

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st December, 1999

The House met at 2.30 p.m.

[*Mr. Deputy Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.679

EXPANSION OF ELDORET AIRPORT

Mr. Otita: Mr. Deputy Speaker, Sir, I would like to ask Question No.679 on behalf of Mr. Sungu. I had talked with him.

Mr. Deputy Speaker: Mr. Otita, I had also spoken to Mr. Sungu and he told me that he will come to ask this Question. Let us wait and see if he does come. Next Question by Mr. Wamunyinyi!

Question No. 277

STREAMLINING OF FINANCIAL/ ADMINISTRATIVE STRUCTURES OF SECONDARY SCHOOLS

Mr. Wamunyinyi asked the Minister for Education, Science and Technology:-

(a) what the Ministry is doing to streamline the financial and administrative structures of secondary schools following the withdrawal of grants to all Government maintained and assisted secondary schools; and,

(b) when he will amend the Education Act to make secondary school administrators accountable to parents through the Parents Teachers Association (PTA) for the money contributed for the running of the schools by parents themselves.

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

(a) Allow me first to clarify that grants have not been withdrawn from public secondary schools. The Government through my Ministry still supports all public secondary schools in the form of grants and grants-in-aid. The secondary school bursary scheme, for example, goes to specifically support tuition by mainly assisting needy students from poor households access secondary education. As regards financial and administrative structures, public secondary schools have in place legally constituted Boards of Governors (BOGs), which in their management role, oversee the administrative and financial issues of secondary schools. The Ministry has also auditors in each district who audit the books of accounts of these public schools.

(b) My Ministry is already making the necessary review and revision of the Education Act, Cap.211 with a view to making appropriate inclusion which will also incorporate the role of PTAs in the management of the financial affairs of secondary schools. However, even currently, school administrators are still accountable to parents through the BOGs on which the PTAs are represented.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, previously, Government maintained schools received grants four times a year, but this has since stopped. For example, a secondary school receives Kshs4,000 a year as bursary in my constituency, as opposed to previously, when the Government grant was given four times per year to help in payment of workers' salaries, tuition, buying of books and helping in the general administration of the school. Could the Assistant Minister confirm or deny that previously, grants were given to schools four times a year, which is not happening now?

Mr. Karauri: Mr. Deputy Speaker, Sir, first, what the hon. Member is referring to as Government maintained and assisted schools are not there any more. We have two categories of schools; public and private schools. I accept that, that kind of grant is not there in all schools in the country with an exception of ASAL areas.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister is not misleading this House in his answer where he says that PTAs are represented on the BOGs of the schools, could he tell us under which particular provision in the Education Act, the BOG is compelled to have a member of the PTA sitting on it to represent the parents?

Mr. Deputy Speaker: Order, Mr. Munyasia! Do you want to ask a question?

Mr. Munyasia: No, Mr. Deputy Speaker, Sir. I am saying that the hon. Assistant Minister is misleading the House by claiming that PTAs are represented on BOGs. I said that if he is not misleading the House, could he tell us which provision in the Education Act would compel a PTA member to sit on the Board?

Mr. Karauri: Mr. Deputy Speaker, Sir, the inclusion comes during the selection of members of the board of governors. The panel of selectors is required to include community representation.

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

Mr. Deputy Speaker: Mr. Munyasia, you have just stood on a point of order.

Mr. Munyasia: Mr. Deputy Speaker, Sir, he has not answered the question. He is obliged to answer a legitimate question put to him. I asked him to tell the House---

Mr. Deputy Speaker: Do you want to ask a question?

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

Mr. Deputy Speaker: I am prepared to give you a chance to ask the question.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I was saying that the Assistant Minister is misleading the House. Can he tell us under which provision in the Education Act the PTA's can compel one of them to sit on the BOG?

Mr. Karauri: Mr. Deputy Speaker, Sir, I have already said that the Act does not compel somebody from the PTA to sit in the board, but the rules that govern selection of members of the board of governors include a provision that one of them be in the board.

Question No. 361

WATER SUPPLY TO MAKUENI DISTRICT HEADQUARTERS

Mr. Munyao asked the Minister for Water Development:-

(a) if he is aware that Makueni District Headquarters which has a large population lacks clean water supply; and,

(b) if he could consider sending a team of experts to the area to explore the possibility of an underground water supply.

Mr. Deputy Speaker: Is there anyone from the Ministry of Water Development? Let us come back to that Question later.

Question No.385

LOSSES INCURRED BY TEA FARMERS IN KABONDO

Mr. Otula asked the Minister for Agriculture:-

(a) why tea factories in Kabondo take two or more days to weigh tea brought by farmers, thereby occasioning the farmers loss of many killogrammes; and,

(b) what he is doing to ensure that the tea is weighed as soon as it is delivered.

Mr. Deputy Speaker: Is there anyone from the Ministry of Agriculture? We will come back to that Question later. Next Question!

Question No.484

DISPENSARY FOR ELDERA RESIDENTS

Is Mr. Shidiye here? We will come back to that Question later. Next Question!

*Question No.452*EXPENDITURE ON MWAKIRUNGE/
BWAGAMOYO BRIDGE

Is Mr. Maitha here? We will come back to it later. Mr. Sungu's Question, for the second time?

Question No.679

EXPANSION OF ELDORET AIRPORT

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

- (a) if he is aware that there is a project meant to expand Eldoret Airport for the sum of Kshs740 million;
- (b) when this project was approved; and,
- (c) if there are similar plans to expand Kisumu Airport and other airports in Kenya in a similar manner.

Mr. Sungu: May I please take this opportunity to apologise for coming late because I [Mr. Sungu] was delayed elsewhere. I am very sorry.

Mr. Deputy Speaker: Thank you. Is there anyone from the Office of the President? We will defer that Question to tomorrow.

(Question deferred)

Mr. Sungu: Mr. Deputy Speaker, Sir, may I just say one word. It is now becoming very obvious that Ministers are avoiding Questions. Since we are soon going on recess, may I know when this Question---

Mr. Deputy Speaker: I have deferred your Question to tomorrow. You can reserve your comments until then.

Mr. Sungu: Mr. Deputy Speaker, Sir, clearly this is the third Question---

Mr. Deputy Speaker: Order! I am fully aware of what is going on and I also have an opinion.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. In one of your rulings you said that Ministers have an obligation to come to the House and answer Questions. Can we now be told where the Ministers are?

Mr. Deputy Speaker: Order! When you rise on a point of order, you are in fact, doing so because there was somebody on the Floor breaching order and you want the Chair to rule whether he is in order or out of order. Hon. Osundwa, when you stood, there was nobody on the Floor. I cannot answer your question as to where the Ministers are, but I will have something to say. For the time being let us proceed. Hon. Munyao's Question, for the second time?

Question No.361

WATER SUPPLY TO MAKUENI DISTRICT HEADQUARTERS

Mr. Munyao asked the Minister for Water Development:-

- (a) if he is aware that Makueni District Headquarters which has a large population lacks clean water supply; and,
- (b) if he could consider sending a team of experts to the area to explore the possibility of an underground water supply.

Mr. Deputy Speaker: Is there anyone from the Ministry of Water Development? I will defer that Question to tomorrow.

(Question deferred)

Mr. Otula's Question for the second time?

Question No.385

LOSSES INCURRED BY THE TEA
FARMERS IN KABONDO

Mr. Otula asked the Minister for Agriculture:-

- a) why tea factories in Kabondo take two or more days to weigh tea brought by farmers, thereby occasioning the farmers loss of many killogrammes; and,
- (b) what he is doing to ensure that the tea is weighed as soon as it is delivered.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to apologise for not being present when the Question was initially asked. Before I reply, I want to clarify that I think the hon. Member for Kasipul-Kabondo meant to ask a question in respect to tea buying centres rather than factories because I know that there are no tea factories in Kasipul-Kabondo.

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

(a) Kabondo is served by three buying centres, namely; Matongo, Nyangeno, Orwaki and Muswambi. These collection centres are served by Tombe and Sang'anyi tea factories in Nyamira District. Occasionally, during the peak periods in October, November and December when we have the long rains in that region, there are some delays in the weighing of tea at the factories because of factory capacity which cannot cope with the huge quantities of tea during that period.

(b) Plans are under way to build another factory at Gianchore in Nyamira District. Once complete, this factory will go a long way in easing congestion, especially during the peak period. For a factory to be constructed in Kabondo, a minimum production of green tea of approximately 10 million killogrammes will be required per annum. Currently, the three centres in Kasipul-Kabondo produce an average of 548,000 killogrammes per annum.

Mr. Otula: Mr. Deputy Speaker, Sir, the Minister has given an answer which is actually inadequate. I would like to ask him what steps he is taking to make sure that during the peak period the farmers get enough services so that they may not lose this tea in killogrammes when it is weighed after two or three days.

Mr. Obure: Mr. Deputy Speaker, Sir, we are very sympathetic to the farmers in Kasipul Kabondo and elsewhere in the country. It so happens that during the heavy rains which occur around this period of the year in that region, it is about the same time when infrastructure gets destroyed. The collection agencies of KTDA are not able to cope with the situation during that period of the year. We have urged them to take every measure necessary including additional collection trucks if possible to ensure that they cope with this kind of situation. This will minimise the losses which farmers might incur as a result of long delays that make their tea lose its value.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. When the Minister was answering the question he used the word "buying centre". Is it in order for him to continue the propaganda that KTDA started, that as tea is getting collected, it is being bought when there is no transaction in terms of what we understand buying to mean? Is it in order that he should continue this way when he knows that these centres are known as tea collection centres?

Mr. Obure: Mr. Deputy Speaker, Sir, it is very difficult sometimes for us to de-link ourselves from what we were used to in those old days. Hon. Michuki is quite right. I should have used the word "collection centres" and not "buying centres".

Mr. Munyao: Mr. Deputy Speaker, Sir, when the Minister was replying he admitted that it is true farmers lose certain weight in tea because of the delay. He further admitted that the roads are impassable. Since the Minister collects taxes from these areas, will he assure this House that these farmers are not going to be kept waiting due to no fault of their own and that he will make sure that the roads are passable using the money collected from these farmers?

Mr. Obure: Mr. Deputy Speaker, Sir, tea is a cessable crop. Funds are collected for maintenance of tea. This is an effort carried out jointly between the Ministry of Local Government and the respective representatives of tea farmers. We are urging the tea committees and councillors representing the county councils in their respective areas, to be transparent in the manner in which they work. We, as the Government, will also try to supplement these efforts to make sure that these roads are passable. This is because we know that this is one of the hazards in tea-growing areas. Our mission is to minimize the losses which farmers suffer as a result of these occasional hazards.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, could the Minister assure the House that, the KTDA will be totally delinked from the management of tea on 31st December, 1999 and that tea farmers will be responsible in choosing the agencies who will handle their tea, so that we minimize this kind of unnecessary waste?

Mr. Obure: Mr. Deputy Speaker, Sir, if the hon. Member for Githunguri Constituency looks at today's Order Paper, he will see that the next item relates to the subject he has just raised. I would ask him to be patient until we get there.

Mr. Khamasi: Mr. Deputy Speaker, Sir, I think the Minister knows very well that, there is a standoff

between the Ministry of Local Government and the Ministry of Agriculture in so far as the usage of tea cess is concerned. What is he doing to make sure that this standoff is resolved?

Mr. Obure: Mr. Deputy Speaker, Sir, in that respect, I want to assure this House that there are very active consultations going on now between the Ministry Local Government and that of Agriculture, and some organs representing various other stakeholders. We are optimistic that we will resolve the stalemate so that the funds collected under cess programme are effectively utilised for the benefit of tea as a crop.

Mr. Sungu: Mr. Deputy Speaker, Sir, Kasipul-Kabondo is very fertile and farmers should be encouraged to grow more tea in view of the fact that our people live in abject poverty. The Minister has said that he intends to put up another factory in Nyamira, when we know there are several other factories in Nyamira District. Could he not undertake to put up a factory at Kasipul-Kabondo so as to encourage our farmers to grow more tea and avoid transportation problem?

Mr. Obure: Mr. Deputy Speaker, Sir, I agree with the sentiments expressed by hon. Sungu. Kasipul-Kabondo area is a very high-potential area. It is quite suitable for growing of tea. Unfortunately, as I said at the moment, Matongo buying centre which collects some of the tea from this area, receive only 8,760 kilogrammes on the average. Nyangeno receives only 13,900 kilogrammes while Musambi receives only 4,351 kilogrammes of tea on average. I thought the average required is about 10,000 kilogrammes of tea. What we are doing is that, we are actively advising farmers in that area; first of all, on good husbandry methods for production of tea. Secondly, we are sending extension officers there to advise farmers that it is time that the people of Kasipul-Kabondo started growing tea because that way they will assist and cope with their domestic problems and as a measure of poverty alleviation.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, given the answer the Minister gave that all factories processing tea from Kasipul-Kabondo are in Nyamira District, could he assure the House that the cess money or part of it, will go to Rachuonyo District because tea is grown in Kasipul-Kabondo and transferred to Nyamira District? And if so, how much money will be put aside as cess to Rachuonyo District?

