be appointed by 20 out of the then established number of 30. The number of magistrates will also be increased proportionately. The only problem that we are encountering is that, we cannot appoint all these people overnight because of financial constraints. Therefore, as and when we have the finances, we shall definitely appoint more judges and magistrates. We should also take into account the fact that it is not just the physical building called a court. There is a lot that goes with it, including the residence for the magistrates, Administration Police, regular police and remand homes, all of which are part of the infrastructure supporting a given court in any area. This requires money.

Mr. Mwenda: Mr. Deputy Speaker, Sir, the Attorney-General knows very well that the Chuka Law Court does not have a motor vehicle, so the Magistrate relies on borrowed vehicles from other departments. Sometimes, he has to hike a lift from private citizens which causes a lot of delay. By the time he travels 100 kilometres from Chuka to Marimanti, on an extremely rough road, he arrives there at 2.00 p.m. So, he has about two working hours. Could the Attorney-General, in the meantime, provide a motor vehicle to Chuka Law Court which can be used to service the mobile court in Marimanti?

Mr. Wako: I can assure the hon. Member that the issue of transport, which I was not aware of, will be looked into. I know that the administration has been urged to co-operate very closely with the courts in providing the necessary transportation, especially in a situation like this one, where a magistrate leaves his place of court and visits another court once every week.

Mr. Murungi: Mr. Deputy Speaker, Sir, one of the cardinal principles in administration of justice is the separation of the Executive from the Judiciary so as to ensure the independence of the courts. Now the Attorney-General says that the administration should provide a motor vehicle for the magistrate. Does this not erode the independence of the Judiciary as the magistrate is obliged to give favours to the people who give him a lift to the court and back to his residence? Could he provide a Land Rover specifically for the magistrate so that he is not

compromised?

Mr. Wako: Mr. Deputy Speaker, Sir, the ideal situation is to provide a Land Rover. But if we do not have the money to have a Land Rover, does it, therefore, mean that his people will not have a magistrate because the magistrate cannot go there? I think time has come for us to trust people appointed as magistrates not to be influenced whatsoever not just by the Government, but also not to succumb to pressures extended by political leaders sometimes through statements made about the Judiciary in this country. The Government, the Opposition, the NGO community and all the people of Kenya should avoid even indirectly putting pressure on the magistrates. But I am confident that any magistrate worth his salt will be able to stand that pressure and deliver judgement in accordance with justice.

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

DEATH OF INMATES AT KING'ONG'O PRISON

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. A month ago, I requested for a Ministerial Statement over the killing of eight prisoners at King'ong'o Prison but it has not been forthcoming. I would request that, maybe, the hon. Attorney-General or any other Minister, does respond to what happened at King'ong'o on 4th September, nearly two months ago. The Government has remained mum and nobody knows exactly what the Government position is.

MEMBERS FREE TO ATTEND LATE HON. MAGARA'S SERVICE

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. I would like to move a Motion under Standing Order Nos.23(1) and 45, that this House do now adjourn so that hon. Members can attend the funeral service for the late hon. Magara at the Central Church, SDA, Valley Road. Mr. Magara was a beloved colleague and a member of the Legal Affairs Committee of this House. He was a very respected and effective Member of Parliament, and we feel that the only way we can truly honour him as Members of Parliament and as his colleagues, is to adjourn the proceedings of this House so that we can attend his funeral service. That is the only way we can pay our last respects to our fallen colleague. I think it is an honour that we should accord to all Members of Parliament who meet unfortunate ends like hon. Magara did. I will plead with you to use your powers under Standing Order No 23(2) to allow this Motion so that we can go to the funeral service.

(Applause)

Mr. Deputy Speaker: Order! Order, hon. Members! We are all aggrieved that hon. Magara is no more. He was, indeed, a respectable Member of this House and a friend to many, if not to all. But this House needs to transact matters of national importance. In the past, many Members have left us in a similar manner but we have had no precedent where we had to adjourn in order to go to a funeral service. I remember the case of the late hon. Munene Kairo; I represented this House at his funeral service at the Cathedral. The House continued to transact its business and there are many others.

Hon. Members, much as I, myself, regret the loss of hon. Magara - indeed, I have committed myself to attend his funeral on Friday at his home - I do not think it is justified for us to adjourn the business of the House to attend the funeral service. In any case, all Members are going to be present at his funeral. It is a matter for each Member to choose whether they want to attend that funeral service now, and you are free to do so. For that reason, hon. Murungi, I cannot propose the question. So, we must proceed with the business of the House.

STRIKE BY THIKA MUNICIPAL COUNCIL EMPLOYEES

Mr. Ndicho: Mr. Deputy Speaker, Sir, for the last one month, employees of Thika Municipal Council have been on strike over salary payment. The Ministry of Local Government is not addressing that matter adequately. The Deputy Mayor has been beaten by employees and they have continued to threaten all chief officers of the Council. So, in order to avert the volatile situation which is brewing up, I am asking the Minister for Local Government to give a Ministerial Statement on what he will do to address the issue of the striking workers. The people of Thika are suffering because the strike has paralysed council services like water supply and garbage collection. If this trend continues, an epidemic might break out!

Mr. Deputy Speaker: Is there anybody here from the Ministry of Local Government? I hope the message

will be passed on to the concerned Minister by the other Members of the Cabinet.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. I thought when I raised the question about King'ong'o Prison, the Attorney-General was going to respond. I raised this matter about a month ago and I was told that there was going to be a response within a week. Section 388 of the Criminal Procedure Code raises an obligation on the part of the Attorney-General to start an inquest, in case somebody has died in a protected area, but that has not happened after two months.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I have just consulted the Clerk-at-the-Table and it is true that the member had raised the issue some time ago but directed it to the Ministry of Home Affairs, Heritage and Sports. The Minister, who was present then, undertook to give a Ministerial Statement on this matter. So, he will be reminded about that undertaking.

Mr. Deputy Speaker, Sir, but on the issue of the inquest, I have already made a decision. I directed the Commissioner of Police, in the exercise of my powers under Section 26(4) of the Constitution, to carry out thorough investigations into that incident. I also directed that the bodies should not be disposed of until a proper postmortem has been done by a qualified Government pathologist. That was done and the report was handed over to me. I read it very carefully and I requested that the file be placed before a chief magistrate with a view to holding a public inquest. In fact, I do not normally issue Press statements when I order inquests because I order them every day. But on this particular occasion, because of the national interest in this particular issue, I issued a statement that I had ordered an inquest. I further requested the public and the families of the deceased, if they so wished, or any person who may have any relevant evidence, to offer it during the inquest. It appears that the inquest has not begun but I will follow it up.

Mr. Murungi: Mr. Deputy Speaker, Sir, we believe that the Attorney-General requested that an inquest file be opened. But we do know of many cases in this country where the Attorney-General has issued instructions, but those instructions are not acted upon because he is not in direct control of the Police Department. Is he sure that his instructions have actually been acted upon or this is another case where his letter will be filed somewhere and the matter will be forgotten? Could he tell us what he is going to do to make sure that his instructions are acted on?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, the Commissioner of Police knows that I do not forget. I keep on sending reminders until it is done in accordance with the directions I have given. These are my constitutional powers and I do not take kindly to any person who does not obey them. I believe that they are now preparing the inquest files.

Mr. Deputy Speaker: The Ministry of Home Affairs, National Heritage and Sports gave us an undertaking that they would come back with a statement here. I can see an Assistant Minister from that Ministry; hon. Mwachai is here. Do you have anything to say about this issue?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Ms. Mwachai): Mr. Deputy Speaker, Sir, I do not have that statement right now but we will make sure that it is provided in the course of next week.

Mr. Murungi: Mr. Deputy Speaker, Sir, we cannot allow the Assistant Minister to address this issue so casually. She promised to give this Statement to the House three weeks ago and she has not even apologised to the Chair. Could she apologise to the Chair and proceed to give proper reasons as to why this statement is not ready? That amounts to contempt of this House!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Ms. Mwachai): Mr. Deputy Speaker, Sir, because of collective responsibility, I will make sure that this statement is made. But I am not the one who made that undertaking to make the statement.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has misled this House. This is a matter of ministerial responsibility. Is she in order to mislead the House with regard to this matter?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Ms. Mwachai): Mr. Deputy Speaker, Sir, I do not think the hon. Member knows what we mean by collective responsibility. I am not the only Assistant Minister in that Ministry. There are three other Assistant Ministers in that Ministry!

Mr. Deputy Speaker: Order, hon. Members! I think you are harassing the Assistant Minister. If she does not have the statement now, no amount of harassment will produce one. So, hon. Mwachai, make sure that your colleague, who is responsible for this docket brings the statement to this House by Wednesday, next week.

MOTIONS

ESTABLISHMENT OF KENYA LIVESTOCK
DEVELOPMENT AUTHORITY

THAT, in view of the Government's commitment to eradicate poverty by the year 2015 and noting that a large number of people living in abject poverty reside in the rural livestock rearing parts of Kenya, and being aware that our livestock industry continues to be a high foreign exchange earner with great potential for generating wealth and employment opportunities; this House recommends that the Government establishes the Kenya Livestock Development Authority under the Crop(s) and Livestock Act, Cap 321 of the Laws of Kenya in order to promote and develop the livestock industry.

(Mr. Keynan on 25.10.2000)

(Resumption of Debate interrupted on 25.10.2000)

Dr. Wekesa: Mr. Deputy Speaker, Sir, I rise to support this Motion. Before I do that, I would like to look at the historical background of the set-up in the Ministry of Agriculture and Rural Development, regarding livestock development, diseases and all other related matters.

Mr. Deputy Speaker, Sir, livestock production has always been a little sister of crop production. However, more than a half of this country wananchi depend on livestock production. For a long time, this area has been neglected, and it is high time that we seriously looked into the affairs of livestock production. I would like to state that it is high time an Authority of this nature was instituted and run properly. In the whole of North-Eastern Province, almost the whole of Eastern Province and half of the Rift Valley Province, including Turkana, Pokot, Trans Mara, Trans Nzoia and Laikipia, wananchi depend on the sale of livestock and livestock products for their daily incomes.

Mr. Deputy Speaker, Sir, it is very regrettable to see that half of Kenyans who depend on livestock have been rendered very poor. This has happened over many years. We have been talking of the Poverty Reduction Strategy which I refer to as the Poverty Acceleration Strategy. This is a strategy by the KANU Government to accelerate poverty. They have done it by making sure that all the agricultural institutions have been grounded, and the farmers that have depended on these institutions have been rendered helpless. I would like to mention the dairy industry that used to feed this nation and bring in foreign exchange. However, we do not talk of the dairy industry any more. There was a time when this country used to export livestock to the rest of the world. We exported livestock to the Middle East, Uganda, Zanzibar, Nigeria and many other countries. This is no longer happening.

We used to produce vaccines for foot and mouth diseases that we used to export to other countries. This is no more. Farmers used to borrow money from the Agricultural Finance Corporation (AFC) in order to establish irrigation schemes to grow grass and feed their animals. There is no AFC any more.

Mr. Deputy Speaker, Sir, an Act of Parliament established the Agricultural Development Corporation, so that all the land that used to belong to Europeans would be managed by ADC. That was done, so that our quality breed livestock, including Friesians and others would be bred and maintained. This was to enable us maintain the beef and dairy industries. Instead of nurturing and managing ADC in a better way, in the last ten years, we have resorted to looting and haphazardly allocating ADC land to the "politically correct" individuals and top civil servants in disregard to the livestock industry. We have disregarded the very poor people we are trying to serve. As I speak now, most of the Agricultural Development Corporation farms that are remaining are in the process of being given out in complete disregard of the animals that were being reared on those farms.

Mr. Deputy Speaker, Sir, the Kenya Meat Commission was also established many years ago. It was an outlet for all the farmers in the regions that I have mentioned. It is regrettable that through poor management, the Kenya Meat Commission has ground to a halt. All the farmers in the Eastern part of Kenya, North-Eastern, Trans Nzoia, Laikipia and many other places depended on earnings from the sale of livestock and livestock products. I do understand that those places have been ruined because of poor management by our Government. People who do not have the expertise to run these institutions have been mandated to run them and they have failed. Corruption which has ruined the rest of the industries has also contributed to the demise of the Kenya Meat Commission. It is high time this Government looked at the plight of the poor Kenyans that are suffering. If Delamere and the late Jomo Kenyatta were to resurrect in Kenya today, they would be appalled. Delamere would be surprised to see animals roaming in the streets of Nairobi. I do not blame that farmer, but the Government for not planning. We have now formed the habit of blaming all of this country problems on the current drought as if this country's has never had drought before. We have had previous droughts for many years. We must have planners within the Government Ministries. Where have all those planners gone to? Where have this country's experts on economics and agricultural affairs gone to? When one disembarks from an aeroplane at the Jomo Kenyatta International Airport and travels towards the City Centre, one finds oneself in cattle traffic.

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

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Thank you, Mr.

Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion, to the chagrin of fellow hon. Members.

Mr. Deputy Speaker, Sir, I travelled all the way from Lodwar to Nairobi yesterday, so that I could have a chance to contribute to this important Motion because I feel that livestock, as a sub-sector of the agricultural sector, has been neglected for a very long time. This has been the case not because of bad Government policies; the Government policy on livestock is stated eloquently in a Sessional Paper and in the national development plan. However, the translation of that policy into an actual programme is what has been lacking.

We have the case of the Kenya Meat Commission, which was created by an Act of Parliament in 1953, which provides for the coming up with, among other things, of a drought management tool. Kenya is a country that suffers from famine on a regular basis. This country has a drought cycle of between five and six years, but we do not seem to learn from our own experiences. I support this particular Motion, because we would like to create an Authority that will look into the entire livestock sub-sector. When it comes into being, we would not like the Authority to be just an appendage to crop production; we would like livestock production to be a sector of its own, which will make substantial contribution to this country economy.

I think the livestock sub-sector has an image problem in this country. We do not seem to value it the way we value the coffee and tea sub-sectors. I have nothing against those two crops; they are among the best commodities this country has, and I encourage their growth. I would, however, like the same attention paid to the development of those two crops also paid to the development of the livestock sub-sector. We talk about the tea foundation, and also about research on tea and coffee. However, even within the Kenya Agricultural Research Institute (KARI), you find that very little money has been allocated for livestock research when other forms of research are allocated a lot of money.

Even as research on livestock is carried out, our scientists tend to look at that cow for zero-grazing purposes. Our biological scientists continue researching for hybrid seeds, and so far we have had 614 to 625 seed varieties, among others; they introduce new hybrid seeds on the market almost every year. However, since the mid-1960s, when livestock researchers came up with the zero-grazing system for livestock farmers, they have provided nothing else to livestock farmers. That is why we are calling for renewed thinking in the entire livestock sub-sector.

Mr. Deputy Speaker, Sir, when people here talk of livestock, they always talk about the exotic breeds. On the contrary, I do not want to be ashamed of talking about the local breeds of livestock. I would like this particular Authority, when it comes into place, to look into ways of developing the Zebu and Boran cows, which are being kept by the Turkana, Maasai, Rendile and Somalis. These are breeds that maintain whole populations in northern Kenya; they maintain the population that inhabit about 80 per cent of this country's land mass.

I think it is pity that nothing is being done to improve such an important segment of this country's economy. Pastoral activities are being undermined, because the milk that goes into direct consumption is not accounted for in the national statistics since it does not go through the formal market. However, if we are to talk about a dairy system, I would imagine that pastoral production system forms part of the whole dairy system. A dairy system should not be defined to be so just because of its market value; it should be defined to be so because of the fact that it supports lives. Pastoralism, as I know it, is a system that is based on livestock products and these include both the beef and milk that go direct into human consumption, thus saving many lives out there.

I would like to also imagine that when this Motion is finally approved, as it is, indeed, going to be approved, the Minister for Agriculture, who is doing very well in the efforts to liberalise the coffee and tea sub-sectors, will also do something about the livestock sub-sector. We are still bitter that despite a promise made here by the Minister that the Kenya Meat Commission (KMC) would be re-opened last August, we are still awaiting the re-opening of that factory. This is not being fair to livestock farmers, especially now that this country is experiencing famine. So, I would like to plead with the Minister to ensure that, immediately this Motion is approved, it is translated into a Bill, so that the Authority is created to look into all the issues appertaining to livestock research and development, and into all the contributions that this sub-sector has made to this country economy.

The Arid Land Resource Management Project (ALRP) is just a contingent plan aimed at helping livestock farmers in terms of drought, but will not substitute the livestock sub-sector. The early warning system has always looked into the variables. The ALRP is a joint project by the Government of Kenya and the World Bank, which is looking at the factors that will determine whether some of the livestock populations will be alive. I am also aware that there have been efforts by the Government to take a livestock census. Those efforts have not materialised despite the support they have received from the German Government. I think one way of enabling the Authority we are seeking to establish through this Motion and the subsequent Act to be enacted do its job would be to conduct a livestock census, so that we can determine the numbers of our livestock.

Two months ago, the Turkana people had to migrate with their cattle all the way to Uganda due to the drought that has ravaged the area. As we look at the whole livestock issue, we should consider the sub-region level, especially within the greater Horn of Africa region. This is because, when we deal with livestock epidemics such as rinderpest, amongst others, we must consider the situation in our neighbourhood, in Sudan, Uganda, Ethiopia and Somalia. So, if

created, the Authority will have the broad mandate of looking into all the factors that affect this country livestock sub-sector and take the necessary action. If we develop this sub-sector, we will deal a big blow to poverty. This is, really, a way of alleviating poverty, an effort we are committed to as a country. I think we need to support more of such efforts.

With those few remarks, I support the Motion.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I would like to support this Motion urging the Government to establish the Kenya Livestock Development Authority. It is true that the successive Governments in this country - the colonial, Kenyatta and Moi Governments - have given a raw deal to the pastoralist communities of this country. We have not paid sufficient attention to pastoralism as part of the modern economy that should be promoted by the Government.

I think I will agree with hon. Ethuro that the policy makers seem to have an image problem with pastoralists. The old colonial books which were written about the progression path of civilisation say that people moved from being fruit gatherers, to herders/pastoralists, farmers and industrialists, and they think that every community on earth has to follow that particular path to civilisation. So, we see the pastoralists as one stage away from the most primitive form of economic organisation - fruit gathering. The Government thinks that one day, just like the fruit gatherers disappeared, even the pastoralists will disappear and then they will be absorbed into farming. As it happened in some countries in the West, even these small-scale farmers will also disappear and then the country will be industrialised. I think we need to rethink that theory and accept pastoralism as part of the modern economy. As long as people would want to eat meat, wear shoes and drink milk, then, the pastoralism sector will continue to be important, however, modern the society becomes.

I think the greatest thing that our Government has failed to do for the pastoralist community in this country is to provide an environment where pastoralism can prosper. The whole question of insecurity for the pastoralists is critical. The whole of northern Kenya - the so-called old Northern Frontier Districts (NFD) - has for a long time been controlled by bandits. To this day, all the way from Tana River, Isiolo, Turkana, Pokot to the Uganda border, it is an area where the Government is not in control, and the people have to fend for themselves and fight huge armies from Ethiopia and other neighbouring countries to protect their livestock. For example, Turkana District is a basket case. Turkana is not a poor region, because I have been there. I think what is happening is that because we have not been able to provide security to Turkana because when the entire herds are taken away, people are left without any means of livelihood.

So, if you want to help the pastoralists in this country, we have to destroy the bandit menace in Northern Kenya. The Government has to be in control. We do not understand why there are many General Service Unit and National Security Intelligence Service (NSIS) officers in Nairobi when the areas that need them in Northern Kenya and other parts of the country, where insecurity is rife have few of them. Let us have more GSU camps in those areas, and they should be made up of officers from there. This is because when you send Luos and Kikuyus to Garissa, they are very easily identifiable and bandits can know them from a distance. You need to employ security officers from the local areas, if we intend to fight insecurity in that region.

Mr. Deputy Speaker, Sir, when we attended a meeting in Garissa recently, we were told by some wazees that, in fact, the insecurity which is in Garissa district is caused by the Government itself because the DCs have a Vote of about Kshs1 million to be used to fight banditry in the area. When there are no incidences of banditry, they have to be invented so that, that money is spent and in order for the Vote to continue. So, those wazees told us that sometimes the APs would remove their uniforms and shoot around and then they would justify their expenditure. We have to investigate such cases because the Government itself might be behind the so-called insecurity in some of those areas.

The third issue---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to claim that the Government is behind insecurity in the North- Eastern Province? Can he substantiate or withdraw it?

Mr. Ndicho: But we are helping you people!

The Assistant Minister, Office of the President (Mr. Haji): I do not want your help "ya uwongo!"

Mr. Deputy Speaker: Order!

Mr. Murungi: Mr. Deputy Speaker, Sir, I just told the House what I was told by some wazees in Garissa.