Mr. Obure: Mr. Deputy Speaker, Sir, what hon. Dr. Ochuodho has raised is something that should happen automatically. These three tea factories which collect tea from Kasipul-Kabondo are represented at the cess committees and therefore, I should imagine they get their share automatically. But if there is any problem, I would like to know, so that we can get that sorted out.

Mr. Michuki: Mr. Deputy Speaker, Sir, could the Minister agree that the payment system which is in existence now and which COTEPA and KUSSTO have complained about, and if the initial payments to farmers were improved, tea in the area where they are growing 500,000 kilogrammes of tea per year, would increase because there is incentives in payments? Would he further agree that the payment of tea requires a review, so that what is paid by way of bonus per kilo, is paid on a monthly basis in order to promote better husbandry of tea?

Mr. Obure: Mr. Deputy Speaker, Sir, what hon. Michuki has raised is a very important issue which will see significant changes in the way tea is handled in the country. That is one of the issues that was raised during the debate in this House on the Sessional Paper on Tea. Recommendations have been made and they are in that Sessional Paper and will act as guidelines to future policies on tea.

Mr. Deputy Speaker, Sir, unfortunately, we will not have a direct input on this one, because this is a matter that will be handled and decided upon by the stakeholders themselves. But I do agree with hon. Michuki that if the payments were increased and spread more evenly over the year, it would give farmers an income on which they can budget their daily activities in the rural areas. I think it will be better for the industry and it will provide greater incentives. At the moment, that is the only view I can express in agreement with what hon. Michuki has just said. That is the decision that will be implemented by representatives of the tea sector at their factory level and in various national fora.

Mr. Otula: Mr. Deputy Speaker, Sir, hon. Michuki has asked a very important question about the roads of these particular areas. However, his question was not answered. Could the Minister tell this House what steps he is taking to make sure that the roads are passable throughout the year to enable the farmers' tea be collected?

Mr. Obure: Mr. Deputy Speaker, Sir, that is, indeed, our objective. We would like to see these roads becoming passable, but unfortunately, it is not always so. We will convey this urgent message to all those who are responsible for the maintenance of roads, including the tea committees that represent this particular area. We hope that they will take this message seriously by improving the condition of roads in the area.

Question No.484

DISPENSARY FOR ELDERA RESIDENTS

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

(Question dropped)

Question No.452

EXPENDITURE ON MWAKIRUNGE/
BWAGAMOYO BRIDGE

Mr. Deputy Speaker: Mr. Maitha is out of the country and so, his Question is deferred to Tuesday, next week.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

ATTACK ON MR. MAINA BY
ADMINISTRATION POLICE OFFICERS

Mr. Kibicho: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that Mr. Stephen Mwangi Maina was unlawfully assaulted and seriously injured by two Administration Police Officers (APs), namely, Messrs. Joseph Kamau (PC) and Steve Muthamia (CPL) on 11/09/99 at midnight at Kibingoti, Kirinyaga District and, as a result, Mr. Maina was admitted at Tumutumu District Hospital from 11/09/99 to 21/09/99?

(b) Is he further aware that the incident was reported to Baricho Police Station and recorded as OB No.14 and to-date no action has been taken by Baricho Police Station against the said APs?

(c) Could the Minister ensure that the said officers are arrested and charged in a court of law and further have compensation paid to the complainant, because the officers were on duty when they assaulted Mr. Maina?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker: Order! Before you reply to that Question, there is another Question which was stood over in your name; that is Question No.679, and you are not answering it now.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to apologise.

Mr. Deputy Speaker: No! Hon. Members, the matter of answering Questions is not a choice; it is mandatory.

(Applause)

Order! I would like to read out to you what Standing Order NO.88(2) says about that:-

" Conduct is grossly disorderly not only if the Member concerned creates actual disorder, but also if he knowingly raises a false point of order, or commits any serious breach of these Standing Orders, or persists in making serious allegations without (in Mr. Speaker's opinion) adequate substantiation, or otherwise abuses his privileges, or deliberately gives false information to the House, or refuses to answer a legitimate Question, or act in any other way to the serious detriment of the dignity, or orderly procedure of the House."

So, answering Questions before the House is not discretionary. So, today, we have seen another example of Questions going unanswered. Really, hon. Members, let us take the business of the House seriously, because disorderly conduct has only one penalty, which is the "naming" of the concerned hon. Member.

Hon. Members: "Name" him!

Mr. Deputy Speaker: Order! He has apologised. Really, he has purged the offence which he had committed earlier, but I want to warn that in future, if Questions stand unanswered and no reason is given for the absence of the Minister, or the Assistant Minister to answer them, I will apply the relevant Standing Orders to the letter. Proceed, Mr. Assistant Minister.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a Report was made at Baricho Police Station to the effect that one Stephen Mwangi Maina was assaulted by two APs. Baricho Police Station Inquiry File No.3/99 was opened, and is still pending under investigations.

(b) I promise this House that appropriate action will be taken as and when the investigations are completed.

(c) As a result of my answer to parts "a" and "b," part "c" does not arise.

Mr. Kibicho: Mr. Deputy Speaker, Sir, Mr. Maina was assaulted on 11th of September this year, and it is now 1st December. Members of the public saw the two APs assaulting him, and he was able to identify them. What kind of investigations are they carrying out, or is it a cover-up? And why have they not interdicted the officers?

Mr. Samoei: Mr. Deputy Speaker, Sir, as a normal procedure, when officers are being investigated, they are placed on suspension. I would like to confirm that those two officers are on suspension and, as I promised this House, as soon as the investigations are complete, we will dismiss them if need be.

Mr. Kariuki: Mr. Deputy Speaker, Sir, it has become the order of the day for APs and the regular police officers to assault and kill members of the public, and such cases are later investigated by the very same officers. What is the Assistant Minister doing to create a unit that can independently investigate cases involving the APs and regular police officers?

Mr. Samoei: Mr. Deputy Speaker, Sir, I concur with the hon. Member that there is need for a unit to which members of the public can complain to when they are assaulted by police officers. We are looking at the possibility of establishing a Police Complaints Unit, which will take up assault cases by police officers on wananchi.

Mr. Muturi: Mr. Deputy Speaker, Sir, from the look of the Question, this assault took place on 11th September, 1999. It has also been stated quite clearly, and the Assistant Minister has not denied, that there are eye witnesses. Therefore, all that required was for those eye witnesses to record statements. It cannot take two months to do that. Could the Assistant Minister tell us when these statements are going to be recorded, if they have not been recorded, and when those officers are going to be taken to court?

Mr. Samoei: Mr. Deputy Speaker, Sir, the background information to this case indicates that the Report was made much later after the alleged assault was committed. It is also alleged that the victim was hospitalised between 11th September, 1999, to 21st November, 1999. So far, he has not collected a P3 Form as required to facilitate the speeding up of this exercise, and that is why we are in this situation. It is in my interest and, indeed, in the interest of the Police Force that this case is dispensed with as soon as possible.

Mr. Kibicho: Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to mislead this House? I have a copy of the P3 Form here which is complete.

Hon. Members: Shame the devil! Table it! A Liar!

(Mr. Kibicho laid the P3 Form on the Table)

Mr. Kibicho: Mr. Deputy Speaker, Sir, now that I have laid the P3 Form on the Table, could the Assistant Minister withdraw and apologise and order that those APs be arrested tonight so that by tomorrow they are in court?

(Applause)

Mr. Deputy Speaker: Order! The Assistant Minister has not seen the P3 Form.

(The P3 Form was handed over to Mr. Samoei)

Mr. Kathangu: Mr. Deputy Speaker, Sir, the public has witnessed very violent actions by police officers, and we know that they arise out of very deep frustrations that the Police Force has been undergoing. Having noted the suicides and murders within the Force, has the Office of the President investigated the reasons behind them? This is because it could be because of the same reasons that this particular group went terrorising the people of Kirinyaga. And if they are investigating---

Mr. Deputy Speaker: Order, Mr. Kathangu! You have asked your question.

Mr. Kathangu: Mr. Deputy Speaker, Sir, I would like to know further whether these investigations include--

Mr. Deputy Speaker: Order! You have already asked your question.

Mr. Kathangu: Mr. Deputy Speaker, Sir, I want to ask it very strongly.

Mr. Deputy Speaker: No!

(Laughter)

Mr. Samoei: Mr. Deputy Speaker, Sir, having looked at the P3 from here, unfortunately, it is useless until it will be presented to the police station to facilitate our investigations. I would like to urge the hon. Member to ask the complainant to deliver the original P3 form to the police station to facilitate the completion of this exercise.

Mr. Mwenda: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House, that police are not in possession of the P3 form, when it is clear that at the time the patients are taken to hospital for the completion of P3 forms, they are accompanied by police officers?

Mr. Samoei: Mr. Deputy Speaker, Sir, there is a portion of the P3 form that is completed by doctors, and after the completion of that portion, it is supposed to be returned to the police station. That has not been done.

Mr. Kibicho: Mr. Deputy Speaker, Sir, now that I have informed the Assistant Minister that the P3 form is at Baricho Police Station, could he order the arrest of these people tonight?

Mr. Samoei: Mr. Deputy Speaker, Sir, I promise to take appropriate action.

Mr. Kapten: Mr. Deputy Speaker, Sir, this incident happened quite sometime ago, and in criminal cases, once you have the witnesses they are the ones who can prove the case in a court of law. What investigation is the Assistant Minister going to do if they have already taken the statements of the witnesses? The witnesses reported to the police station with the complainants.

Mr. Samoei: Mr. Deputy Speaker, Sir, I informed this House that, part of the procedure which is the completion of the P3 form was not in place. Now that the hon. Member has promised that it is with the police, I will take appropriate action and make sure that this case is concluded.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, given the notoriety, incompetence terror minded culture and unproductivity of this colonial outfit called the Administration Police as a law enforcement agency, has the Government considered doing away with this useless outfit? Also considering the state of the economy and the police and other various law enforcement agencies are there, has the Government considered doing away with this outfit?

Mr. Samoei: Mr. Deputy Speaker, Sir, we have not considered the APs as being involved in any outrageous actions as indicated by the hon. Member. However, considering the security situation in the country, I do not think it would be wise to do away with this force. I would also like to point out that, the inequities of a few members of this force should not mar the good image of the wider membership of the force. We are considering harmonizing the activities of this particular force together with the regular police force.

Mr. Kibicho: Mr. Deputy Speaker, Sir, now that it is obvious that this is an undisciplined force, could the Government consider retraining them, if it is not willing to do away with them?

Mr. Samoei: Mr. Deputy Speaker, Sir, the training that the members of this force get is adequate. However, I promise that those who are found in default of the Act establishing this force, will be dismissed.

Mr. Deputy Speaker: Next Question!

HARASSMENT OF FEMALE UNIVERSITY STUDENTS BY LECTURERS

Mrs. Mugo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:-

(a) Is the Minister aware that female students in the four public universities, namely: [Mrs. Mugo] Nairobi, Egerton and Kenyatta are constantly harassed by lecturers who demand bribes allegedly in order to award them better marks in the examinations?

(b) Is he further aware that this practice has demoralised the students and is a violation of their rights?

(c) What urgent disciplinary measures has the Ministry taken against the lecturers involved and what mechanisms have been put in place to protect the female students from this unbecoming conduct of the lecturers?

The Minister for Education (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are cases of female students being sexually induced in public universities for the purposes of being awarded higher marks and better grades. The most unfortunate scenario, however, is that, the students affected do not come forward openly on this particular issue.

(b) It is true that a female student, sexually harassed will be demoralised and her rights violated.

(c) Just to cite some examples, three weeks before the Laikipia campus exposé, two technicians; one in Zoology Department and the other in Natural Resources Department at Njoro campus of Egerton University, appeared

before the university's disciplinary committee, and were consequently suspended. Similarly, action is already being taken against those assistant lecturers named by students in Laikipia campus.

The Ministry is committed to protecting both female and male students from the unbecoming conduct of some lecturers. Already, a ten-member probe team is investigating in broad terms, the allegations raised by students of Laikipia campus. Within each public university, the respective Councils have disciplinary committees.

Mrs. Mugo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. This is a very difficult issue to divulge, but female students have come forward, and that is how this matter has come to light. We have a student from the University of Nairobi, who only a month or two ago reported the matter to us. Since we know that already these students are demoralised and that some people will take advantage of it to doubt their qualifications once they are awarded the degrees, what mechanism has the Ministry put forward to protect this from happening again and how many women members are in those committees?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I have just said that because of the seriousness of the matter, universities have appointed a committee of ten people headed by Bishop Col. Alfred Rotich as the Chairman, to investigate all these scenarios that are taking place in the universities and recommend a course of action to be taken in the future, to prevent such things being repeated. We would like to request that the female students who are affected - we are sad about it - to come out whenever they are affected, so that action can be taken.

Mr. Kariuki: Mr. Deputy Speaker, Sir, this is the same answer that was given yesterday.

Mr. Deputy Speaker: There was no answer given yesterday, it was a Ministerial Statement.

Mr. Kariuki: Mr. Deputy Speaker, Sir, what has the Ministry done to ensure that issues involving harassment, mismanagement of funds and nepotism within the management of universities is taken care of? Is there a body in place to oversee the operations of universities on a continuous and daily basis?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, as I mentioned yesterday, the universities are run by Acts of Parliament, and are independent in their councils. They are authorised to hold investigations whenever necessary. The Ministry plays an inspection financial role of the universities. If they find any faults, they report back to this Parliament through the financial mechanisms. So, Parliament is made aware of what is going on in the universities, financially by the reports you get here.