The other issue that I want to raise---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. It is not enough for him to say that he was told by some wazees. He should either substantiate it here or withdraw it.

Mr. Deputy Speaker: Order! It is for me to decide whether that is enough or not. In fact, if he is reporting what he was told, he is perfectly in order.

The Assistant Minister, Office of the President (Mr. Haji): You think so, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: Yes, I do.

(Laughter)

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. The last point that I want to make on this issue is what hon. Ethuro talked about; the six-year cycle of severe drought in this country. No Government in Kenya ever had a drought plan. With 70 per cent of livestock disappearing in the country because of drought, we are still saying: "You know, we do not manufacture rain." Then, when the animals will die three years from now, we shall still be saying that we do not make rain. The reason why you people are in the Government is for you to know that there will be drought three years from now or at least, make some arrangements to protect the livestock farmers when that drought strikes.

Mr. Deputy Speaker, Sir, what drought plans does this Government have? It is not enough to say prayers. I attended Bishop Gitari's ceremony one day and he said that although he is a Bishop, prayers are not enough; you have to get out of the house and do something after praying. Whereas we appreciate the call to national prayers, what else is the Government doing to make sure that animals do not continue to die as a result of future droughts in this country? Right now, we should be thinking about restocking. How are we going to replace the animals which have died when drought disappears because these conditions will continue? I think the Government has no plans on how to replace the animals which have been lost.

Mr. Deputy Speaker, Sir, I think the lack of planning is the biggest issue in this country and we, in the Democratic Party of Kenya, have always wondered why the pastoral communities in this country continue to support this Government which is bankrupt at the level of ideas and has no plans for them? The pastoralist community in this country were given a lot of promises by the KANU Government both in 1992 and 1997 general elections. I am not here to play politics, but I want to ask our colleagues from the pastoralism areas to look at the promises which were made by the KANU Government in the last two elections and say which one of those promises has been fulfilled. We are calling upon them to make a critical analysis of their own situation and see whether it is not the high time to change their ways as far as choosing of the political parties and the Government is concerned. We are trying our best to read and understand the needs of the pastoralist communities in this country and to work closely with the people, so that we develop local solutions. Why do we not have a shoe industry in Garissa, Isiolo and Marsabit? What plans has any Government made to establish those factories there? Until we think along these lines, we will not help ourselves.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion. But allow me to take one minute in order to make a request, now that I am on my feet.

Mr. Deputy Speaker: Order! You should now approach me and make that request directly to me.

The Assistant Minister for Health (Dr. G.B. Galgalo): Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion which I strongly support.

As other hon. Members have said here, those of us from pastoral communities and the marginalised areas of northern Kenya have suffered for far too long. It is true that successive Governments have turned their backs on livestock development. There is no strategy or Government policy whatsoever that has helped in any way to develop the livestock industry. There are several problems that have contributed to this lack of development. Water shortage is a major one. There are no boreholes that have been sunk in our area since the colonial times. Our livestock continue to perish every year because of lack of water. As I stand here and speak now, our livestock are dying in hundreds and thousands. That is a loss to the economy of this country and not just to the inhabitants of northern Kenya. Very soon hon. Members and Kenyans in general will miss the *nyama choma* that they have enjoyed for decades because there will be no more livestock left if this drought continues for another month.

In my constituency, our livestock has been in Ethiopia for the last three months and now we have been chased out of there and we have nowhere to go. They are just perishing. This is a national disaster. We will lose our entire livestock population in this country. The Maasais have invaded this town and farms in several parts of this country. They have completely exhausted every pasture. The tragedy here is that in places where we have pastures like in parts of North-Eastern and northern Kenya in general, we do not have water. It only takes about Kshs2 million or Kshs3 million to sink and equip a borehole and you will save hundreds and thousands of livestock. Why can this not be done?

Insecurity is another major problem. We have the Anti-Stock Theft Unit (ASTU). There is not a single member of the Anti-Stock Theft Unit stationed in areas that are prone to livestock theft. What are they doing in Gilgil and Nakuru? There is no livestock theft going on there. We are paying money to those people and they are doing nothing whatsoever to stop stock theft in this country. Why do we not station them in North-Eastern Province and northern Kenya where pastoral communities live and where livestock theft is rampant or disband them as they are not doing anything?

Livestock diseases are another major problem. There are no veterinary officers in pastoral areas. For example, in Moyale District we have only one veterinary officer. What can one officer do? How can he help in an area that is so

vast and lacks transport? We need to look at that. Employment of veterinary doctors was stopped several years back and we need these people. They are out there. Why do we not have these officers posted to all the villages where we have our livestock so that they can help people fight the diseases that are finishing our livestock? On Marketing, the Kenya Meat Commission (KMC) has "died" and there has been talk of revitalising it. In fact, there has been a promise that Kshs500 million would be provided to help bring it back to life, but we do not see anything. There is nothing in the Budget this year as promised earlier. Some people are now taking advantage of the livestock farmers. A few rich people buy livestock from the farmers at throwaway prices and they make a kill here in Nairobi. Why do we not have proper marketing of livestock like we have for coffee and tea? Why do we not have a livestock marketing strategy that would help the livestock farmers so that they get the benefits of having toiled so hard to look after those herds. The KMC holding grounds have been stolen. I would not say they have been allocated. If KMC is going to be revitalised those people who have been allocated that land should rest assured that as pastoral communities, we will come for that land. We will repossess that land which belongs to KMC so that once it is functional we can have a proper holding ground for our livestock.

With those few remarks, I beg to support.

Mr. Kihara: Thank you Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Motion. I rise to support this Motion because I also come from a livestock producing area. It may not be of the Zebu type, but it is just as equally important as the Zebu type. I do not agree that we will eradicate poverty in 15 years time. I hope I will be around to see it happen, but I do not think it is likely to happen whether we establish this Authority or not. Be that as it may, I think livestock is a very important asset to this nation. One wonders whether the Government does recognise the importance of livestock to the economy of this country. I am saying so because everything that the Government has done in the past years indicates to the contrary. There is no agriculture that can be viable without research. All the research land for livestock has been grabbed. We have the example of the Kabete land, which our friend opposite have tried to grab; the Lanet Beef Research Station and the ABC Complex. All this goes to indicate that this Government does not have an interest in livestock production. We have had ADC farms. In fact, ADC farms would have done exactly what this Authority is expected to be doing if it had been left intact and allowed to operate. ADC has been left to collapse. It has been underfinanced, its assets have been grabbed and, therefore, it does not exist. I fear that the Authority which might be established would go the same way.

One role that the Authority could play is to educate the pastoralists on the need to keep quality animals that they will be able to accommodate on their own land. We have seen that during this drought season pastoralists have been moving all over the place, including this City. They have been grazing on private property in my constituency, Naivasha. I have raised this matter in this House because they are there grazing on people's land and crops. I hope that when this Authority is established, it will be able to educate the pastoralists on the need to feed their animals on their own land, group ranches or whatever else they have because this is a very dangerous situation. It has caused deaths in Isiolo; it has caused clashes in Laikipia and it nearly caused clashes in Naivasha, if we did not try to control the situation. We would like to see pastoralists confined in their places. They should improve their grazing land, so that they do not have to wander on other people's land.

Mr. Deputy Speaker, Sir, a lot has been said about the KMC, where pastoralists could resort to during the drought period, like the one we are experiencing, so that they could dispose of their animals and get good returns. This organisation has also been left to collapse. I hope that the Minister for Agriculture will keep his promise to re-open the KMC and establish industries in livestock producing areas, so that when drought, like the one we are experiencing befalls the country, livestock farmers can dispose of their animals and get some livestock to restock their farms when they lose their animals.

Another important aspect is the question of cattle rustling. Somebody has talked about the ASTU, whose Headquarters is at Gilgil. The ASTU personnel are stationed there, but you will be surprised to hear that they hardly recover any stolen livestock; at least, not in my area. Once they have passed a certain area and gone into other districts like Narok and Kajiado, they do not go beyond there. After asking for means of transport and money to feed themselves from those who have lost their animals--- I wonder what we do with our taxes, because those people are not facilitated to pursue the stolen animals.

There used to be horses which belonged to the ASTU. I would like to point out that there are many horses in Gilgil, but I do not know what happens to them because they are not used to track down stolen animals. We only see the horses at the Nairobi International Show performing for our Ministers, but they are not visible when animals are stolen. I lost my animals and I had to use my car to track them down for nearly a month, but they were never recovered although I fed the *askaris* of the ASTU. It is my prayer that the ASTU personnel will be facilitated, so that they can effectively pursue cattle rustlers. Well, there have been occasions when the recovered animals have disappeared in the hands of the ASTU personnel.

I would like to reiterate what hon. Murungi said, that one gets surprised to see that livestock- producing areas

continue to support a Government which has shown complete lack of interest in their plight. They have been given promises which have never been fulfilled. It is high time that pastoralists decided on their stand come the next elections and supported political parties that are likely to look at their interest.

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

Mr. Poghisio: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

This Motion comes in at a time when many things have been said about the way of life of pastoralists. I do not seriously believe that this Motion will make a change in the attitude of those responsible for making policy in this country. The attitude of the officers of the Government towards pastoralism is what needs to change. It is not legislation, one more commission or authority. We will have so many Authorities, one authority probably looking after the other authorities, but if the attitude of the Government does not change, pastoralists will not come out of the woes and problems. Who has not seen the problems of the pastoralists? When you look at the livestock of the Maasai people wandering around and looking for anything that they can eat, who has not seen that? Do we need to form a commission and authority to look at that? We are just taking time out of something which we should do. The Government knows these problems and should act on them. We do not need to have this authority.

You have seen how livestock from the pastoralist people went to Mount Kenya, suffered from cold weather and died. Who has not seen these things? I believe that it is the attitude that needs to change. It not one more authority.

I come from West Pokot District and even now, people who want to market their livestock have been stopped from doing so, because of some problems, such as quarantine. What is the quarantine for? We have not been told where the problem lies. Where are the diseases? People are told that they cannot take their livestock to the market. What will these people eat? Does anybody understand the meaning of pastoralist life? Without selling your livestock, you cannot move and neither can you feed yourself. So, what kind of policies are we looking for that are not already in place in the Government?

We have big people in the Government who are responsible for the Ministry of Agriculture, Livestock and Rural Development, who are responsible for livestock marketing and they are not doing anything to help pastoralists. The solution to all these things is for the pastoralists to realise that they have a great potential in this country. That is one thing that needs to be in the minds of pastoralists. Either they do have the potential to govern and make policy--- The time has come for pastoralists to take advantage of their potential, so that they can understand that they can make the right policies and decisions that affect them.

(Applause)

Many activities have been going on on coffee, tea and sugar sectors, oblivious of what goes on with the pastoralist life. Everybody is concerned to the very highest level about tea, coffee and sugar, but the suffering of the people who depend on livestock goes completely unattended. The sad part of it is that we have a Minister and a whole Permanent Secretary responsible for livestock. We have officers at district levels up to the divisional level doing nothing and, yet, they earn salaries because they take care of pastoralists. What is the business of these people?

West Pokot district needs people to fund the buying of livestock right now so that people can load off the weak animals and the same meat be fed to children under the famine relief programme. So, we are waiting for someone to think about that. I want to support this Motion with a very heavy heart knowing that affirmative action that has been mentioned may not even be necessary unless there is willingness on the part of the Government. Why are we now informing the Government of the woes of pastoralists when these facts are clear; when the livelihood of pastoralists is very clear? They are the most marginalised people in this country! Why do we need to inform the Government that we are marginalised when it is very clear that we are marginalised? What we intend to do this morning is akin to this; that in a land where everyone is having three meals a day, the pastoralists are now seeking legislation to allow them to have one meal a day. Basically, that is what we are doing this morning; that someone should allow us to have breakfast only when everyone else is having lunch, supper and breakfast.

(Applause)

You can tell that from the very way the KMC has been handled. We have been promised that the KMC will sort out the problems of pastoralists, but even the holding grounds have all disappeared. How do you work with the KMC when there is no holding ground? Where will you keep the cows? Who has taken the holding grounds? Can we get them back?

Mr. Deputy Speaker, Sir, with those few remarks, I support.

Mr. Deputy Speaker: Hon. Members, it is now time for the Government Responder to respond. But he has

advised me that, since everybody seems to be agreeing with the Motion, he does not need all the 20 minutes. So, I am going to extend the time a little, to give more Members an opportunity to contribute. With your agreement, I would like Members who stand up to contribute to utilise only two minutes. Is that agreeable?

Hon. Members: Yes!

Mr. Ndicho: Mr. Deputy Speaker, Sir, I stand up to support the Motion.

I was trained as an agriculturalist. The professional technical definition of agriculture is: Agriculture is the practice of dealing with land, in order to produce crops and livestock in the most economical method. It is a pity that our Government has no policy on livestock development. Today, due to lack of such a policy, the Government is importing everything from either Israel, South Africa, Saudi Arabia and Dubai. That includes butter, beef, goat meat, powder milk and cement. We used to import cement from Holland and Denmark for livestock improvement. But 36 years after Independence, the grounds at Naivasha and Kabete where those animals could be developed have been grabbed.

The drought affecting us has been brought up by some things which are related between the people of Kenya and God. There must be something that has aggrieved God. That is why there is no rain. The blood of innocent people which was spilt went into the same ground. That is why God is aggrieved and there are no rains. We must tell the Government to mend its ways. There must be a policy to develop the livestock industry in this country. Secondly, the Government should repent its sins. It has committed so many sins!

The Assistant Minister for Energy (Mr. Sasura): Thank you, Mr. Deputy Speaker, Sir, for giving me two minutes. I would like to address my point on this very important Motion, with specific reference to the North-Eastern Province of Kenya. To my understanding, when we talk about livestock development, we refer to the livestock industry among the pastoralist communities.

Mr. Deputy Speaker, Sir, it is not a secret that the problems of pastoralist communities date back to the colonial times. I am really surprised that most of the speakers have said that Members of Parliament from pastoral communities should review their positions in the Government, because the KANU Government has not offered them anything! I would like to dispute that! If anything, the colonial government put a wedge between the communities in northern Kenya. They were divided into ethnic groups like Borans, Somalis and Samburus. The colonial government made sure there were conflicts even after Independence. It is not a secret that, even after Independence, the Kenyatta Government did not do anything for the pastoralist communities. By extrapolation, I would like to believe that the Democratic Party of Kenya (DP) would offer more or less the same, if not nothing, to those communities.

Mr. Deputy Speaker, Sir, it is only under the Moi Government that the North-Eastern Province has been recognised. But that is not enough. That area has been baptised "the hardship area". You cannot imagine that a civil servant is expected to go to North-Eastern Province by being enticed with what is called the hardship allowance. It is not a right to work in the North-Eastern Province. One has to be enticed or given some allowance to work there. It is high time we discarded the opinion that the area is marginalised.

Mr. Deputy Speaker, Sir, if it is a question of policy and planning, it has failed in successive Governments as it was said. The Coffee Board of Kenya was not formed the other day! The Kenya Tea Development Authority was not formed the other day. Sometimes, I tend to believe that we have been marginalised by nature itself!

Dr. Omamo: Mr. Deputy Speaker, Sir, 20 years ago, with my late friend Mr. Mulamba, we made a tour of Taita-Taveta, Garissa and other dry areas of our country, looking at the problems of pastoralists and their livestock. We came to one conclusion that Nairobi, which had the Ministry of Agriculture Headquarters, was indifferent to the suffering of the pastoralists. The problems of livestock in those areas were not being looked at with a human face. That was lacking. At that time, we realised that, as far as the livestock sector was concerned, we were failing in the four "Is" of FAO which had been recommended for developing every agricultural sub-sector. The pastoral sub-sector is very important. The livestock sector has failed on the four "Is" of the FAO. The first "I" is: The inputs are not enough. The second "I" is: The incentives are not enough. The third "I" infrastructure, is not enough. The fourth "I" is that there are not enough institutions being provided to support the livestock industry. To add on to this, we have also failed on fifth additional "I" that is, there is, no initiative to support the livestock sector. The ADB sixth "I" has also been forgotten completely. That is investment.

With those few remarks, I support the Motion.

The Minister for Medical Services (Dr. Anangwe): Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to add my voice to the sentiments that have been raised by my fellow Members of Parliament, in respect of the Motion. Let me say that I support the Motion because its intentions are noble. But may I specifically address the assumptions which are inherent in the Motion. We have abject poverty in the arid and semi-arid areas. When we talk about those areas, we talk of more than 22 districts. They are faced with poverty. The population below the poverty line is nearly 60 per cent, compared to the percentage in the agricultural areas, which is about 43 per cent.

Mr. Deputy Speaker, Sir, therefore, the existence is really that one of hardship, it is very daunting while famine is typical, mortality and loss of animals are characteristic of this life of pastoralists. Even when you are faced with situations like that of cattle rustling, I know it has been addressed as a security problem, but in another way, one can look at it as an attempt by communities in these areas of trying to cope with the hardships. It may be a form of subsistence for them, although it is against the law.

Mr. Deputy Speaker, Sir, by and large, the notion that communities which stay in the Arid and Semi-Arid Land (ASAL) are pastoralists or livestock keepers may be erroneous. I dare say that, in the Turkana case, 75 per cent of the people do not own livestock and it may even be sad to say that, Turkanas may be pastoralists without livestock because they do not have animals. Many of them have become dependent on famine relief and others who have the necessary resources. The same case applies to the Samburus. It is only 45 per cent of the Samburus who own animals. The rest have gone to pursue alternative means of livelihood. Therefore, when we talk about pastoralism, it is not the pastoralism that used to be there. It has undergone transformation and many people are seeking alternative ways of subsistence.

I know an argument has been posed here that, there used to be droughts before. This is what hon. Dr. Wekesa said. May I say that, many of the causes of drought are not man-made.

With those remarks, I beg to support.

The Assistant Minister for Roads and Public Works (Mr. Mokku): Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. Because of the time factor, I would like to make the following appeal to the Minister for Agriculture and Rural Development and the Government that, essential facilities should be availed for the pastoralist farmers; for instance, boreholes, provision of drugs, control of outbreaks of diseases, especially those transmitted from foreign countries. This is because sometimes animals can be brought into Kenya from across the border in Somalia and thus our animals get infected with disease from outside the country, which our veterinary officers cannot treat.

Mr. Deputy Speaker, Sir, it is true that we have the Coffee Board of Kenya, the Kenya Tea Development Agency (KTDA), the Pyrethrum Board of Kenya, the Cotton Board and the rest with respect to cash crops. One of the speakers was trying to put it strongly that, it is not a question of doing it today, it is a question us agreeing straightforward that this authority be formed. It is actually too late! Pastoralist farmers, like other co-operative societies should also be assisted to get access to banking and credit facilities from banks.

Mr. Deputy Speaker, Sir, as hon. Dr. Anangwe correctly put it, because of the drought which occurs every now and then, some people who used to be known as pastoralists are today nameless. They have no livestock and they are neither agriculturalist nor urbanites. So, they are just nameless people in towns. It is actually the Government responsibility to address that issue.

Mr. Deputy Speaker, Sir, we used to have abattoirs in those places. For instance, we used to have one at Lakishore during the colonial days. We used to have one at Archers Post for camels, and another one at Garbatulla, but today we do not have them anymore.

With those remarks, I wish to strongly support the Motion.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, ijapokuwa hatuna ng'ombe kwetu, ningependa kumpongeza mhe. Keynan kwa kuileta Hoja hii.

Mengi yametokea katika Kenya hii. Kila mahali panapoishi watu, ikiwa mambo hayafanyiki sawa sawa, wanalia mambo hayo yafanywe. Ndio sababu ninasema kwamba, lazima watu wataje taabu zilizoko katika mikoa na wilaya zao. Hii ni kwa sababu tukiachia watu wote washughulikia taabu hizo, hawataweza.

Yafaa mhe. Keynan apongezwe kwa kuileta Hoja hii hapa Bungeni, na ninatarajia kwamba wengine pia watafanya kama yeye. Kwa mfano, kwetu hakuna anayeshughulikia mambo ya samaki na vifaa vya kuhifadhi samaki kwa sababu watu wengine ambao wana majani chai na kahawa hawajali hata wengine wakifa. Mambo haya yalifanywa zamani, lakini watu wakawa hawana haja ya kusaidia wenzao wa makabila mengine na mikoa mingine. Walijisaidia wao wenyenywe na ni sehemu moja tu iliyofaidika.

Mhe. Mbunge mmoja alisema hapa leo kwamba ni Serikali ya KANU iliyofanya hivyo, lakini ni serikali ya DP ndio iliharibu, na sisi katika KANU tunajaribu kutengeneza. Ninasema kwamba watu wengi watatoka tena kudai mambo ya sukari, samaki na mambo kuhusu nchi ambazo ziko na maji mengi na mitaro mingi ya maji.

Bw. Naibu, ninaungo mkono Hoja hii.