Dr. Kulundu: Mr. Deputy Speaker, Sir, will the Assistant Minister assure this House that he will also take similar action to protect male students from being sexually harassed by female lecturers?

(Laughter)

Dr. Wamukoya: Mr. Deputy Speaker, Sir, in my answer, I said that action will be taken against anybody molesting both female and male students. We shall protect both female and male students from the unbecoming conduct of some lecturers. We know that the other way round, as we were told in Mombasa, can actively be applied. Therefore, we are saying that if there are people of that "type of appetite", we shall deal with them.

(Laughter)

Mrs. Mugo: Mr. Deputy Speaker, Sir, can the Assistant Minister tell us how many females are in those disciplinary committees and even the board that has been set up?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the hon. Member is asking me about each public university's Committee. I will not have that type of information immediately, but the Committee that was appointed has various ladies. Out of the ten people who were appointed, there are several ladies. Let me read out the names and, maybe, we can find out who they are. I did not read the list through to find out who they are. They are as follows:- Bishop Colonel Alfred Rotich is the Chairman. The Permanent Secretary in the Ministry of Education, Science and Technology is a member. The others include Dr. E.K. Noor, the Deputy Director, Centre for Women Studies and Gender Analysis; Father Wambugu, Chaplain; Prof. Wanjala, Senate representative and Prof. Yaya Mutema, Deputy Vice-Chancellor, Academic; representatives from the Directorate of Personnel Management and students representatives, who are one male student from Njoro Campus and one female student from Laikipia Campus and Prof. Gathuri, acting Registrar, Academic, is the secretary.

Mrs. Mugo: Mr. Deputy Speaker, Sir, you will agree with me that that list is not gender sensitive. There are very few women in that Committee. Simply, it is the other way round. How can we know that this Committee understands the real problem women are facing? Can we have more women in that Committee than men?

Mr. Deputy Speaker: But male students are also molested!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I thank the hon. Member very much. This Committee was

supposed to report its findings yesterday. I will recommend to the universities that in future, if they want to set up Committees, they should be more gender sensitive as the hon. Member says.

DISCONNECTION OF WATER SUPPLY
TO KIRENGA LOCATION

Mr. Gitonga: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

(a) Is the Minister aware that the people of Kirenga Location in Lari Constituency have been without piped clean water for the last six months?

(b) Is he further aware that the following institutions are suffering as a result of indiscriminate water disconnections-:

(i) Kirenga Girls Secondary School;

(ii) Kirenga Primary School;

(iii) Kirenga Polytechnic;

(iv) Kirenga Hills Academy;

(v) Three nursery schools;

(vi) Escarpment secondary and primary schools;

(vii) Lari Health Centre and dispensary.

(c) Could the Minister inform this House the reasons for the indiscriminate disconnections without prior warnings?

Mr. Deputy Speaker: Anyone from the Ministry of Water Development?

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. I want to seek your guidance. Should we be adjourning Parliament when the President goes or comes in from an overseas trip so that the Ministers and Assistant Ministers go to meet him?

The Deputy Speaker: Mr. Gitonga, ask me what should happen in Parliament and I will give you an answer. What happens in the Executive arms, I have no responsibility over it.

Mr. Gitonga: Mr. Deputy Speaker, Sir, but these are hon. Members of Parliament although they are Ministers?

Mr. Deputy Speaker: When they are here, I will deal with them. That Question is deferred to Tuesday, next week. Next Question!

(Question deferred)

SALE OF CHEMELIL SUGAR COMPANY

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

(a) Is the Minister aware that Chemelil Sugar Company is in the process of being sold to the detriment of the sugar farmers?

(b) Is he further aware that a rival Chemelil Outgrowers Company has been formed purposely to buy majority shares of the Chemelil Sugar Company with the full knowledge and assistance of the Chairman of the Kenya Sugar Authority?

(c) What urgent measures is the Minister taking to protect the interests of the members of the long established outgrowers company, so that they are given a fair opportunity during the sale of Chemelil Sugar Company versus the newly formed rival, Chemelil Outgrowers Company?

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

(a) Chemelil Sugar Company is one of the State Corporations set for privatisation. Under this process, farmers are guaranteed 20 per cent of the shares during the second phase of the privatisation. Farmers will also have a chance, along with the rest of the people in the Republic, to purchase shares during the first phase when the initial offering will be made through the Nairobi Stock Exchange.

(b) I am aware that Chemelil Outgrowers Company was registered in August, 1996, on the initiative of the Company's management to supplement the milling company's effort in cane development and to mobilise resources from the farmers to purchase shares at the time of privatisation. I am not aware of the formation of a rival Outgrowers Company, but I am aware that a company by the name, Nandi Escarpment Outgrowers, was registered in June this year through

the initiative of the Nandi Escarpment farmers to mobilise their cane farming efforts.

(c) It is important to note that once the actual privatisation of the Company takes place, all farmers who deliver their cane to Chemelil Sugar Company will be given an equal opportunity and consideration for their allotted shares.

Mr. Donde: Mr. Deputy Speaker, Sir, this is worrying because we know that the rival sugar company is putting itself in position in order to take advantage of the 20 per cent shareholding which Chemelil Sugar Company will give to farmers. Is the Minister aware that the second rival sugar outgrowers company is actually mobilising funds in order to outdo the old Chemelil Sugar Company which is largely represented by the other non-Nandis in the area?

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, I am not aware that this other outgrowers company is a rival to any other. I know that we are looking forward to privatising Chemelil Sugar Company and, as I have said, everybody, including the sugar farmers, will be given an equal opportunity to purchase shares. If anybody is preparing himself for that exercise, I do not see anything wrong in that. In fact, we are encouraging Kenyans to prepare themselves for that transaction when the time comes.

Mr. Raila: Mr. Deputy Speaker, Sir, the biggest stakeholders in the sugar industry are the sugar farmers. Tea factories have been sold to farmers and the same thing is happening with coffee. What is the rationale of the Government restricting farmers to 20 per cent of the shares? Why does the Government not allow the cane farmers to buy the majority of the shares in Chemelil and other sugar factories?

Mr. Obure: Mr. Deputy Speaker, Sir, I am not quite sure that I am familiar with the circumstances and the criterion applied in arriving at the 20 per cent. I feel that what hon. Raila said is right, that the farmers involved in this particular area should be given a greater opportunity, if they have the capacity, to buy more of these shares.

Mr. Keriri: Mr. Deputy Speaker, Sir, in view of what the Minister has just said, that the farmers should be given the best opportunity to buy as many shares as they can, is he now prepared to go and withhold the selling of those shares until he has found out why 20 per cent shareholding was fixed? He should then do away with that 20 per cent and allow farmers to buy as much as they can.

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, the time has not come yet. In fact, no shares are being sold right now. I said that I will try and familiarise myself with the reasons and the rationale for arriving at 20 per cent. I expressed the view that, if the farmers have the capacity to buy more, I will personally support that kind of initiative.

Dr. Omamo: Mr. Deputy Speaker, Sir, I do sympathise with the Minister because he is new in the Ministry. There is no other sugar factory, with two different outgrower companies, operating and delivering sugar cane to the same factory. Why was this allowed to happen at Chemelil Sugar Company and thus creating a bad precedence that could excavate feeling of tribalism, which we are trying to eliminate in the sugar belt?

Mr. Obure: Mr. Deputy Speaker, Sir, in answering that question, I am fully aware that Dr. Omamo, whom I have much respect for, knows much more about sugar farming than I do. The fact that he represents a sugar growing area gives him extra advantage. But what he has said about creating a precedence in this case is entirely not true. My information is that, we have a similar arrangement of two outgrower companies operating for Muhoroni Company, which is situated right in Dr. Omamo's Constituency. In fact, we have Musoko Outgrowers Company and Sonoin Outgrowers Company, which are both registered to operate around Muhoroni zone. So, this is not the first time that that is happening.

Mr. Shitanda: Mr. Deputy Speaker, Sir, considering that the nucleus estates of the Chemelil Sugar Factory fall under the ancestral land of the Luo, could the Ministry consider giving the Luos the first priority in the sale of the nucleus estates?

Mr. Obure: Mr. Deputy Speaker, Sir, I do not know whether that question is good for this House. But we are talking about sugar growers and not ethnic groups. The opportunity will be given to sugar growers in this particular area. I do not think that we will consider ethnic backgrounds and so on.

Dr. Omamo: On a point of order, Mr. Deputy Speaker, Sir. Again, I do sympathise with the Minister. Is it in order for him to mislead this House that Muhoroni Sugar Factory has two outgrower companies, while we all know that Sonoin Outgrower Company was formed specifically to build another factory in another area?

Mr. Obure: Mr. Deputy Speaker, Sir, what we are talking about is the precedence that there are two outgrower companies. Even Musoko is catering for the interest of sugar cane growers in that area. So, it is doing the same in terms of mobilising the farmers and resources for improvement of sugar cane farming.

Mr. Deputy Speaker: But he has said that it is mobilising them for another factory called Sonoin Sugar Factory, and not for Muhoroni! That is what Dr. Omamo is telling you!

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

Mr. Deputy Speaker: Order! He is on a point of order!

Mr. Obure: Mr. Deputy Speaker, Sir, I had qualified my remarks. I said that was my understanding because

Dr. Omamo obviously knows much more than I do. Therefore, I agree with the sentiments that he has expressed. But I would like to say that, there is no rule prohibiting a sugar company to have one or two outgrower companies.

Mr. Sambu: Mr. Deputy Speaker, Sir, taking into consideration what happened in the sale of Miwani, where the company was sold secretly; and also, taking into consideration that Chemelil was built using public funds, could the Minister allow the sale procedure to be subjected to the relevant Departmental Committee of this House to ensure transparency?

Mr. Obure: Mr. Deputy Speaker, Sir, what I would like to assure this House is that, there will be full transparency when the time comes. When all the negotiations are complete and the process of privatisation commences, it will be open and transparent. If Members of the relevant Committee of this House are interested in that process, we will make all the papers, evidence and everything else available for their scrutiny.

Mr. Deputy Speaker: That is the end of Question Time.

Next Order!

MINISTERIAL STATEMENTS

TENDERERS FOR KISUMU AIRPORT

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, yesterday, hon. Members wanted to know the various tenderers for the repair of the Kisumu Airport. There were six bids which were as follows:

- (i) Haya Bishan Singh and Sons of Kisumu - the tender sum was Kshs1,991,786.80.
- (ii) Corgin Rajope Construction Company of Kisumu - the tender sum was Kshs3,417,479.70.
- (iii) Wigot Construction Company Limited of Kisumu - the tender sum was Kshs5,559,830.
- (iv) G. Isaya and Company of Nairobi - the tender sum was Kshs7,784,425.
- (c) Komscon Construction of Kisumu - the tender sum was Kshs7,961,243.
- (vi) Goodworks Building and Engineering Construction Limited of Kisumu - the tender sum Kshs10,739,975.

Mr. Deputy Speaker, Sir, it can be seen that Haya Bishan Singh was, by far, the lowest. He had tendered for Kshs1,991,786.80 but after negotiations, it was agreed at Kshs1,810,715.25.

Mr. Sungu: Mr. Deputy Speaker, Sir, it is fairly obvious that Haya Bishan Singh gave the lowest quotation. What was the engineers estimates for this project? It is unfeasible to find that there is so much difference between the contracts, unless there is something under-hand going on. Haya Bishan Singh is currently doing all the contracts in Western Kenya in a shoddy manner! Could the Minister respond to that?

Mr. Deputy Speaker: What was the engineers estimates?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I am sorry I did not get the engineers estimates. I just wanted to know who the tenderers were.

Mr. Raila: Mr. Deputy Speaker, Sir, considering the differences between the figures, there must be tendering for different works. But looking at the condition of the Kisumu Airport, the potholes on the runway and the state of the lounge, Kshs1.9 million is peanuts. Is the Minister convinced that, the proper repairs that are required are going to be carried out within the sum of Kshs1.9 million? Does he think it will be necessary to make more allocations for the repairs?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, these were in fact emergency repairs. It is the intention of the Kenya Airports Authority to carry out major repairs of the Kisumu Airport in the next financial year.

Mr. Khamasi: Mr. Deputy Speaker, Sir, looking at the figures, one is likely to deduce what is going to happen. We know that a contract variation is in the offing. This is where money will be shared between the contractors and the officers who are handling the project. Why is it that it is only this particular contractor who gets almost all contracts in Western Kenya and yet the type of job he has done on all these contracts is shoddy?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, let me assure this House that we will not accept any variation orders. If the contractor quotes the lowest figures, then that is the reason he has been getting the jobs.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, it is true that several people have been killed by criminals in Salama, Mahianyu, Subego, Raichiri and Kahuho areas of Laikipia District. These people have been killed by gangsters armed with firearms, in incidences of robbery with violence. The following is a brief breakdown of cases reported to the police in the affected areas since January, 1999. Mr. Deputy Speaker, Sir, on 30th January, at about 7.00 p.m. in Mahianyu Sub-Location, Nyandarua District, armed gangsters shot dead Mr. Peter Karanja Ng'ang'a and injured his wife and neighbour. Nothing was stolen during the attack and police are still investigating the matter. On 23rd August this year, in Subego Location, Nyandarua District, Joseph Murage was shot dead by armed criminals at his home. The thugs attempted to steal his livestock but were repulsed by neighbours. They escaped and to date, no arrests have been made.