Mr. Deputy Speaker: Order! Now, I must call upon the Government responder to respond.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to respond to this very important Motion.

Although the Government is moving away from creating new marketing boards, given the poor performance of these boards in the past, and culminating in their being a major burden to the Exchequer, the Government supports the Motion. The Ministry will continue to support fully stakeholder based initiatives and institutions that address their interests as expressed by hon. Members who contributed to this Motion.

Mr. Deputy Speaker, Sir, we would like in particular to encourage the pastoralists to form marketing organisations such as the current Livestock Marketing Council. Obviously, this new body will be a regulatory Authority in line with other Government regulatory bodies. That is, it will deal with the control of disease and vital sanitary enforcement.

Mr. Deputy Speaker, Sir, it should be understood that, the Government has in the past continued to help the pastoralists as opposed to the contributions made in this House, that the Government has ignored the pastoralist farmer. The Government recognises the importance of livestock in this country and has taken measures to develop and market livestock products. For example, we have the Kenya Meat Commission (KMC) which is being restructured, as has already been said, so that it can be privatised. Once it is privatised, it will be sold to the pastoralists. We do encourage them to come in as soon as the KMC is privatised. The Government has also rehabilitated existing water pumps, dams and boreholes along livestock routes.

Mr. Deputy Speaker, Sir, my Ministry strongly believes that the marketing problems currently affecting the pastoralist community will be drastically reduced after the re-opening of the Kenya Meat Commission (KMC). We would also like to encourage the pastoralists to use these other institutions which have been established by the Government like the Ewaso Nyiro North and Ewaso Nyiro South Development authorities. These are regional bodies whose mandate is to discover and enhance potential of their areas of operations as far as livestock is concerned. There is also the Arid and Semi-Arid Lands (ASAL) and Kenya Livestock Development Programme (KLDP). The latter was an EEC funded project charged with livestock development in the---

Mr. Shabaan: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that the Ewaso Nyiro North Development Authority is there to develop the livestock industry, while, indeed, the allocation and amount of money they are given is only for recurrent expenditure to pay the staff and not for any development? For the last 10 years, those authorities have been there and there was no money for development. The amount of money allocated was only for recurrent expenditure for the staff of those development authorities. Is he in order to mislead Kenyans and this House?

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, the Government was providing expertise and personnel. The officers who work there were from the Ministry of Agriculture, Livestock and Rural Development. The Department of Agriculture has a whole Division of Range Management whose mandate is to develop rangelands for livestock development.

Mr. Deputy Speaker, Sir, another initiative comes from the Livestock Marketing Division which is a whole division. However, it may not be very active at the moment, but the Government is fully supporting the department, so that it can help the livestock pastoralists in their areas. We know that in the past, there has been a lot of concern about pastoralists and as I said earlier on, the Government was trying to move away from creating more parastatals. Like now, the contributors have said that an institution like the NCPB is being privatised and commercialised, and KPCU which is a coffee private organisation is now 100 per cent privatised. Why I am mentioning these institutions is to allay the fears that the Government is supporting organisations other than the Livestock Marketing Board.

With these few remarks, I support.

Mr. Keynan: Mr. Deputy Speaker, Sir, I hope I still have time, since I have only donated two minutes of my time. First of all, I would like to thank Members of the House both from the Government and Opposition for the seriousness they have shown on this particular Motion. I would like in particular, to thank the KANU PG yesterday for having endorsed this particular Motion because they have realised that time is threatening. Belatedly though, it was when I read today that the KANU PG supported this Motion, that I thought it is a gimmick which may turn to something else later on.

Mr. Deputy Speaker, Sir, I am told that His Excellency the President will be visiting Botswana today or tomorrow. Botswana is one of the African countries that have the most developed livestock sub-sector. Since President Moi says that he is the number one farmer, I hope he will have time to visit the Botswana Meat Commission which is one of the largest meat exporters in the world. I also hope when he comes back, he will be a changed man because for quite some time, we have talked about change of policy and attitude. This is nothing but the truth.

Mr. Deputy Speaker, Sir, since we have been neglected during the colonial times, the sons and daughters of the pastoralist communities do not have the opportunity to go to school. Therefore, very few of them are today serving the central Government, or very few of them are planners at the level of the Under Secretaries, Deputy Secretaries and the Assistant Secretaries. That is, those who really matter in the Government. What hon. Poghishio said is nothing, but the truth. What we need is a change of attitude.

Mr. Deputy Speaker, Sir, KMC has been put under receivership because of failing to service a big loan amounting to Kshs720 million by the National Bank. The National Bank itself is not performing. If we have failed to recover non-performing loans owed by individuals, why has the Government allowed the National Bank, which is almost on the verge of collapse, to put KMC which has been serving people from 22 districts under receivership? This

bank was unfair.

Mr. Deputy Speaker, Sir, we are told today that Mitsubishi Corporation has refused to invest in KMC. The holding grounds in Athi River and other parts of Kenya have all been grabbed. Over 1,000 acres at Athi River have been grabbed by the former Chief of General Staff (CGS), Retired General Mulinge. I want to appeal to him to be lenient and instead of the Government applying the Compulsory Acquisition Act because everybody right now is talking about KMC and we cannot revive it when there is no land, to voluntarily return that land to KMC so that Mitsubishi Corporation can continue to invest in it.

(Applause)

It is foolhardy to ask an investor to invest in a non-existing ground. Where are the animals going to be held? First and foremost, and before even the Government talks of reviving KMC, that must be done.

Mr. Deputy Speaker, Sir, I am also aware that IMF and the World Bank visiting delegation has removed the KMC as one of the shopping lists of the Government. That is because they went to the site and realised that even if they release the money--- KMC, today, when it went through the conditions of what the Government was trying to shop for assistance, was included, but today it is not operational because IMF and the World Bank said they are not going to invest in a useless infrastructure without the necessary land and, therefore, that is a new development. The ball is in the Government's court and, therefore, until that land is returned, then we will be singing here and the issue of KMC will be a lullaby, and it is high time we checked it. Just as hon. Murungi has said, the Government has always relied on the votes of those pastoralists who have been neglected for years. It is not fair that we dwell on the past; that is, what the colonial or Kenyatta Governments have done. Let us talk about now and that is: What is the Government doing for the pastoralists and livestock farmers?

Mr. Deputy Speaker, Sir the issue of cattle rustling is another thing that is really haunting the livestock farmers. The Government is in a position to completely eradicate cattle rustling. It is commercial and it is no longer traditional. That is something that the Government does not need money for. On the issue of insecurity in Wajir, Samburu and Pokot, it is something that the Government can control. In addition, the Minister went out of the point and talked about the Livestock Marketing Department (LMD). I am sorry to say that the LMD has not been in existence for the last one decade and, therefore, what the Minister has said is nothing because it is misleading. If you go to the Ministry of Agriculture and Rural Development, LMD failed to exist when the mismanagement of KMC, started because it was a marketing arm of KMC and that is itself misleading.

Mr. Deputy Speaker, Sir, we need to change because for quite some time we have turned this House into a talking shop. What Kenyans need today is action. We have a lot of resources and we need to plan for them. For quite a long time we have talked about coffee, tea, pyrethrum, among other crops. As one way of diversifying our economy, it is high time that the Government opened up in terms of policy, resource allocations, change of attitudes and addressed the needs and priorities of the livestock farmers. I would not be wrong if I said most of my colleagues who come from the 22 districts of the pastoral dominated areas are currently in the Government. In the next general election, I am sure they will have nothing to tell their constituents. Therefore, I want them also to challenge the Government, although they are part and parcel of it. It is not wise just to come to the Floor of the House and refuse to challenge the Government. You are part and parcel of the Government and you have the right to change and influence decisions. You have the right to come up with policies that are acceptable to our people. What we have been getting is a raw deal. Those of you who are in the Government today, if you will be voted out in the next general election, I am sure you will blame the same Government. It is not fair to blame the Government. Blame yourselves. Wake up and demand for the rights of your constituents because, first and foremost, that is why you are here. Without those voters down there, you will neither be an hon. Member nor a Minister. You will not even aspire to become a President of this country. You must start from somewhere. I want to appeal to my colleagues that just as you have rightly shown support for this Motion, do wake up and demand for your rights.

(Question put and agreed to)

Mr. Deputy Speaker: Hon. Members, the next Motion was supposed to have been moved by hon. Murungi who informed me that he had a function to perform at the funeral service of the late hon. Magara. So, we agreed that, instead, hon. Kiunjuri will move his Motion and hon. Murungi's Motion is, therefore, deferred to next week.

LEAVE TO INTRODUCE ELECTORAL CODE BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Electoral

Code to amend and consolidate the laws governing the organisation, management and conduct of elections in Kenya.

(Motion deferred)

[Mr. Deputy Speaker left the Chair]

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

EMPLOYMENT OF KENYA POLICE RESERVISTS

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, Section 53, Cap.84 of the Police Act is very clear on the issue concerning police reserve recruitment. All that I am asking the Government to do through this Motion is to perform a specific act provided for in the law. So, the Government will only enhance it.

Police reservists will only consist of Kenyans who are over 18 years, on voluntary basis. These police reservists are meant to assist the Police Force in the preservation of law and order, protection of properties of the people, among other things. It is also meant to assist the Police Force in all categories of work, especially those affecting the day-to-day lives of Kenyans. I am aware of the provisions already in place which are not lawful. For example, there is the provision of homeguards. This provision is not catered for in our laws, but it has been there since time immemorial. The colonialists came with it and it was accepted in Kenya. I am also aware that there are vigilante groups in the villages. However, the question is on gross insecurity affecting the people of Kenya. For example, in Laikipia District, we have witnessed a lot of killings. After the general elections, we all know what happened in Molo. What is happening today in Trans Nzoia and other places all over the country is worrying.

Mr. Temporary Deputy Speaker, Sir, I have really carried out a good research on why the insecurities cannot be solved by only engaging the Police Force. The Minister in charge of the Police Force will testify in this House that we do not have enough police officers. We do not have enough stations and other police institutions. Even if we had enough police stations, the number of policemen could not be enough to control crime rate in this country.

Mr. Temporary Deputy Speaker, Sir, guns in this country are out of control. Every Tom, Dick and Harry can walk out on the streets in Eastleigh and acquire a gun. These days, the price of a gun is less than that of a loaf of bread. In other words, the poor in this country can acquire a gun more easily than a loaf of bread. It has gone to an extent whereby normal thieves breaking into our house to steal food are using guns. The security in this country has deteriorated completely and the only way we can solve it is to know its cause. In other countries like Uganda, guns have been made friendly to the people. Watchmen in the streets and even people at home can acquire guns easily. This has brought down the rate of insecurity to a certain level whereby whoever is coming to attack a village or a house does not know who is in possession of a gun. Since they are using a gun, the only way to respond to this thief is by use of a gun. I know some people will argue that if we give guns to our people, they will kill each other. I want to assure this House that a knife is more lethal than a gun. A knife can kill more easily than a gun. We have other communities like the Maasai who have always been in possession of spears and clubs - I believe hon. Ntimama will testify to this before this House - but they never use those spears and clubs to harm each other. They live with them and they are friendly to them. Before the coming of colonialists in this country, people used spears to fight each other. Spears were very lethal, but people used to live with them. The guns came the other day with the colonial masters. Today, if everybody is licensed to carry a gun, nobody will attack each other because they have those guns.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Kiunjuri, you are moving a Motion on recruitment of police reservists, but now you are turning it into a gun issue.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the reason why I am arguing on this is that I am basing my argument on why most hon. Members will not be in a position to support this Motion. The police reservists will not be recruited to use spears and swords, but they will use guns in order to enhance security. The reason why we want these police reservists is not because we want them to go and hunt the *chang'aa* brewers. We do not want them to go to the villages and look at who is stealing what from the other person on discriminatory basis. We want them to enhance security in our villages because of the constant attacks of our people by robbers. I am also aware that Section 5, Cap. 114 of the Firearms Licensing Act allows Kenyans to own guns. However, this is at the discretion of the Chief Firearms Licensing officer. We are only asking the Government to enable the citizens to reinforce the Police Force. The vigilante groups in the villages, however much they are organised, cannot resist better organised thugs using guns. Today, guns are used to do any dirty activity like stealing. Every person who wants to get anything from any

department will have to use guns.

Mr. Temporary Deputy Speaker, Sir, terrorism has been going on in all parts of the country and particularly in Kiambu District. People are woken up every day and robbed. Nobody is safe. Even Members of Parliament have been attacked. We have witnessed thefts, bank robberies, burglaries and all sorts of assault being done by people wielding guns. This is as a result of the Kenya Police Force not being able to control crime in this country.

Mr. Temporary Deputy Speaker, Sir, those people who have been recruited as police reservists are mostly Indians. We are wondering whether the Government is discriminating against other Kenyans. In Laikipia where insecurity is very high, you cannot get any indigenous person being recruited as a police reservist. But every Indian in the town who possess a Kenyan passport or an identification card has a gun. They are all recruited as police reservists. It has even gone to the extent whereby even ordinary rangers at the KWS are recruited either from the settlers or Indians. These reservists are supposed to protect the Africans. I wonder whether Africans do not qualify to be recruited as police reservists or they cannot handle guns or even volunteer themselves to be police reservists. In those areas that are well connected to the Government, police reservists are offered.

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Mover of the Motion to bring in racial slurs by talking about Asians and Africans in a derogatory manner? I am seeking your guidance.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, I am hoping that hon. Ruto will not ask for police reservists to fight hon. Kimetto and hon. Kones. But what I am saying is that the criteria for recruitment, which is the prerogative of this Government, should be made clear. In Laikipia, there are no indigenous police reservists but only Indians. In Nairobi, police reservists are Indians and they are misusing those guns because they consider Africans as a second-class race in this country, while it should be the other way round.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Kiunjuri, you are just falling into what hon. Ruto was raising then.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, I am not trying to be harsh to them, but that is the truth of the matter. We know that this Government does not have enough money to recruit police officers. We know that Kiganjo Police Training College is also---

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insist that Africans are second-class citizens?

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Kiunjuri, you are going to attract a lot of points of order if you bring in the racial slurs.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, I am also concerned with this issue. We have witnessed on several occasions when His Excellency the President, Daniel arap Moi, has been warning Africans, and even telling them: "Nguruwe anajikaanga kwa mafuta yake." This means that Africans have accepted to be oppressed. This Government has legitimised those Whites and Indians to control us. That is the bone of contention.

Before I was interrupted, Mr. Temporary Deputy Speaker, Sir, I was saying that the Kenya Government is not in a position to recruit enough police officers to man each and every village in the Republic. Although we know that if the Government was careful enough and if it respected the Constitution which mandates it to defend the rights of Kenyans; it would have made sure that the security of this nation is not compromised. If you go through the "Occurrence Books" in every division, district and even at the provincial level, you will realise that all what is recorded there is theft and insecurity. Kenyans were even ready to serve in the Mau Mau movement to liberate this nation. Even today, Kenyans are ready to serve for the welfare of their wives and children. We want our people to sleep comfortably. For example, in Laikipia, for the last six months, women and men could not sleep. The local people organised themselves into vigilante groups to patrol the area at night and we could only sleep in turns. We had always to make sure that there are people keeping guard against the enemies.

Mr. Temporary Deputy Speaker, Sir, other methods that could be used to ensure that there is security could be community policing which is not yet enhanced. We are asking the Government to make sure that indigenous people at the village level are recruited as police reservists to protect their parents and children.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Mr. Kiunjuri, it has come to my attention that in moving the Motion, you have not read the Motion as presented in the Order Paper. Will you do that or do you want to do it at the very end? This is just to assist you to move the Motion by reading it the way it is. Did you read it?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the Motion reads clearly that in view of insecurity---

The Temporary Deputy Speaker (Mr. Poghiso): Order! Mr. Kiunjuri, I know what it reads. You have not moved it. In other words, you may want to say: "I beg to move that---" and then you read it.

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

THAT, in view of the insecurity in the country, and noting that Part VII (Sections 53, 55, 57 and 58) of Police Act, (Cap.84), provide for the employment of the Kenya Police Reserves to assist the Force in the maintenance of law and order, preservation of peace and protection of life and property; this House urges the Government to station, at least, five reservists in every sub-location recruited from the indigenous population.

I am sorry that I omitted that part and I am also grateful to you for reminding me because you are my friend. However, I would like to say that what I said in the last 13 minutes should be included in my contribution on this Motion.

Mr. Temporary Deputy Speaker, Sir, with the current insecurity situation in this country, especially in Laikipia, I would like to request the Government to ensure that the indigenous people are recruited into the Kenya Police Reserves. There is no point recruiting a police reservist in Kisumu and then deploying him to Nanyuki or Coast Province. We want people from the villages because they know the problems facing their people and they can fight for a cause. When thugs come to attack a certain village, they will not know who is having a gun. They will not know who is a police reservist and who is not. This one will make it very difficult for them to attack the common mwananchi.

Mr. Temporary Deputy Speaker, Sir, we should try to see how Kenyans will respond to the issue of police reservists, so that we are able to introduce a legislation in this House whereby every Kenyan will automatically qualify to have firearms. Security firms like the Securicor Security Services Kenya Ltd, Wells Fargo Ltd and others should be licensed to have guns so that whenever robbers come to steal from the banks, they will counter them with equal force. We will never hear of carjackers in the streets because whenever people are held up in a traffic jam or drinking in local bars or anywhere, nobody will know who is armed and who is not. If a Member of Parliament like Kiunjuri cannot be licensed to carry a firearm, I do not see how the common mwananchi in this Republic can be allowed to possess a gun.

I call upon hon. Kihoro to second the Motion.

With those few remarks, I beg to move.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Mover of this Motion for giving me the opportunity to second it.

Mr. Temporary Deputy Speaker, Sir, this Motion is based on Section 53(2) of the Police Act. This section vests on the Government the duty of maintaining law and order. It places upon it an obligation to protect life and property, to detect crime before it is committed, to apprehend offenders and to enforce all the existing laws in the country. This is a momentous obligation and a Government that cannot maintain law and order is not worth being in office. The Government should guarantee the fundamental rights of every Kenyan as enshrined in Sections 70 to 82 of the Constitution.

Mr. Temporary Deputy Speaker, Sir, it is very clear that Kenya has become a lurid country. We should appreciate that 90 per cent of the people of Kenya are law-abiding. As soon as we accept that principle, then there will be no problem in accepting the thrust of this Motion, that every sub-location in this country should have five police reservists who are going to be recruited from the indigenous population. The only people who will ensure that we fight crime with success are the indigenous people of this country who constitute 95 per cent of the population. The police reservists should be Kenyans of African extraction and not Asians or Europeans. We remember very well the terror of the late Patrick Shaw on the people of Nairobi. Maybe he did a good job but in most cases, he did some work which should not have been done. In 1975, when J.M. Kariuki was murdered, Patrick Shaw was one of those people who were extensively mentioned. It is unfortunate that he died before he was brought to book.

Mr. Temporary Deputy Speaker, the intention of this Motion is to guarantee that 99 per cent of the people in this country who are law-abiding citizens get the opportunity to serve as police reservists. In 1978, we had the Ngoroko menace. The Government felt so much threatened by the Ngoroko because it was composed of people who did not want the current President to take office. That was a good opportunity for some people to be punished. Some people fled over the border, for instance, Mr. James Mungai who was the Rift Valley Provincial Police Officer; Mr. Ngumba, and many others. We do not have to create ripe conditions for the disruption of public order through the National Security Intelligence Service.

Mr. Temporary Deputy Speaker, Sir, in 1982, many Kenyans found themselves in custody on the basis that they were *Pambana* activists. If we had good reservists, they would have detected crime if there was any at all. In 1983, we had the *Msaliti* issue against Mr. Njonjo. So, we should have an effective police force that is going to detect crime before it is committed.

Mr. Temporary Deputy Speaker, Sir, you remember all the hullabaloo about multiparty advocacy in 1990. That was another case where those in power did not end up on the right side of the argument. So, we should make the Police Force more effective by recruiting Police Reservists.

Mr. Temporary Deputy Speaker, Sir, today we are talking about the *Mungiki* menace. The *Mungiki* sect members are criminals and I do not know what they are doing out there. That is not where they belong. They belong into police custody! They should be arrested immediately! But we do not want the police or the Office of the President to orchestrate situations where they send criminals to go and strip women naked in order to blame it on the members of the *Mungiki* sect. *Mungiki* activists who are identifiable have denied that they were involved in this act. They have claimed that this thing has been orchestrated by the Office of the President who sent people to go and commit

obscenities in the name of "*Mungiki*".

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that the Office of the President is responsible for organising these gangsters of *Mungiki*?

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, last Sunday I attended a public rally at Thika and the *Mungiki* sect spokesman, Mr. Waruinge, said publicly that the people who stripped women naked are at Dandora and that they are not members of the *Mungiki* Sect. He claimed that those people had been sent there by the National Security Intelligence Service. That is what he said. Since that time, the Office of the President has not said a thing.