Mr. Deputy Speaker, Sir, on 26th August this year, in Raichiri Sub-Location, Nyandarua District, Duncan Njoroge was shot dead by gangsters at about 8.00 p.m. while on his way home. The motive of the attack is still a mystery. The matter is still under investigation. On 30th August this year, in Raichiri Sub-Location, Chege Kiiru was attacked by thugs armed with AK47 rifles. The thugs attempted to steal his property but they were repulsed by his neighbours. The victim died at Nakuru General Hospital while undergoing treatment. On 30th August this year, at Raichiri Sub-Location, Martin Muhiu was attacked by armed gangsters who shot him dead at his shop in an incident of robbery with violence. The matter is still under investigation. On 23rd November---

Mr. Deputy Speaker: Order, hon. Samoei! All those names were supplied by hon. Thirikwa. What he asked you to do was to state what the Government is doing to stop these killings.

The Assistant Minister of State, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, he wanted me to give the circumstances surrounding these killings and that is what I am stating and I am about to finish.

Mr. Deputy Speaker: Order, hon. Samoei! Ministerial Statements should be like a lady's skirt which is long enough to cover everything but short enough to be interesting!

(Laughter)

The Assistant Minister of State, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I promise to go as per your advice. I will be long enough to cover what the hon. Member needs and brief enough to be able to state what the Government is going to do.

Mr. Deputy Speaker, Sir, just to mention the last two incidences, on 24th November this year, that is a few days ago, at Kahuho Village, five men armed with AK47 rifles attacked the home of Mr. Stephen Gichuhi. They shot him and his wife, Margaret Wanjiku dead after they failed to get money which they had demanded. The matter is under investigation. In another incident, a 70-year-old man, Mr. Wambugu Kariuki and his grandson, Mr. Kariuki, were also shot dead by livestock thieves.

Mr. Deputy Speaker, Sir, the Government has opened a police patrol base at Salama to help alleviate the insecurity in the area. Moreover, more security men have been dispatched to the OCPD, Laikipia, to be able to keep track of these activities as they have become prevalent lately. It is regrettable that very little evidence or information has been forthcoming in respect of the murders that have taken place in these areas from the local residents and this has slowed down the process of apprehending the perpetrators of these crimes. In view of the great concern of the security situation in Raichiri, Salama and Subego, we have established a police patrol base at Salama to be able to take care of this situation.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, the matter in question is of grave concern. You have just heard that people in Ndaragawa and more particularly in Raichiri have been killed for the last 18 months. I do not think all these killings were matters of pure robbery because during all the incidences, nothing was taken from the victims. Two boys were actually shot in a bar. I do not really believe that there is any livestock which can be found in a bar. The old man, Mr. Wambugu and his grandson, were shot and nothing was taken from them. We have said in many occasions that we suspect that there is a gang of people living in Rumuruti and Ndaragwa forests. In actual sense, as late as in the last two weeks, Catholic Bishops talked about private armies being found in some parts of this country.

Mr. Deputy Speaker: Order, Mr. Thirikwa! Just seek clarification from the Minister on what he said.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, this is a serious matter and I do not really think that I should be in this House when the people of Ndaragwa continue to die day by day. Last Saturday---

Mr. Deputy Speaker: Order, Mr. Thirikwa! I agree with you entirely. But if you want to discuss security in Ndaragwa extensively, just bring a Motion. You asked for a Ministerial Statement and one has been provided. The opportunity you have been accorded now is merely for you to seek clarification on what the Minister has said, but not to debate that issue.

**NOTICE OF MOTION FOR
THE ADJOURNMENT UNDER
STANDING ORDER NO.20**

INSECURITY IN THE COUNTRY

Mr. Kapten: Mr. Deputy Speaker, Sir, under Standing Order No.20, I rise to seek leave to [Mr. Kapten] move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance - the persistent insecurity problems in this country which has caused the loss of many lives and properties; especially in the North Rift and North Eastern Kenya.

(Several hon. Members stood in their places)

Mr. Deputy Speaker: Order, hon. Members! For the benefit of the House, I will read what Standing Order No.20 says.

"(1) Any Member may at any time rise in his place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to Mr. Speaker a written notification of the matter he wishes to discuss. Mr. Speaker, shall refuse to allow the claim unless he is satisfied that the matter is definite, urgent and of national importance and may be raised on a Motion for adjournment of the House.

(3) If Mr. Speaker is so satisfied and not less than 15 other Members rise in their places in support, Mr. Speaker shall nominate a time on the same day at which such Motion may be moved."

Hon. Members, hon Kapten did, in fact, serve me with his intention to move this Motion this afternoon. I was satisfied that, in fact, the matter he wished to raise was urgent and of national importance, namely, insecurity not only in the country generally but in North Rift Province in particular. Being so persuaded and more than 15 Members having risen in support of hon. Kapten's Motion, I will give in to his request and the demand of the House, and direct that this Motion of the Adjournment be discussed today, Wednesday, 1st December, beginning at 5.30 p.m.

(Applause)

BILL

Second Reading

THE BUKURA AGRICULTURAL COLLEGE BILL

(The Minister for Agriculture on 23.11.99)

(Resumption of Debate interrupted on 30.11.99)

Mr. Deputy Speaker: Prof. Anyang'-Nyong'o was contributing. He is not here and, therefore, hon. Osundwa can continue.

Mr. Osundwa: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to speak on this Bill. I want to record my gratitude for the privilege I have had to chair the Departmental Committee on Agriculture, Land and Natural Resources. In my contribution to this Bill, I would like to give a report of my committee on the findings arising out of the meetings we had with the Minister for Agriculture. In so doing, I want to state that we held several meetings over this Bill and we agreed entirely with all the clauses that have been put forward in this Bill. There were a few areas of contention but I am happy to report that we reached agreement and mainly this was by consensus.

Mr. Deputy Speaker, Sir, if you look at the Memorandum of Objects and Reasons of this Bill, it states: "The Bill seeks to legislate the upgrading of Bukura Institute of Agriculture to be an agricultural college training students for and awarding diploma courses in the country in the wake of the sharp decline occasioned by the elevation of Egerton College and Jomo Kenyatta College of Agriculture and Technology into full-fledged universities offering agricultural courses".

[Mr. Deputy Speaker left the Chair]

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

When these two colleges were elevated, we did not have enough institutions for training diploma students. This economy is agro-based and it is our feeling that the Ministry should have taken this step much, much earlier because Bukura College alone will not satisfy the needs of this country, if we have to emphasise on food production to feed the ever-increasing population in this country.

Mr. Temporary Deputy Speaker, Sir, I am happy that the Minister has given his intention to bring amendments to all the areas that were of contention and for those who have the Bill, they are found in Clauses 3, 4, 7 and 8. I believe this is a very simple and straightforward Bill which merely seeks to translate the Bukura Institute into a college that will offer diplomas. Members should have no problem at all in supporting this Bill. I would, therefore, urge Members to waste no time in supporting this Bill, but have it passed with those few amendments which we await to see when we reach the Committee Stage.

Mr. Temporary Deputy Speaker, Sir, I wish to point out that if there are any areas of contention in this Bill, I would urge the House to limit discussion on this Bill right now so that we can create room for the Sessional Paper on the Liberalisation and Restructuring of the Tea Industry which will then be followed by the Tea (Amendment) Bill, 1999.

With those few remarks, I beg to support the Bill.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this moment to also contribute to this Bill. Like my able chairman has just said, because I happen to be the vice-chairman of that committee, our committee went into full details in looking at this Bill. We, as a committee, looked at every paragraph. We called the Minister for Agriculture who was very co-operative. We were happy to work with two Ministers. These are the current Deputy Leader of Government Business who was the Minister for Agriculture then, who educated us very much on the deep research they had done and the current Minister who also co-operated with us in this matter. We also consulted with quite a number of experts on these matters.

Mr. Temporary Deputy Speaker, Sir, as you can see, all that was needed was for a Bill of Parliament to come up to shift the responsibilities earlier held by Egerton College to Bukura College. We, as a committee, laid a lot of emphasis on the middle technical staff. This is because there are some areas of production which do not need really highly qualified doctorate holders and not lowly educated people but these diploma holders. We emphasised likewise and I am sure the Minister when he was speaking, encouraged it. We encouraged these middle class extension officers to work with farmers to advise them.

Mr. Temporary Deputy Speaker, Sir, Kenya is a productive area and it wants to live above farming of both tea and coffee, thus we need these kind of diplomas. We want the Minister of Agriculture to try and massively produce people who can work closely with farmers. Currently, we are missing what we used to see some five to ten years ago, and these are extension officers. This is the short rains season and people have prepared their *shambas*, but as we do that, technical officers are not available to work closely with the farmers. We do urge the Minister that he encourages mass production of middle class categories of technicians to work with the farmers. We need veterinary officers, crop production officers and horticultural officers in plenty because in this way, Kenya is going to be self-sufficient in food. We also need several other people of this kind to be able to technically operate with the farmers.

Mr. Temporary Deputy Speaker, Sir, there is very little that one can contribute to this Bill. Since we have got a third Bill; the Tea (Amendment) Bill, which most hon. Members would be interested to discuss; I support the Bill and request other hon. Members to come up and contribute so that we can close this discussion and move to a more interesting debate on the Tea (Amendment) Bill, which we have actually discussed thoroughly with the two Ministers concerned.

With those few remarks, I beg to support the Bill.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to call upon the Mover to reply?

*(Question, that the Mover be called
upon to reply, put and agreed to)*

The Minister for Agriculture (Mr. Obure): Thank very much, Mr. Temporary Deputy Speaker, Sir.

First of all, I want to thank all the Members, who have contributed to this Bill on the Bukura Agricultural College Bill. I want to thank them for the valuable contribution, and the very useful suggestions they have made.

As I had said, during my introductory remarks, this Bill is intended to give Bukura Agricultural College autonomy to operate as an institution for training agricultural personnel to serve this country. The point has been made, but it is worth repeating that the intention of upgrading Bukura Agricultural College into the status of a diploma

awarding college, is meant to fill the gap left after Egerton and Jomo Kenyatta Agricultural Colleges were elevated to the statuses of universities offering degree awards. We feel that we need this category of diploma holders to serve as extension officers and to serve the farmers and assist in increasing agricultural production and in particular, agricultural productivity and utilization of available land resources.

Mr. Temporary Deputy Speaker, Sir, this Bill will give the Bukura Agricultural College a free hand to operate and set up its own rules, systems, curriculum *etcetera*. The Bill will also give this College a personality of its own and a legal status to be able to sue and be sued; to own property, to raise money and things like that. I think it is a very healthy development and it will go a long way in contributing to the improvement of training, particularly, in areas of agriculture and other technical fields. Once this Bill is passed, the College will be urged to ensure that they maintain high standards so that the syllabus they develop will contain high standard contents because that is the quality we need.

Mr. Temporary Deputy Speaker, Sir, various points have been raised, and in particular, the question of establishing an agricultural college in North-Eastern Province to cater for livestock breeders. But, I do not want to give the impression that the Government is in a position to do that right now. In fact, while there is need to do that, we feel that the private sector should now be encouraged to come up and do that, particularly in the arid and semi-arid areas, so that such a college can also concentrate in research and look for technology and other methods that will help the country move away from dependency on rain for agricultural production.

Mr. Temporary Deputy Speaker, Sir, there was a point made that, training of agricultural personnel should also concentrate on the area of agricultural research. This is a very valid point. Agricultural research is important because the growth of any country depends on the quality of agricultural activities and the ability to disseminate knowledge accumulated from such research work. This is an important point and emphasis will be laid on this aspect in the future policy and programmes of the Ministry of Agriculture and Rural Development.

Mr. Temporary Deputy Speaker, Sir, there was also a point made about irrigation. It is true that irrigation is the key to the future success of agricultural activities in this country, because the bulk of our land; approximately 75 to 80 per cent of our land is either semi-arid or completely arid. We need to expand into these areas and to improve the agricultural production in arid and semi-arid areas, both in livestock and the production of food crops. We can only do that through irrigation. Here we are talking about both large and small scale irrigation. So, that is a potential area that we are committed to looking at and we believe that the future of this country depends on how successful we are in exploiting land resources, which is currently considered as waste land or arid land.

Mr. Temporary Deputy Speaker, Sir, I do want to assure hon. Members that we recognise the various points made and we appreciate the support and co-operation which was extended to my predecessor during the preparatory work for this Bill. We are very grateful for that.

Having made those few remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Mr. Deputy Speaker: Next Order!

MOTION

ADOPTION OF SESSIONAL PAPER NO.2 OF 1999:
LIBERALISATION AND RESTRUCTURING
OF TEA INDUSTRY

THAT, this House adopts Sessional Paper No.2 of 1999 on the Liberalisation and Restructuring of the Tea Industry laid on the Table of the House on 8th June, 1999.