Mr. Kiunjuri: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member that the person who came up with the slogan of "*Mungiki*" is hon. Kihika Kimani who is a close friend of His Excellency the President.

Mr. Kihoro: Thank you very much for that point of information. You can see that the buck stops at the door of the Office of the President! We need to invigorate our Police Force by recruiting police reservists. I will not comment on the *Mungiki* sect because they are capable of advancing their cause. In America, they did not arrest the hippies when they took to the streets or the people who took to the streets in 1975 to do what was then called "streaking".

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Kihoro, you know that you are held responsible for the accuracy of the information you give in this House. Let us not bring in hearsay. Just give facts which you can substantiate.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, we are surrounded by countries that might be more lawless than we are, and when we extend our police reserves---

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member not to substantiate the fact that the activities of the *Mungiki* sect are being organised by the Office of the President? He wants to push it under the carpet. The organizers of *Mungiki* are like hon. Murathe!

The Temporary Deputy Speaker (Mr. Poghiso): Order! Proceed.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, take an example of the raids that have been carried out in this country, for instance, the Wagalla Massacre where 17,000 head of cattle disappeared without trace. That matter was raised here in Parliament and not a single arrest has been made. I never heard about the fate of the 17,000 head of cattle.

Mr. Temporary Deputy Speaker, Sir, if we look at what is happening across the borders, we realise that our people must be protected. We know what is happening in Somalia, Uganda, Ethiopia and Sudan, where there has been a civil war since 1954.

I beg to second the Motion.

(Question proposed)

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, fikra aliyokuwa nayo Mbunge aliyeleta Hoja hii sio mbaya, lakini ameileta kwa njia mbaya. Angeomba tuongeze askari wa polisi ambao wanafanya kazi nzuri kuliko askari wa Special Branch.

Bw. Naibu Spika wa Muda, leseni ya Special Branch hupewa matajiri peke yao na tena wana bunduki. Hata kuna wakati wanagombana wenyewe kwa wenyewe. Tena, siyo watu ambao wamefundishwa kazi ya askari. Wanajua kufiatua risasi tu, lakini hawana adabu.

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister confusing police reservists with the Special Branch?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, ninaomba msamaha, nilimaanisha police reservist.

Mr. Temporary Deputy Speaker (Poghiso): Mr. Nassir, what are you now saying? Did you confuse between the two forces?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, mimi ninapinga kuweco kwa police reservists kwa sababu ninajua vituko vyao hapa Nairobi na hata Mombasa. Ingefaa Mheshimiwa mbunge aombe ongezeko la askari wa polisi.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Do we have the equivalent of the name "police reservist" in Kiswahili? The Minister should stick to one language.

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Kiunjuri! He has not found the appropriate

word in Kiswahili, so he can use the English one.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, mimi ninasema police reservists. Ikiwa Mheshimiwa Mbunge hawezi kuelewa Kiswahili sawa sawa, ingefaa atafute mtu amtafsirie. Lakini ningependa kusesitiza kwamba kazi ya police reservists sio nzuri kwa sababu hawajafundishwa kazi ya askari polisi vyema. Na mara nyingi leseni hupewa matajiri ambao hutumia zile bunduki wanazopewa kwa kutishana. Kumekuwa na matukio kama hayo hapa Nairobi na kule Mombasa.

Bw. Naibu Spika wa Muda, ningependa kusifu kazi ya askari polisi, ambayo ni nzuri sana. Hata nikitazama televisheni ninaona raha kwa sababu askari polisi wetu hawana tabia kama zile za askari polisi wa nchi nyingine ambao hawana adabu. Zaidi ya hayo, ingefaa wananchi wa Kenya wawe na nidhamu. Kuna watu wanaotisha wengine na kifo, lakini haifai tuwajibu kwa sababu, dawa ya moto sio moto, ni maji. Kwa hivyo, ikiwa tunataka kuwa na amani nchini Kenya, inafaa tuongeze askari polisi ili walinde amani iliyoko katika nchi ya Kenya hivi sasa. Nataraji wenzangu ambao wanataka uongozi katika nchi yetu wataomba kura kwa utaratibu. Lakini ikiwa watachanganya siasa na fujo, haitawasaidia kwa sababu wale Wakenya wajinga walikufa.

Mr. Kihoro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Inaonekana Waziri amekiuka Hoja ambayo tunashughulikia kwa wakati huu. Yeye anazungumzia habari ya viongozi wa badaaye.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, mimi ninazungumza yale yaliyo moyoni mwangu, na yeye pia ana haki. Lakini inafaa aimbe wimbo unaofaa Wakenya wote, wapendane ili waweze kufanya kazi pamoja.

Jambo la muhimu ni usalama katika nchi yetu. Ingefaa ikiwa tungeomba Wizara hii iongeze polisi zaidi. Lakini tusiwe kama wakati ule kila Mbunge alikuwa anataka bunduki. Labda huyu Mheshimiwa Mbunge ana ile akili tu; haijamtoka. Mimi ninapinga kwa sababu tuko salama. Ijapokuwa kuna maneno mengi tunayosema, ninashukuru kwamba sio kila mtu anajibu uchafu kama wengine wetu. Amani kubwa ni mapenzi ya Wakenya na sio kuongeza police reservists. Inafaa Wakenya wapendane na makabila yasikizane. Lakini makabila yakitengana, kutakuwa na hatari nchini Kenya. Na wananchi wakiona mwendo huo watajiuliza kama mtapata kura kwa makabila yenu tu ama makabila yote.

Kwa hivyo, mimi ninapinga Hoja hii. Ningependa kuwe na amani wala sio bunduki. Mapenzi ndio bunduki kubwa ya Kenya.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to say that he is opposing the issuance of guns while Section 53 of the Police Act states clearly that police reservists should be recruited?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, sheria hizi tumezitekeleza, na tutaendelea kuzifuata. Katiba ya nchi hii itaandikwa upya hivi karibuni. Ni bora tusingi maswala yote yanayohusu Katiba yazungumziwe mbele ya ile tume itakayosimamia shughuli hizo. Kama itaibuka ya kwamba Wakenya wanataka kila mtu apewe bunduki ili ajilinde kama American cowboys, tutafanya hivyo.

Bw. Naibu Spika wa Muda, ninapinga Hoja hii.

Mr. Kamande: Mr. Temporary Deputy Speaker, Sir, first of all, I would like to commend my colleague for bringing this Motion to the House.

Insecurity is affecting everybody all over the country. If we can recall a recently incident where some women were stripped naked by hooligans in Nairobi's Kayole Estate, we will realise how serious the problem of insecurity has become; everybody in this country, including Ministers, is insecure. It is, therefore, agreed that nobody is getting enough security from the Government. The ratio of one police officer to 1,000 people shows that, really, we have no security.

There are police reservists in this country today, but what kind of reservists are they? You can recall the incident where a police reservist shot and killed a motorist in Westlands. Those reservists were recruited corruptly. Although they were recruited in accordance with the law, their recruitment has been selective. Most of them are rich Asians and KANU activists. I know of a police reservist who walks along the streets of Nairobi armed with two guns. We are not talking of recruiting police reservists to patrol the streets of Nairobi. We would like to beef up security in our villages; the grassroots persons should have security. We do not want people to flee their homes due to insecurity.

I would, therefore, like to have some police reservists appointed from amongst the village people. Those to be appointed reservists should be identified by the respective village elders as people of good character, so that they can be issued with guns. Otherwise, Officers Commanding Police Divisions (OCPDs) and Officers Commanding Stations (OCs) will continue making a lot of money through illegal issuance of firearms to politically-correct individuals. If we appoint police reservists in sub-locations, the work of the police will become easier. They will be able to work hand-in-hand with vigilante groups in the villages. Also, they will be able to communicate easily with police stations. As of now, the Government is not able to even construct a police post. Whenever we ask the Minister of State in charge of internal security to create police stations for our areas, he advises us to conduct fundraising and put up the necessary

physical infrastructure for police posts, so that he can post police officers there. So, we should have people who live with the people to curb insecurity within their respective areas.

Mr. Temporary Deputy Speaker, Sir, at the same time, I would like to urge the Government to support development in this country. If we go by the Sessional Paper on Poverty Eradication, we will secure the security of each and every individual in this country. Without security, this country will not develop; we will only be dreaming of achieving development goals. The Government is not sincere on the issue of insecurity. As business persons travel in Nairobi, their vehicles are hijacked. Just last week, a body of a human being lay along Murang'a Road, just some two kilometres from a police station, for more than four days. The police could not take that body to the mortuary, because they did not have a vehicle.

So, recruitment of police reservists in every sub-location will make enhancement of security a lot more easier; it will enable the Government to use minimal finances to maintain security in this country. The Government should now not say that it is going to increase the police officers. If most of the police officers who train at the Kenya Police College, Kiganjo, find their way to that place through corruption, how will we ever attain the objective of maintaining security? It is high time that Kenyans were given the responsibility of protecting themselves since the Government has failed to protect them. We do not hate the Government in so saying, but the truth is that the population of Kenya is big.

Therefore, Kenyans should now understand that the role of maintaining security is for all of them; let them have the responsibility of appointing individuals to be police reservists within their respective areas. Vigilante groups have proved ineffective, because they are armed with clubs only. When they are confronted by criminals who are armed with guns, members of vigilante groups run away because nobody amongst them is trained to face such criminals. If we can have some police reservists to be incorporated in those groups, security will be maintained. Maybe, we will never have any other incident like the one that happened in my constituency, where a drunk police officer shot a Standard Eight pupil. That police officer just appeared in the area and claimed that he was maintaining security and yet he did not even know the area. He ended up shooting an innocent boy.

With those few remarks, I support the Motion.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I rise to vehemently oppose this Motion.

This Motion has fallen short of asking us to legalise the existence of a police state. Asking the Government to arm five civilians in every sub-location in this country, really, is asking for the creation of a police state. I do not think that we are ready for such a state. If Kenyans are already complaining that the police are misusing firearms and that they are unable to contain crime, you do not expect five people who have never been trained, and who have no immediate supervisors in the location, to either control crime or be of any help to society. It would have been much better if the Motion had asked the Government to increase the number of regular and Administration Police officers (APs) at the locational level. Those officers have codes of conduct under which they can be charged, either internally or in the courts. If we arm people in the locations, some of whom may have dubious character, it will be very difficult for us to achieve the objectives of this Motion.