(The Minister for Agriculture on 4.5.99)

(Resumption of Debate interrupted on 8.6.99)

The Minister for Agriculture (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, the Sessional Paper on the liberalisation and restructuring of the tea sector was debated in this House for a long time and a lot of interest was shown in this particular area. I want to record my Ministry's appreciation for the amount of interest shown, the

contributions made during debate and the fact that these contributions were being made in a very positive spirit intended to enhance the production of tea in this country. We are grateful that now we have a Sessional Paper, which I hope will be approved, giving guidelines for the development and enhancement of the tea sector in this country, which is a very useful sector both economically and socially for this nation.

Once again, I want to thank Members of the Departmental Committee on Agriculture, Lands and Natural Resources. We have worked very closely with them in formulating and carrying out the various amendments. The amendments that were proposed by this Departmental Committee were taken up and have been incorporated into the Sessional Paper so that, we now have a document which is fully agreed upon by all the Members of this Committee. I thank them for that contribution.

With those few remarks, I beg to move.

(Question put and agreed to)

BILL

Second Reading

THE TEA (AMENDMENT) BILL

The Minister for Agriculture (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Tea (Amendment) Bill be now read a Second Time.

The Sessional Paper which we have just approved in this House gave an overview of the tea industry and highlighted various key points which have been incorporated in this particular Bill. The Sessional Paper went in great detail in spelling out the reforms which are required in particular for the Tea Board of Kenya, and the regulatory body for the tea industry. It also went to great lengths into discuss certain aspects of privatisation of the small-holder sector which has been led so far by the Kenya Tea Development Authority (KTDA).

Mr. Temporary Deputy Speaker, Sir, all the various points highlighted in the Sessional Paper have been incorporated in the Tea (Amendment) Bill which I am now moving in this House. Currently, tea is the leading foreign exchange earner for this country. It accounts for 20 per cent of the total export earnings and, therefore, we are talking about a very key sector. The tea production has continued very rapidly over the years since Independence. Despite the various shortcomings of the KTDA, I want to record my personal appreciation for the positive role the KTDA played over the years in championing the cause of the small-holder tea farmers. During the colonial days, Africans were not allowed to engage in tea growing or tea production but after Independence, our leaders at that time - we are very deeply grateful to them - had the foresight to come up with measures that would introduce indigenous people into this sector. This sector has been very vibrant during that period. It has been the base for the growth of this economy. It has been of great assistance to the welfare of the African people in this country. The tea industry is a major employer. Currently, it employs over two million people directly and indirectly, most of whom derive a livelihood directly from their involvement in the tea industry.

Mr. Temporary Deputy Speaker, Sir, production has surpassed imaginable target. We are now beyond the 260 million metric tonnes per year which is a significant development. The tea sector has made a very significant contribution to the country's efforts to alleviate poverty from our amidst. If it were not for the rapid growth recorded in this areas, generally, Kenyans would be very badly off today.

Mr. Temporary Deputy Speaker, Sir, the Tea Act which we are amending was passed in 1960 and this has been the main legal instrument governing the production, marketing and distribution of tea. There have been very few amendments since then although the various institutions that serve this industry and policies have been changed and reviewed from time to time. The intention of the Government in tabling these amendments is to put in place the necessary legal framework to reflect the liberalised environment of the tea sector. All the views which have been expressed through Members' contributions in this House have been incorporated in this Bill and have been harmonised.

All the various corrections on the Sessional Paper and the Bill have been made and agreed upon with Members of the Departmental Committee on Agriculture, Lands and Natural Resources. I want to take this opportunity to thank them.

Mr. Temporary Deputy Speaker, Sir, the various clauses of this Bill, for example, Clause 2 is intended basically to give definition for the smooth operation of the tea industry; definitions that were not given in the old Act; definitions of simple words used in the Act like "buyer", "broker", "green leaves" and "auction." Clause 3 talks about the Board like the Tea Board which is formed out of representatives from the various sub-sectors within the tea industry. This will be discussed in detail during the ensuing debate. However, I want to say that this country will continue for a long time to rely on agriculture. Agriculture will continue to be the base for growth. If we are going to move into an industrialized nation, the path towards that will be through agriculture, and tea forms the backbone to

this.

Today, our tea farmers in this country are deriving reasonable incomes from their engagement in tea production. We feel that the capacity is far greater and we know that they could improve their earnings to unlimited level, if the industry was well managed. We in the Ministry are doing everything to ensure that the framework for improved management within that sector is put in place. On this, we want to call upon all Members of this august House and leaders within the tea sector to support the efforts being made by the Government to streamline the operations and management of the tea industry.

Mr. Temporary Deputy Speaker, Sir, we believe that the tea farmers, both large and small, could earn more from their engagement in tea production. So far, we have been selling, or exporting, our tea in bulk. We are now moving into the area of adding value to our tea, so that we can enhance our earnings from this sector. This is an area we will look into very carefully, both at the small-scale holder and the large-scale sector levels. Those of us who have had the opportunity to travel to European countries and other places have witnessed what happens to our tea once it gets there. Many people there package it and sell it at considerably higher prices. I think some of our people here could take advantage of the improved technology in this area and earn the extra income directly instead of leaving it to be earned by other middlemen. This is an area of great interest to us, and which we will explore in greater detail later on. Mr. Temporary Deputy Speaker, Sir, may I take this opportunity to assure this House that the Government is committed to the process of fully liberalising this sector. There will be turning back on this process; we will move ahead and liberalise this sector. We would like to call upon all and sundry, including the stakeholders, to co-operate with us for the sake of the success of the process.

With those few remarks, I beg to move.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I rise to second this Bill.

I would like to reiterate my appreciation to the Minister for Agriculture, the House Committee on Agriculture as well as hon. Members for their contribution when the Sessional Paper was tabled and, also, for trying to harmonise the inconsistencies that were reflected in the Sessional Paper before it was amended as compared to the original draft Bill. I think this particular Bill has received a lot of attention and contribution from the House Committee on Agriculture.

Therefore, I would like to urge this House to support this Bill because the tea industry is, indeed, this country's number one foreign exchanger earner today. The sooner we improve the legal framework under which tea farmers operate the better. I believe that the passage of this Bill will pave the way for the kind of restructuring that tea farmers have been yearning for since there will be provision for them to shift from the Kenya Tea Development Authority, as was originally structured, to an organisation that would be more responsive and more farmer-driven than in the past.

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

(Question proposed)

Mr. Michuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. I would like to, first of all, congratulate the Minister for Agriculture and his predecessor for having involved themselves in the gathering of views and crystallising them by way of a Sessional Paper and an Act of this House. I think this is a job for which the two should be congratulated.

Having said that, I cannot fail to emphasise the need for action. For the last two decades or so, we have witnessed the Government make several promises regarding action it wished to take without actually doing so. This applies to all sectors - be it medical, roads, water and others. The Government has done a lot of talking on all these areas, but action has been lacking. So, now that there is going to be this transformation that is outlined in the Sessional Paper as well as in this Bill, we plead that action be taken to ensure that agriculture is recognised as the mainstay of this country's economy.

Mr. Temporary Deputy Speaker, Sir, we have heard the Minister talk about the employment content and the foreign exchange earning capacity of this industry. Similar sentiments could be expressed about the coffee sector. It is unfortunate that in some areas there have been misunderstanding due to lack of basic information on market operations. The incidents that occurred in Nyeri were in particular due to lack of information on the part of the farmer. The farmer is informed on what his coffee is all about in terms of prices just at the point of payment instead of being educated throughout the year. Information on market trends should be gathered from various international markets and made available to the farmer, so that payments for his crop do not ultimately turn out to be a shock to him. In particular, now that coffee prices have begun to increase, it is necessary that the Ministry and all the agencies that deal with coffee begin public education about the marketing, pricing and growing of the crop.

It is unfortunate that the Government appears to have withdrawn its extension services in the tea and coffee sectors. Agricultural extension officers used to put on uniforms which would identify them with their areas of representation. Veterinary officers used to put on uniforms bearing the initials "VS" for "Veterinary Services"; Agricultural Department officers used to put on uniforms with the initials "AD" for "Agricultural Department". They used to put on good uniforms which made them to earn respect. These services are now lacking. I have gone through the report of the Agricultural Committee of this House on this matter. I hope and trust that what has been recommended in the addendum of the Sessional Paper and the amendments that have been proposed by the Committee will be implemented by the Minister, particularly, at the Committee Stage.

The fundamental issue in the tea industry that was lacking in the past - I pointed this out as the Minister was answering one of the Questions this afternoon - is the definition of the ownership of tea. A lot of propaganda was generated by the Kenya Tea Development Authority (KTDA) under the disgraced former General Manager. He had said that as people delivered their tea at the collection centres, they actually sold it; he spoke as if he was taking advantage of the ignorance of farmers who may not know what the word "buy" means. Therefore, I am glad to note that the Committee of this House has recommended that the law must provide that the farmer owns the tea he delivers to the factory, even as it is stored in godowns and as it is being auctioned and it ceases to belong to him when he has been paid his dues. We have talked about the Kenya Tea Development Authority (KTDA). Tea does not belong to the KTDA, but to the farmer and the sooner the law recognises that the better. I notice that a very good recommendation has been made by the Committee, and I hope that as the Minister brings this Bill to this House, that amendment will be reflected in order to remove all doubts as to who owns tea in this country.

The Minister for Agriculture (Mr. Obure): It will be reflected!

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I understand from the Minister that it will be reflected, and I am very grateful for that. We had some institutions which were created by the former Managing Director of the KTDA. These institutions were meant to be his means of controlling the tea farmers. One of these institutions is the creation of zone offices with fully fledged staff who were being paid their salaries through incomes that ought to have gone to the farmers. The work of these zones was no more than to gather votes for Mr. Karanja and pay the directors who he preferred as opposed to the directors the farmers had wanted to elect. Because of this, the name "zone" is hated by farmers. I know this because as the Chairman of COTEPA, I happen to be discussing these matters with all hon. Members of Parliament, who come from tea growing areas. Therefore, there is no place at all for the creation of zones in the tea growing areas because their functions are contrary to the desire of the farmers.

Mr. Temporary Deputy Speaker, Sir, there was also another institution that was created by Mr. Karanja that is a semblance of a farmer's organisation called Kenya Union of Small Tea Growers Association (KUSTEGA). The Committee of this House has recommended that this organisation should not be recognised anywhere. On the contrary, the legitimate voice of tea farmers is the Kenya Union of Small Tea Growers (KUSTO). We would like to see the Minister doing what he can to assist this organisation to be recognised legally. This union is all over Kenya; it has done a great job in making farmers to be aware of their problems and channelling them not only to the Ministry of Agriculture and Rural Development, but to all the stakeholders within the industry. Therefore, we hope that the Minister will, in fact, assist in the registration of KUSTO, so that it can become the watchdog for the farmers *viz a viz* the directors they will elect in their respective tea factories.

The other issue I would like to touch on concerns the assets. It should be remembered that the KTDA operated as an agent that charged a fee that was to fit within its own recurrent expenditure, such as maintaining offices, paying the staff and so on. But it was never at any time intended that the KTDA would raise money from the earning of farmers in order to buy godowns and buildings. Therefore, it must be accepted that all the fixed assets that are in place belong to tea factories and not the KTDA. This is because this Authority was paid its fees. If it overcharged tea farmers in order to buy assets, then obviously, whatever it overcharged must be returned to tea farmers. We hope that the Minister is very much in the forefront of liberalising the management of tea industry in Kenya.

I would also like to say that this Government is very good in recognising the contribution the "cow" makes, but it is very mean in providing the cow with grass and water that it requires. Here we are in an industry which employs two million people, providing 20 per cent of the foreign exchange that this country earns with which to buy guns and aeroplanes for the bosses - to the extent of Kshs20 billion a year and, yet, the roads in tea growing areas are in such a terrible state. They are so bad that the tea cess that is being charged is completely inadequate. In fact, it is a drop in the ocean in maintaining those roads.

I would like to challenge the Minister responsible, and I am glad that he is here, to renew the International Development Association Loans that were provided to tarmac the tea growing area roads. The World Bank provided a soft loan for that purpose. I am sure that if it is approached, it will do this once again, so that those roads should be tarmacked in order to reduce the cost of production of tea and encourage tea farmers to put more of their money into tea. This is because transportation of tea both to the tea factories and the market will be much easier. Additionally,

those roads will open up other areas of agriculture. We have records in the Treasury and the archives as to how that loan was raised from the World Bank. Why can we not repeat it again and make sure that these areas are adequately served? These are loans of 50 years with 10 year period of moratorium at three quarters of one percent. Why do we go to borrow loans of 20 or 30 per cent when we can get very cheap loans in terms of our capability to pay, in order to improve and promote agriculture in this country?

Therefore, I would propose that this matter be taken very seriously and that an application is sent to the World Bank for this purpose. The details of those loans are still in the books. Contrary to what people believe the KTDA never tarmacked any bit of road. The roads were tarmacked by the Government through that loan which I personally negotiated in Washington. I am sure we have other people who can now negotiate similar loans in order to improve communications and agriculture in this country. Having said that I want to repeat my congratulations to hon. Mudavadi and hon. Obure who have been in charge of the Ministry of Agriculture during the time of review and they have brought changes in agriculture. I must say that they have handled this issue extremely well.

With those few remarks, I beg to support.

Mr. Odoyo: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support these amendments with a few comments. All of us can remember the days when tea was alternately number one or two as the major export of Kenya. We can also remember that KTDA was very active, in place and doing a good job. The question remains: What happened in between? When KTDA became a massive bureaucracy it turned out to be a den of corruption and theft of the farmers' sweat and dues. It must be observed that a body like KTDA is in almost every other country where tea grows. The form, functions and role is what turned KTDA into a monster amidst the humble farmers who are sweating everyday.

The officers we appointed to run KTDA turned out to be the bosses rather than the messengers of the farmers. I support this particular amendment with the sole objective that more empowerment of the farmer will result from this and future amendments. We have not empowered the Kenyan farmer. In countries like the USA, France and others the farmers voice is heard, listened to and acted upon. Here we have got tea farmers screaming day-in-day out, but nothing happens until now when the Minister for Agriculture, hon. Obure kindly decided to take action as a follow-up to what the previous Minister, hon. Mudavadi, had started.

Most of my constituents pick tea in Rift Valley Province; specifically in Kericho, Nandi and Bomet. During the land clashes over 50 tea pickers from my constituency were killed. Would it not be in order that in the future changes he is going to make, the Minister should consider how these farmers who were slaughtered and have not been compensated in the tea farms of Rift Valley, can be compensated either through sale of KTDA assets or through a slash fund? Properties worth millions belonging to tea farmers from Nyakach were destroyed and shops were burned within the tea zone of Rift Valley. I humbly request the Minister to consider compensating tea pickers from Nyakach and other areas who were murdered and whose property was wantonly destroyed while they pursued the normal business practice of making sure that our tea gets to the factory, as they were picking the tea.

As this liberalisation comes in place, it is important that the tea auctions are looked at, at a future date. The tea auctions have been places of transfer pricing. Many of our customs officers cannot tell an MF Grade 1 tea from Grade 15 tea. Frequently, many of these tea houses ship grade one tea and call it grade 10 tea. Here lies one of the avenues through which the export earnings of Kenyan tea has been depleted over the years. Greater attention should be paid to the tea auction. I request our Minister to look again at the pricing and collusion amongst the tea farmers in these tea auctions. It is no secret that as KTDA went down, as the management spent all their time lining their pockets, main tea houses like Brooke Bond and James Finley took over the auctions. There lies the possibility of a cartel in ensuring that the Kenya tea prices remain relatively low.

The price of Grade One Kenyan tea in London is almost four times more than that of Grade One Kenyan tea in Mombasa. One cannot account for a deferential of 400 per cent on the basis of transportation from Mombasa to London. In addition to restructuring and liberalisation, revenue from tea has to go up. The quantity of tea grown in this country has alternatively increased and decreased in a few years. On average it has not declined to a level which would make the tea industry come almost to number six in export earnings in this country. Therefore, the price which we receive for the quantity of tea that we market is an issue.

Private treaties became an avenue for KTDA to sell tea worth Kshs1 million at Kshs200,000. As we are looking at KTDA, one must ask this question; are we trying to hide some of the ills in KTDA through a legal shifting of its status and responsibility? Should we assume that through this parliamentary amendment some, of the ills that were perpetrated against the farmers through this particular authority will also be assumed to have been non-existent?

Mr. Temporary Deputy Speaker, Sir, I hope that the Minister, will tell this House and the country, the status of the money that was lost through pilferage, theft and other social evils like corruption. If that money can be recovered, then it should go back to farmers. We can set up a marketing fund to assist our farmers with that money, so that we do not have to charge farmers when we market their produce. This is because we would have recovered the

lost money and establish a fund for the purpose of marketing produce of our farmers.

Mr. Temporary Deputy Speaker, Sir, tea, sugar and coffee are our "friends" in the morning and evening. Pakistan used to import a lot of tea from Kenya. But because of the political reasons rather than economic, the importation of Kenyan tea has gone down, although we are told that, it is second to none in the world market. What is the Ministry doing to encourage the blending of the Kenyan tea? It is time Kenyan tea was sold as Kenyan tea. Large multi-national likes African Highlands Produce Company took our land through machinations of the colonial Government. The compensation of farmers vis-a-vis the amount of money they made in those lands, is negligible. As we are liberalising the tea sector, some effort should be made to compensate farmers. The Government should set up an environmental fund, so that we can irrigate our land and assist the small-scale farmers to compete with the multi-national farmers who have ripped this country through international trade and other channels. This has hindered our farmers fair competition and thus, they are unable to catch up with them.

Mr. Temporary Deputy Speaker, Sir, we are now experiencing agricultural growth because the current Minister and the previous Ministers did a good job in the agriculture sector. I would like to support these particular amendments and I urge him to continue with the good work and investigate to be able to know how to compensate the tea pickers who were murdered in Rift Valley during the tribal clashes.

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

The Assistant Minister for Energy (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to support the amendments to this very important Bill.

I support this Bill because it is meant for the purpose of restructuring the tea sector and to cut down on overhead costs, in order to improve cost production and earnings. This Bill is very important because Kenya being an agricultural country and tea being the top export crop from which we earn foreign exchange, it is important that we develop the crop for even higher earnings. At the moment, although we produce tea in this country, production is below the capacity in most areas. This is because the farmers have never reaped the kind of earnings that will enable them produce to the maximum. So, it is important that we support this Bill, so that we can develop the sector further.

Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to join my colleagues in congratulating the Minister for Agriculture, hon. Chris Obure and his predecessors. This is because, to bring up these kind of amendments in the Bill, it takes a lot of effort and work. I am sure for them to have reached to this stage, they must have put much effort and done a lot of work. So, I congratulate them for their good work. I hope they will keep it up wherever they are, because this is one of the reasons that we look at, towards improving the economy of this country as we move towards industrialisation by the year 2020. Industrialisation by the year 2020 as an agricultural country, the nearest we can approach this goal is to start with agro-based industries. To do this, tea being one of the top export crops that we produce, we will be save to start from there and hence, the importance of this Bill once again.

Mr. Temporary Deputy Speaker, Sir, there will be need for us to work very hard and improve the quality of the crop that we produce and improve production, through a number of ways which the experts should be working on. Research should be continuously carried on, in order to improve the yields. There will be need for us to improve the earnings of the tea farmers in order for them to serve as an incentive. It is important to improve the earnings of the tea farmers and other farmers, in general in the country. The Government is working on the reduction of the overhead costs. Previously, anybody who looked at the set up of the KTDA would see that, it is a very costly set up. I have had opportunity to visit the KTDA offices and I saw that, every senior officer had an expensive car for himself. I am sure, these are some of the overhead costs that we should reduce on. We know how the management have been running down the tea sector. We have seen how they advanced themselves huge amounts of money buy very expensive vehicles and houses at the expense of the farmers. I am sure, through this kind of amendment and good effort of the Ministry, the overhead costs will be reduced and in turn, improve the earnings of all farmers and especially tea farmers. By so doing, we will improve the production of tea and earn high foreign exchange.

Mr. Temporary Deputy Speaker, Sir, there is need for the Government to subsidize the farmers, especially on the farm inputs. This is because, if farmers spent a lot of money to import farm inputs, then the returns will be negligible and they will not be able to produce more tea.

Mr. Temporary Deputy Speaker, Sir, there is also need for improved welfare of people working in the tea sector. This is because when they are not well taken care of, the plucking of tea may not be done properly or it will never be done at all.

Mr. Temporary Deputy Speaker, Sir, another area I have noticed and which needs to be improved on is the collection aspect. The tea leaves stay for a long time before it is collected by the trucks. As a result, it loses water and weight, and discourages the tea pickers and turns out to be as disincentive. So, if we can improve on the collection method and on the roads--- This is because some of the roads in the tea-growing areas are terribly poor. For example, in my constituency, I have got a road that goes from Kidundo to Maguyu, and it is in a terrible state. And yet that is a very high tea-producing area. As a result, you do not find very many farmers being encouraged to plant and produce

tea. But I am sure that if the road is improved, there will be improvement in the production of tea. The tea sector is labour intensive and, therefore, it can help us in very many ways. We know very well that if we improve on the production of the tea acreage, it will be one way of creating employment opportunities for our people and another way of working towards eradicating poverty. There are a lot of advantages that we enjoy as a country which we should exploit more. Our climatic conditions in this country are very favourable for the growing of tea. Kenya, as a country, is well known for tea production, and we should exploit it more. Kenyans themselves are very industrious and what they lack sometimes is direction and guidance, which we should provide so that they are in a position to produce even more.

Lastly, I would like again to talk about the utilisation of the cess money. There should be harmonisation of the cess money so that among those involved, the Ministry of Agriculture and Rural Development, the Ministry of Local Government and the tea farmers, ensure that the cess money is put to proper use.

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

Mr. Muithia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Tea (amendment) Bill, which the Minister for Agriculture has moved today. I want to congratulate the Department Committee on Agriculture, Land and Natural Resources for the efforts that they have put in this document. I had the opportunity to see the draft document and, therefore, I am aware of what I am talking about.

I would also want to congratulate the farmers who had put up a very high spirited fight for their rights when everybody else was almost losing out to the corrupt KTDA. On that note, I would like to ask the Minister for Agriculture, when bringing the Bill to the House during the final stages, to include the Kenya Union of Small-Scale Tea Growers (KUSSTO) in the management of the affairs of tea in this country, because they are the ones who came up strongly and brought up all the shortcomings which were caused by KTDA. Right now, the police are always on the trail of the KUSSTO officials; they have put them behind bars. They should be allowed to freely associate and comment on issues affecting the tea farmers, because they are also tea farmers.

Regarding the STABEX funds which we have talked over and over in this House, and which the Government has decided to run in secrecy, it was meant to support the tea and coffee growing areas in this country. The European Union (EU) agreed to fund three times whatever the Kenya Government contributed through the tea and coffee earnings. The Government is answerable to its electorate and the Kenya Parliament. I do not know why the Ministers for Finance and Agriculture, and the officials of the Co-operative Societies Department have not brought this matter of STABEX to this House for debate. There is so much money lying idle in banks that can be used to electrify tea and coffee factories and tarmac the roads to assist in the delivery of tea and coffee from the farms to the factories and the market. I am speaking about that with authority, because I had seen a lot of correspondence with the EU. Most of the money that was specifically meant for tea and coffee was diverted to the grain growing areas, but even more so the money sent to those areas did not benefit the farmers. The money was corruptly taken away by officials in the Government and, therefore, all the STABEX funds that were meant for use in tea and coffee areas was diverted. I would like to ask the Minister concerned to pursue this matter and bring it for debate in the House so that the money can be equally distributed to all areas where it belongs.

Mr. Temporary Deputy Speaker, Sir, as we finalise and go into the final stages of liberalising the tea industry, I would like to ask the Minister to come up quickly with rules and regulations which will govern the elections of the factory directors. The liberalisation process is on course and by 3rd of January, 2000, within the next 30 days, KTDA will no longer be in control of the tea industry, or at such as the Minister may guide us on. We must have rules and the necessary mechanisms in place so that tea produce is not left to rot from 1st of January, 2000, for lack of new set of mechanisms.

Mr. Temporary Deputy Speaker, Sir, I would like to echo one of the sentiments raised by one of the speakers, that tea must belong to the farmer, right from the time he plants it to the time it is sold in the export market. Where there has been a lot of in fighting, is because, immediately the tea is sold at the auction or at the export point, the Government, the brokers and KTDA have all to get their commission before the tea farmer gets their share. I would like to recommend that the money obtained from the sales of coffee should first of all be given to the farmers, who will deduct the costs of their inputs, labour and profit, before the surplus can be shared among other stakeholders in the industry. This is the only way the tea and coffee farmers can gauge their sweat and plough back the money into the industry. There has also been talk of differentials in the pricing of coffee from Eastern, Western and the Rift-Valley. I think this is where we should find out why the quality in the Eastern region is better than the quality in the Western region, so that we can improve the quality, so that once we take it to the market, it is sold at the same price for the benefit of the farmers from the two sides.

Mr. Temporary Deputy Speaker, Sir, yesterday, the Minister for Agriculture laid a document on the Table of this House, that talked about the misuse of money by the Coffee Board of Kenya. Coffee and tea industries are going through the same turbulent times. As I stated here yesterday, I do not think that document is going to help the Minister sort out the coffee problems in this country. The figures which were shown here, were deliberately meant to instigate a

lot fighting against the directors of the Coffee Board of Kenya, but were not addressing the root cause of the problem of the coffee industry. Whenever I speak in this House, I have in mind the miserable tea and coffee farmers back in my constituency, because those are the people who earn the country the bulk of foreign exchange. I found out that the money which is said to have been embezzled by the Coffee Board Directors is the money which was spent for travelling abroad while on duty and the money paid to them as their sitting allowances. I wondered whether they are not supposed to be paid their sitting allowances or their par diem allowances when they travel abroad on business trips. Why has the Minister and the auditors not separated these figures, so that we can know how much each director misappropriated, for appropriate action to be taken. I would like to go on record that I do not speak for any corrupt official, but I would like us not to witch-hunt, because, we know that there is a cartel of big shots in this country who want to run the coffee industry as their private businesses. The man who was charged with writing this report is an interested party.