Mr. Temporary Deputy Speaker, Sir, we know that security is of paramount importance in any nation. I understand the concerns of hon. Members about the insurgence of insecurity in our City and other areas, some time back. It is, however, upon hon. Members and other opinion leaders to educate our people that crime does not pay. In all societies, crime is offensive; it is not acceptable in any religion. Unless our people are prepared to change their attitudes and accept the rule of law, no matter how many firearms we give to people, it will not be possible for us to control crime, particularly the kind of crime that we see in Nairobi. I think that is an organised crime, and it can only be contained if there is proper information and well trained police officers who can penetrate it in order to disperse the criminals or to bring them to justice. I will, therefore, appeal that, instead of the Motion asking the Government to recruit five police reservists in every sub-location, we should ask the Government to employ more regular police officers and administrative police officers. That will solve two problems. One is that we will create employment which is very much lacking in the country, and, secondly, we will have security officers who can be controlled and not let loose in the rural areas where they cannot be supervised.

So, without wasting a lot of time, I beg to oppose this Motion.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir. It is common knowledge now that there is rampant insecurity in the country. All hon. Members should be looking into the causes of insecurity in our own country. We are not safe when we drive from here to our houses - be it a Minister or an Opposition MP, a farmer, or a house girl. Children are now being abducted on their way to school by "devil worshippers," and that is spreading throughout Kenya. This Government must be asking itself: Why do we have insecurity? Banks and motorists are not safe either.

In my own constituency, I have had to spend a lot of time persuading the voters to vote for me. I promised them that when elected, I will make the Government understand that people are dying in Kwanza everyday because of

insecurity. I thought that all of us in this House would support this Motion. Any effort that is placed towards reducing insecurity should be supported by all political parties; by all hon. Members from both sides of this House. There are even people called police reservists. I have never met an African police reservist; that is, somebody of an African origin. The police reservists that I have met in my own district have been Asians. I would like to know why the Government prefers Asian police reservists. As the Member for Kwanza, I have no idea why every police reservist that I have met is an Asian. Although I do not like racism and tribalism, I would like to ask: Why do we have police reservists of only Asian and European origins? If they are Kenyan citizens, I have no problem with them, but I have a problem when I do not see an African police reservist. I think that should be brought as a Question to the House, and I would like to know the reasons behind it.

Mr. Temporary Deputy Speaker, Sir, cattle rustling is a big issue both in your constituency and mine.

The Temporary Deputy Speaker (Mr. Poghiso): The Chair has no constituency.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, members of the community in my constituency are losing animals every day. Let me tell you that I would like to support this Motion because I do not have police reservists in Kwanza, but I do have people called homeguards. We do not always support the Government in some of the measures that it takes, but I would like to stand to be counted and say that since we started putting homeguards in every area where we have insecurity, cases of cattle rustling have gone down. So, who is opposing police reservists, when we only want five per sub-location?

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member that the police reservists are accepted by law, but the homeguards are not provided for in the law.

The Temporary Deputy Speaker (Mr. Poghiso): Order, Dr. Wekesa! Even when you are receiving information from an hon. Member, you are supposed to be seated, so that only one hon. Member is on his feet.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, I wanted to inform the hon. Member that the police reservists that we are asking for and being opposed, are provided for within the law, but the homeguards whom the Government is providing right now are not provided for by any law in this country.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, you can see the problem. Here we have homeguards who are doing a very good job and who could actually be promoted and change their status, so that they are at the level of police reservists and yet, Members from the Opposition do not want anything that will effect security in this country. I stand to be counted and would like to say that we must do everything possible we can to make sure that our children, wives, money in the banks, cattle, sheep and "kukus" are safe. We can only do that if we increase the number of security officers. The so-called "GSU" are in my constituency and they do not do the same work as the homeguards. I have police officers in my area and they spend all the time chasing *chang'aa* brewers. We are saying that the police reservists, be they Asians or Mzungus are doing a good job. So, why can we not have more of them?

Mr. Temporary Deputy Speaker, Sir, surely, several hon. Members have been attacked in Nairobi, and they should support this Motion. I will go further to say that my homeguards in Kwanza Division should be given boots, uniforms and they should look smart. In fact, I am promising to do a Harambee for them, but I have so many of them that I am unable to cater for them. So, I do support this Motion and say that we must employ more police reservists and they should be people from the farms. Somebody said that these people are unqualified. We have got so many Kenyans, including university graduates, who are "rotting" in my constituency. I wonder where some of these hon. Members come from! In my constituency, I have got people who have gone through universities and they cannot get jobs. If you give them a job as a police reservist, they will accept it with both hands. Some of these people will not come back in 2002. They will be rejected by these graduates. I beg to support.

Mr. Murathe: Thank you, Mr. Temporary Deputy Speaker, Sir. Provided that the whole structure of the Kenya Police Reserve Unit is looked at, we do not have a problem with this Motion. The character of the police reserve today is a trigger-happy-untrained civilian who is armed by this Government to shoot our people and to use those guns to commit robbery and murder. The issue of maintaining law and order is more about attitude and our Police Force. Our Police Force is the most demoralised Police Force in this continent. They are ill-equipped and they cannot even move from point A to B. They are hungry, underpaid and have to share bedrooms, even for married police officers. That has contributed a great deal to the state of insecurity in this country. The maintenance of law and order in some countries in Europe is quite simple. This is a case where you have policemen with a simple club. They are not armed, but the people themselves know the limits.

In this country, the profile of your police reservist today - and I concur with the sentiments of my colleagues - the first priority is given to an Asian. The real reason behind this was to give guns to Asians so that if there was an event like what happened in 1982 and people went to raid Parklands, those Asians would all be equipped to forestall such a situation. What is the role of the police reserve today in Nairobi, except killing innocent young people in Ngara? The other day, we heard they killed a civil servant in Westlands. We need to address the issue of community policing. Our own people in the villages can organise themselves in a way that they know the movement of criminal elements,

they know each other and how to tackle these things. Over the last four years, this Government has spent Kshs60 billion purportedly to purchase security-related equipment. That is the swindle of the Century. If you ask the Minister for Finance to give you the breakdown of the amount of money remitted abroad purportedly to equip the Kenya Police Force - it amounts to Kshs60 billion. It is surprising that the issue of security is getting worse and yet we seem to be spending more money on security-related payments abroad. I am not even sure that this money does not go into some funny accounts of some individuals in this Government because we do not see it.

What is required in this country - and we intend to move a Bill in this Parliament to that effect - is to increase the salaries of our Police Force, equip them and to give them incentives because we have one of the best trained Police Force. Today, Kenya has the most demoralised Police Force in the continent and, therefore, they are susceptible to corruption and do not care. They cannot even respond to basic crises in the village. If you try to go and report to a police station about a robbery, they will tell you that their car does not have fuel, if they are lucky to have one.

I have looked at the budget for the Minister of State, Office of the President in charge of Internal Security and found that the Police Force is one of the departments in the Office of the President which has not got sufficient resources to maintain law and order. Unless we restructure the character of the Police Reserve Unit and unless we define clearly the role they shall play, I will hesitate to support my colleague's Motion, although it has very good intentions. I am convinced that if we can have community-policing programmes; people organising themselves and our own attitudes changing in the manner in which we tackle security and how we maintain law and order, the problem will be over. If anything, I would like to urge this House to scrap the Police Reserve Unit. Being a police reservist is voluntary. I would like to say that somebody volunteers to become a police reservist; he is supposed to work at his own free time probably without pay to maintain law and order within his neighbourhood. There is also the criteria of selection. How do we go about this? On the amount of training necessary to ensure that these people are not trigger-happy, I am not convinced that these people have enough resources to do that.

I know many police reservists who have abused their weapons which they have been given by virtue of being police reservists. I would shudder to think what would happen if we were to extend this to the rural areas. My humble request would be for the Minister of State, Office of the President in charge of Internal Security to try and give high incentives and equip the police, and retrain some of those policemen with the old mentality about the people-police relationships, so that our Police Force can be motivated and well equipped to do the job for which they are recruited.

Mr. Temporary Deputy Speaker, Sir, as poverty increases in this country, you will find that the crime rate will go up. In some cases, you will have some of these groups coming up. I am made to understand that one of the "juvenile Ministers" here referred to hon. Murathe as being the leader of the *Mungiki* sect. Those groups will be there, but I would like to tell him - I wish he was here - that those groups are a creation of this system or Government. It is on record that they have been hosted by none other than the President at State House. When a juvenile Minister stands here to say that hon. Murathe is the leader of *Mungiki*, I would require that he comes here and substantiates that claim.

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to call a Minister a "juvenile Minister".

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, you cannot substantiate the obvious. The guy is just juvenile! You have seen how he has gone about conducting his business. He is an embarrassment to this generation of young Parliamentarians! There is no point of substantiating the obvious.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Murathe, we do not know whom you are referring to as "juvenile"?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, "juvenile" means somebody who is a baby.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Again, is the hon. Member in order to imply that the President has been posting these people to these areas?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I can substantiate that. I would like to refer the Minister to the President himself to confirm or deny that he did not say at Nyeri over the weekend, that he had met the leadership of *Mungiki* and discussed with them. Even now, we are still convinced that the parallel *Mungiki* which is stripping women naked is the creation of the National Security Intelligence Service (NSIS) and the Government in order to "demonise" the Kikuyu people, so that they can create a situation where you "hammer" them. Is it a coincidence that when Mr. Wamalwa was the Official Leader of the Opposition, they created a unit called "FERA"? Is it a coincidence that when Jaramogi Oginga Odinga was the Official Leader of the Opposition, the Government created another movement? Is it a coincidence that when hon. Kibaki is the Official Leader of the Opposition, the Government creates something called "*Mungiki*"? These are not coincidences, but they are deliberate organisations financed and organised by the Government to "demonise" those communities where the Official Leader of the Opposition comes from.

The Minister for Information, Transport and Communications (Mr. Mudavadi): On a point of order, Mr.

Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to continue misleading the House that the Government is funding *Mungiki*? Could he substantiate or withdraw?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, have you ever heard of people raiding a police station and they are left loose by the Government? The *Mungiki* sect raided Laikipia Police Station---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Murathe, if you really want to substantiate, you must substantiate. We are dealing with facts and, therefore, you must be factual. You are responsible for the accuracy of information. So, there is no point of asking questions to the Chair. You are supposed to substantiate your claims.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, by way of substantiation, I would like to inform this House that *Mungiki* is the only sect that has raided a police station, its members have been taken to court and set free, whereas a person like Mr. Koigi wa Wamwere, on fake allegations of raiding a police station, was "sentenced" to hang.

ADJOURNMENT

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

The House rose at 12.30 p.m.