The Temporary Deputy Speaker (Mr. Musila): Mr. Muihia, I would like to caution you to stick to the Bill. We are debating the Tea (Amendment) Bill and what you are trying to bring up is about coffee, on the statement made by the Minister yesterday. I know very well, that yesterday you wanted to continue asking the Minister questions, and the Chair ruled you out. Now, we are debating the Tea Amendment Bill. So, please, stick to tea.

Mr. Muihia: Mr. Temporary Deputy Speaker, Sir, I would like to stick to tea, but at the same time, the Minister is about to bring the Coffee Bill to this House.

The Temporary Deputy Speaker (Mr. Musila): Well, we will talk about it when it comes. Do not anticipate debate. Mr. Muihia, it is even against standing orders to anticipate debate on a Bill that is coming before the House. You should be very well versed with that. So, please, stick to the Tea (Amendment) Bill.

Mr. Muihia: Mr. Temporary Deputy Speaker, Sir, I will go back to the Tea (Amendment) Bill, but I just wanted to caution the Minister to go through the same process when bringing the other Bill, so that this witch-hunting which is being brought in the House does not surface again.

Mr. Temporary Deputy Speaker, Sir, the Kenya Tea Development Authority formed the Kenya Tea Farmers Company. The Directors anticipated the time when they would relinquish leadership in KTDA and continue managing the tea industry in a different style. I would like the Minister to go deep into the accounts of both KTDA and Kenya Tea Farmers Company Limited, to ascertain where KTDA got the money to purchase the property which no longer belongs to the farmers. With those few remarks, I would like to support the Bill.

The Minister for Vocational Training (Mr. Kones): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute briefly on the Tea Amendment Bill.

First of all, I would like to congratulate the Minister for a job well done. I think this amendment is long overdue, because, the tea industry is an industry that is supporting the economy of this country. There has to be careful scrutiny into that industry, so that it does not drift like other industries.

Mr. Temporary Deputy Speaker, Sir, I would like to focus on the small-scale tea farming, which is under the umbrella of KTDA. The KTDA has posed a problem to the small scale farmers. Lately, there has been a change of management which has brought some hope to the farmers. We hope that this change is going to be sustained, and more changes will come into KTDA. The problems that farmers have faced with KTDA are enormous, beginning from the careless way the farmer is handled at delivery of the green leaf. The KTDA should realise that it is their responsibility to handle that tea right from the picking stage to the auction. There is a feeling by KTDA, that they only want to handle what has been picked and brought to the factory. I think this is wrong. Most farmers in the villages do not know the spacing techniques, the kind of fertilizers to use, at what rate and when to apply and proper pruning and plucking methods. I think, KTDA should assist farmers in these areas. As much as we are talking of liberalization, we should also think of improving the quality of tea from the bush level. We cannot improve the quality of tea in the manufacturing stage, it has to be improved right from the word, go. I think, KTDA has to do a lot in this area. Mr. Temporary Deputy Speaker, Sir, KTDA has to do a lot in this.

Coming on also to the election of the Board of Directors, I would like to appeal to the Minister to monitor this. I hope that fairly soon after this there will be elections of Board of Directors. We have seen a situation where there is a lot of lobbying right from the management level to the grassroots on who should be elected into the directorship of the Board. We would like this exercise to be left entirely to the discretion of the farmers without any undue interference from the management. This is case which has been going on for a very long time and the management has used this to sustain and retain their positions. We would like to see a situation where some outsiders are involved in supervision of these elections so that the real representation of farmers is reflected in those elected directors. We have seen this happen so many times and end up getting the same directors to occupy those seats because the management is getting involved in the elections. So, for this industry to survive, we need to de-link the election of the Board of Directors from the management. The Board must be responsible and answerable to the farmers and not to the management. As it is today, you find that the Board of Directors seem to think that they are responsible to the

management. Indeed, this is true because they know very well that they were supported to get there with the support of the existing management. We would like to see this not happening.

Mr. Temporary Deputy Speaker, Sir, another area which we need to look into is the aspect of management fees. The KTDA is overcharging sometimes on what they call management fees. They should reduce it. With this liberalised situation, they are only co-ordinating, but not seriously managing. The Minister, probably needs to look into that aspect so that KTDA reduces the burden of the farmers because currently, it seems to be over-charging on the management fees. Five per cent of that is not actually reasonable. It should be less than that.

Mr. Temporary Deputy Speaker, Sir, as much as we are talking of liberalisation, and, therefore, people having the permission to put up factories effectively, I still would like to plead with the Minister to make sure that this is not allowed to operate so freely, because it can start "killing" the existing KTDA factories. We would like to strengthen these KTDA factories, but KTDA has to know that it has to offer competitive services to the farmers. It cannot have the monopoly and at the same, frustrate the farmers. As much as possible, we are saying that it should not have the monopoly, but this is the only way through which the farmer can be assured of additional factories in future.

Mr. Temporary Deputy Speaker, Sir, there is another method that the KTDA has been using to disqualify people from getting factories. It talks of the amount of kilograms of tea leaves plucked per year, and it has a figure of 15 million kilograms of tea leaves to be delivered to the factory per year. If the figure is beyond 15 million kilograms, then it can look into the possibility of establishing another new factory. These figures are rather misleading. If an area is potentially good for tea growing, for heavens sake, we should move there and assist those farmers, and give them an opportunity to plant tea and put up a factory. It does not have to be a factory that processes 15 million kilograms of green leaves per year. There can be one factory which could process less or even half of that amount and still operate effectively and economically. But we will have assisted those farmers who are staying very far away from the factory to, at least, have a place where they can manufacture their tea. In future, if you feel like you want to increase the factory capacity, you will just increase the number of tea bags and driers. You will not need to put up another factory.

Mr. Temporary Deputy Speaker, Sir, this figure of 15 million kilograms of green leaves is a rather misleading figure, and it is a figure that I do not know who fixed it to frustrate certain farmers. This figure should come down and we should say that if an area is potentially good and the farmers are willing to plant more tea, we will give them the materials to plant tea or we will then move in there and put up another factory. These factories do not have to be that expensive. Today, we are using getting, for example, Kshs400 million for putting up one factory. However, Kshs120 million or Kshs130 million is more than enough to put up one complete tea factory. You do not need Kshs400 million. So, these figures are being exaggerated. Why are they being exaggerated and what for? The truth is that we can use as little money as possible to put up these small factories.

Mr. Temporary Deputy Speaker, Sir, the other thing that the Minister should know is that the biggest incentive to farmers is when they see a factory nearby. If farmers know that they will pluck their tea and carry it 50 kilometres away from where they live, they will not be interested. But if you put up a factory nearer their farms, this will be a big incentive. So, if we are really thinking of improving this industry, and we know that it is an industry where production can actually be doubled or raised three, four times, we should focus more on this establishment of factories.

Mr. Temporary Deputy Speaker, Sir, we hope, as farmers, that the KTDA will retain the cess money and give it straight to the implementing bodies who will work on the road systems. We should not allow a situation where the county councils will take all the money in the name of going to improve roads. If they are unable to use the money that they are collecting from bus parks to improve those bus parks, how will they ever work on the roads? Let them retain their small percentage and the rest of the money should go to a board that will look into the road network. We are saying that the councillors should not be allowed to touch this cess money, otherwise, it will be used to pay their salaries and allowances.

Mr. Temporary Deputy Speaker, Sir, we are already having a lot of problems with the local authorities and they are in a pathetic state. We cannot even talk about the executive officers there because they have been frustrating us for a long time. We do not want them to go to the farmer again and start "eating" the farmers' money. The Minister should, please, make sure that this money is not "eaten" and the farmers will be very happy.

*(The Temporary Deputy Speaker
(Mr. Musila) left the Chair)*

(Mr. Deputy Speaker took the Chair)

Mr. Deputy Speaker, Sir, I want to comment very briefly on an issue that was raised by a colleague of mine, to the effect that there should be some compensation paid to some tea pluckers who were murdered in some tea estates.

This is an incitement! Today, in the tea industry, there is a lot of harmony, good working relationship and good atmosphere between the residents of those areas and tea pluckers and we should not incite farmers. There has not been any killing of anybody in the tea industry. If there has been anybody dead, it has been by mistake. This must have been a normal crime, but we cannot say that tea pluckers were killed during clashes and so they need some compensation. I do not think that is the case. It did not happen and nobody should start talking about it here, and try to gain some political mileage out of it. There was nothing like that. Tea pluckers in those few areas, as far as I can remember, were properly protected by the police who felt that they had no business getting hurt at all during those ugly fracas that took place.

Mr. Deputy Speaker, Sir, in conclusion, I would like to commend the Minister also for the way he has outlined how he will appoint the Board of Directors to the Tea Board of Kenya. In the past, there has been a lot of serious discussions on the representation of the multi-nationals, and I do not think that is right. There has to be a lot of representation involving the small-scale farmer, the KTDA and the Ministry of Agriculture and Rural Development. Otherwise, the whole structure seems to be very good. We hope that this time round, we will not have some ugly scenes as we have seen in the coffee industry.

With those few remarks, I would like to support the amendment and I wish the Minister a good time. Thank you.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

INSECURITY IN THE COUNTRY

Mr. Deputy Speaker: Order! For the convenience of the House, I would like to propose that, the Mover of the Motion that we are going to discuss, speaks for ten minutes, and every other Member will get five minutes. Is that agreeable?

Hon. Members: Yes.

Mr. Deputy Speaker: Proceed, hon. Obure.

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

The Minister of State, Office of the President (Mr. Sunkuli) seconded.

(Question proposed)

Mr. Kapten: Thank you, Mr. Deputy Speaker, Sir. I am moving this Motion with all the sincerity and hope that, after the Government hears the sentiments of hon. Members, it will take steps to bring insecurity in this country under control. When we came to this House, we all took an oath to defend the Constitution of this country. All the Government Ministers, including the President, took an oath to defend the Constitution of this country. One of the fundamental sections in the Constitution is the right of an individual to life and liberty.

Mr. Deputy Speaker, Sir, Kenyans are crying because of insecurity. This problem started in December, 1991. It started in the name of tribal clashes or cleansing, whichever term you would like to use. We thought that this was just a passing cloud. We hoped that the question of killing people and cattle rustling was going to come to an end within a matter of days or weeks. It is now almost nine years since this problem started. The people in the North Rift have never had peace since 1991. The people in North-Eastern Province have never had peace for a long time. The question is: If we have a Government in place, why can it not protect Kenyans? Why can it not ensure that Kenyans live in peace?

Mr. Deputy Speaker, Sir, we can divide the problem which we have in this country into about three or four categories. We have urban insecurity, rural insecurity, highway insecurity and political violence. In 1991, when the clashes started, we the people in Rift Valley were told that, Rift Valley does not belong to certain ethnic groups. We thought it was a joke! Then, the clashes started and many people died, many houses were burnt, women and children raped and cattle stolen! We thought the Government will come up and protect the victims. The people were moved from their farms because they did not belong to the correct ethnic group. Up to now, as I am speaking now, we have people who are displaced in Trans-Nzoia. When they try to go back to their farms, the invaders do not allow them.

Mr. Deputy Speaker, Sir, the other day, the President said that those people should go back to their farms. I want the Government to practise what it says. If the President said the people should go back to their farms, the people who have settled on farms which are not theirs, should be asked to move. If they cannot move voluntarily, force should be used to evict them.

Mr. Deputy Speaker, Sir, we always talk about AIDS. The other day, we were in Mombasa talking about the same. If we cannot protect our children from rapists who spread AIDS, what society do we expect to live in? Because of the clashes, we have people who live in market centres. They cannot go back to their farms. I say so because in my constituency, which borders Uganda, people come at night to invade the centres and rape children and women. More often than not, those rapists are infected with AIDS. How are we going to protect the innocent women and children from those rapists? I expect the Government to take steps. Unfortunately, reports are normally made to the police, but nothing is done. I have a case in point when a report was made to the police. At times, the police do arrest those people. But instead of taking them to court, the police negotiate with them; they are given a few shillings and then they are released. What kind of society are we living in?

Mr. Deputy Speaker, Sir, cattle rustling has never stopped. We have that problem in Marakwet. Marakwets, the people in Trans-Nzoia and Turkana are crying just because of one group, in the name of Pokots. I am not saying that all Pokots are bad. No! We have some very good Pokots. But the majority of them are involved in cattle rustling. Yet, the Government is not taking any steps to protect the Marakwets, Luhyas and Turkanas. Are the Pokots above the law of this country?

Mr. Deputy Speaker, Sir, we have highway banditry. If you go to North-Eastern, you will be lucky to get there. If you come from there, you will be lucky to get to Nairobi. This is because of highway banditry. Kenya is an independent country. What steps have the Government put in place to ensure that people can travel freely from one place of the country to another? This is a question which we would like to ask the Government.

Mr. Deputy Speaker, Sir, when you move around Nairobi, you will see that people are incurring a lot of costs, putting up high walls and electric fences, just because of insecurity. How are we going to live in this country, if this Government cannot protect us? You can hardly move in Nairobi at night, and hope to be safe. You can hardly move from Nairobi to Western Kenya and expect to use our normal route safely. This is because any time you move at night, there are highway bandits who are prepared to attack. The Government must take steps.

Mr. Deputy Speaker, Sir, even Members of Parliament are not safe! Recently, hon. Wanjala and another Member of Parliament were attacked. Up to now, nobody has been arrested. The security of Members of Parliament is not guaranteed by this Government! When we ask for firearms, we are not given. Hon. Wanjala had asked for a firearm because he was not sure about his security. The Government did not even respond. The solution to this problem is to do what Uganda has done. It has liberalised the supply of firearms. Because the Government has not been able to remove firearms from the civil population, the only answer is to allow people to have firearms to protect themselves. Instead of sending administration policemen or the general police who do nothing to protect institutions like banks, why can they not be allowed to employ their own security with guns? Members of Parliament are responsible people. Why is the Government not willing to give Members of Parliament firearms to protect themselves.

Mr. Deputy Speaker, Sir, we also have political violence. Unfortunately, political violence is instigated by people in high places. The other day, hon. Orenge was attacked by people who are known and they have not been arrested to date. The other week, the supporters of hon. Dr. Ochuodho were attacked in Homa Bay by known people and yet they have not been arrested up to today. About a month or two ago, I had a Harambee in Kwanza and councillors issued threats that if hon. Kibaki and hon. Nyachae appeared in Kwanza, they would be killed. Those threats were issued by councillors who are known and yet, no action was taken against them. Why should we encourage political thuggery in this country? I want the Government to take steps to protect Kenyans from this insecurity. If we do not do that, then we are in a big problem. Kenya is going to undergo very difficult times.

Mr. Deputy Speaker, Sir, these days the recruitment of policemen is done through bribery. The police recruitment officers are bribed and so the people who are employed in the Police Force are not interested in the work of the Force but their own selfish gains.

(Question proposed)

Mr. Munyes: Mr. Deputy Speaker, Sir, I take this opportunity to support this very important Motion which is touching on the lives of all Kenyans. We know very well that this is an issue of national concern. It is not affecting the pastoralist communities alone but all of us. If the guns which are found in Nairobi and other towns emanate from the pastoralist areas as it is being claimed, then that becomes a problem for everybody and hence we should treat it as a national concern, the same way Members of Parliament treated the AIDS pandemic.

Mr. Deputy Speaker, Sir, it is a known fact that insecurity in Northern Kenya has reached alarming proportions. We have seen massacres like the ones which took place at Bagalla, Wagalla, Kibish and the killings in Kainuk in Turkana District. All these affect Kenyans. We have lost lives and property. In this regard, I put a lot of blame on the Kenyan Government and more particularly on the Office of the President because of the inefficiency which is there. The Government should tell us what the security apparatus in this country lack. We have seen cases

where the Pokots raid the Turkanas and we have also been told of incidents where these people challenge the Government. What is this Government lacking? In Kwanza, we heard of a situation where a combined force of the police, the GSU and the Kenya Police Reservists were overpowered by bandits. What is the Government doing about this? We have funds for security roads that should be helping us in ensuring that the Government operates. But we have not seen this money doing the right job. This money just goes into the pockets of some people in the Office of the President. What is the role of the military? We cannot allow people to perish the way they are perishing now and yet we boast of a qualified military personnel that is there to wait for external wars.

Mr. Deputy Speaker, Sir, what is happening here in Kenya today is a spill-over of what is happening in the neighbouring countries. The guns which are used for criminal activities in this country come from Sudan, Ethiopia and Somalia. What is the Government doing about that? But the underlying causes of insecurity in pastoral areas are due to poverty. We have been marginalised for a very long time. There is deep poverty in these areas. We compete over very meagre resources, for instance, in one area, people compete over a well. This is something which our Government should really help us to sort out. We have engineers in the military with all the drilling machines, why do they not help us to ensure that we have got these resources?

But all is not lost. I hope that with the new East African Co-operation in place, something will be done along that line to contain regular conflicts. There should be a security department so that a way of stamping out cattle rustling can be put in place. In so doing, the three governments can find out ways of curbing regional inter-tribal conflicts brought about by cattle rustlers. We should find a way of pacifying these gun men. Uganda has tried to register all the guns. The Karamojong, for instance, have got guns issued to them by the Government. Those guns are registered by the Government to ensure that they serve the public and the Government. These are initiatives which we can undertake in this country.

There are good security measures which we can undertake to ensure that the youths are engaged in some fruitful activities. We have got irrigation activities along the Turkwel River. Why can the Government not support that? We had this Motion on the 15-Year Water Harvesting Plan. That is something which can support the pastoralists to ensure that we have enough food and, therefore, stop raiding each other. We need to review the Communal Punishment Act. Recently, the President was very sincere about that. We should have this in place. If the Pokots raid the Turkanas and go into a particular division and we know very well---

With those few remarks, I beg to support.

The Assistant Minister for Local Government (Mr. Affey): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. It is apparent that security problems also abound in the North Eastern Province where I come from and it is fair that I also give my experiences while contributing to this Motion.

Mr. Deputy Speaker, Sir, one of the most important factors that is contributing to insecurity today, especially in the North Eastern Province is the current state of affairs in Somalia. There is a spill-over of the insecurity which is prevalent in Somalia to the North Eastern Province. Over time, we have appealed for urgent intervention so that we can be able to curb this insecurity which is having spill-over effects on the lives of the people of North Eastern Province.

Mr. Deputy Speaker, Sir, as we are talking now, there is no Government in Somalia; law and order has broken down and that country is being managed and ruled by warlords. The most unfortunate thing is that these warlords come to Nairobi and from the save heaven of Nairobi, they contact their international connections to seek funding to continue the mayhem in Somalia. We have requested that if these fellows appear on the Kenyan soil - I do request now that this House should resolve -they should be arrested and taken to the International Court of Justice in the Hague. What they are doing now is to exacerbate the problem. We have even requested the Office of the President not to clear these warlords when they want to get access to our President. If they do that, they confuse the situation in southern Somalia even further. I think we need to be involved as Somalis from Kenya in trying to find a solution to the Somalia problem. The political class in Kenya, of Somali origin, has been forgotten in an attempt to bring peace to Somalia. Such an initiative will benefit Kenya and by extension the people of North Eastern Province. Therefore, we need to be involved in the current diplomatic initiative because this problem directly affects us.

Secondly, we have said that if we need to sort out this problem, we do not have to deal with the northern part of Somalia. Our problem now is the southern part of Somalia. This is the part that is neighbouring North Eastern Province. This is the part that is now unstable. There is no need to consult with somebody from Mogadishu or from any other place. We need to get to a situation where we can be able to handle the people in the southern part of Somalia; that is the Juba area. With that, we request, if it is possible, that the Minister urgently establishes a liaison office in Garissa to be able to counter the attacks. We need a liaison office which can be managed by somebody from North Eastern Province, but of Somali origin. This is because he can be able to go across and have diplomatic initiatives and relationships with these people who live in the southern part of Somalia.

Mr. Deputy Speaker, Sir, in an attempt to boost security in North Eastern Province, we have requested that we

urgently require the recruitment of Kenya Police reservists to be able to boost the number of security officers that are currently stationed at the border. This has not been forthcoming and the result of it is that we have been losing many of our people to incursions from across. Many of our animals have been driven away. Many of our trucks have gone across the border. We require urgently the establishment of this liaison office and the recruitment of the police reservists.

Finally, even the stations that are now established across the border from Diff, Sariff and in Manderla side, that is from Manderla town up to Garissa; in Liboi and in the refugee camps; the facilities that are there at the moment are wanting. Those facilities cannot be able to repulse the sophisticated attacks, especially those that are coming from the Somalia side. Therefore, I would like to appeal to the Minister to urgently boost these areas with communication facilities and vehicles for those centres that are established across the Somalia-Kenya border.

With those few remarks, I beg to support.

Mr. Kibaki: Mr. Deputy Speaker, Sir, in supporting this Motion, I would like whichever Minister is replying to come out clearly and say as to what he is going to do about the obvious corruption in the sector of security. This is because that is what perpetuates insecurity. Take one aspect whereby in Nairobi and many other places in Kenya, people carry out trade in guns freely like they are selling potatoes, and the security people know them. They know you can buy a gun for X-Y-Z shillings in Eastleigh here, and the Government also knows this and it does nothing at all. Therefore, those who are charged with that work are tolerating or sharing in the money being made in that particular trade. There is no other way to see it because you cannot have anybody who is in charge of security, leaves Nairobi to be the centre of free illegal trade in armaments, which they know of and exactly where it happens, and no action is taken. It is part of corruption. They are tolerating it because they benefit from it, and the Minister should say what he is going to do about it. If we do not begin there, we are really cheating Kenyans. We should not tell lies, otherwise the best thing would be for us all to be allowed to openly own arms, so that people will, indeed, defend themselves. I do not think that is the best option. We should not encourage it. It is not the best option, but people are desperate.

Mr. Deputy Speaker, Sir, in the rural areas, and to be specific in my own constituency, we arrest people who are known to be selling these things. One is taken to the police and some of his friends come and "pay" for him, and he will never appear in court. You meet the fellow tomorrow and he is outside the cells. There are many instances of this nature. It goes on everywhere. We are told, and it was announced by the State, that they are going to disarm people in Pokot and the adjacent areas. Now, they do not do it. It is not done and we keep hearing that such-and-such a group has attacked the Marakwet and they have killed so many people, and it is taken as a small matter. Why do we promise Kenyans we are going to disarm people whom we do not want to disarm? Who are we cheating? Do we feel that we are cheating ourselves, particularly as responsible people in charge of security? This is because it is a primary duty of any Government in the world to protect its citizens. Why do you say you are going to disarm people and you do not do it? Surely, then, you are not serious. You are cheating someone for the purposes of benefiting somebody else.

Mr. Deputy Speaker, Sir, thirdly, we want good security in this country. However, first and foremost, let us make sure that people who get caught are taken to court and actually punished, and it is known publicly. This is because it is the only way to actually discourage others, and I am talking here about violence related to people who want to steal, and that number is increasing. You can find people, numbering 30, attack one person and, mutilate the fellow. These people are arrested and then they are kept for three months; money is paid; na *unasikia wawili wameondolewa*. Out of the 20 who are arrested, another three are taken, and eventually you are left with one or two persons, who, if they are able to bribe their way at a higher fee, are also released. It is corruption that is perpetuating the insecurity in this nation, more than anything else. It is within the security-keeping force, and we are only copying what is happening in the rest of the nation. So, it is a bigger issue than what we are really seeing, and we should really take it very seriously.

However, why do we not appeal to people themselves, that is, civilians, to set up or organise peacekeeping units? This is because when people want to organise a peacekeeping unit in their own areas, they are stopped and yet they are the only ones who can do it. They are stopped, and we are told: "We have security and whatever else", and yet we do not have it. So, what we are really asking is that the Government cannot stay the way it is now; people are being killed freely and yet the Government does nothing because that is not the position of a government. A government has a duty to protect the lives of its citizens and it should come out clearly and be precise on what is going to be done. This is because the frustration is well beyond what people can bear.

Mr. Deputy Speaker, Sir, perhaps, more important, when we are saying we are going to revive the economy of this nation, which person in the world who has money will come to Kenya in the condition we are in now? It is not possible! We have gangs in the game parks who have been terrorising tourists and stealing their property, and we should be able to clear the game parks.

I support the Motion.

The Vice-President (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. I think the most

important thing here is the fact that insecurity really does affect each and everyone of us in this country. The Government does recognise how important security is. For us to be able to tackle this problem of insecurity, I think it behoves every one of us to play our role so that we can find a solution to solving this problem. Let us not politicise this matter.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir! It is you who is politicising this matter!

The Vice-President (Prof. Saitoti): Sorry! I repeat again that it is not a matter of politics. It is a question of finding a solution to saving the lives of the people. It is not a question of pointing a finger at one there. I say this because---

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

Mr. Deputy Speaker: Order, hon. Members! This is a Motion where Members have only five minutes.

Hon. Ochilo-Ayacko: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, hon. Ochilo-Ayacko! If you have a point of view to put forward, just stand up when the time comes and put it forward, but let other Members also have their opportunity to say what they have. You may not like it, but give them an opportunity to say it.

Proceed!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, thank you very much because that is the affirmation of democracy, which should be here. I say this because we know for sure we do have an area here called Eastleigh, where, certainly, some guns are being traded. There have been occasions when the Government has made a swoop and acted accordingly. However, there have been accusations that certain human rights violations are being conducted. I want to say this today---

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, expect that action by the Government is going to be taken with immediate effect. Indeed, the President did make this announcement today, on his arrival, that we do have an enclave and we cannot allow any enclave in this country where guns are being traded by people. We are going to take firm action. The President has made it clear and, therefore, let us get the co-operation of all the Members when the Government moves into those areas where we know that guns are actually being traded. For those who are involved, action will be taken against them accordingly. Firm action will be taken against those who are involved in the trade of guns, and they will cry.

Mr. Deputy Speaker, Sir, His Excellency the President made a statement today and you can expect action to be taken with immediate effect. We want support, even from this time. It is not going to be in Eastleigh only! It is going to be all over the country where we suspect that the arms are being traded. Those who are responsible for such trade will be dealt with accordingly. We are a free country and we shall not allow people to come around and mess up with our economy. We know how important security is to the well-being of the society. It is, indeed, true that, to the extent to which we have insecurity in this country, we cannot be able to develop and we have to make sure that this does not happen.

Mr. Deputy Speaker, Sir, I have also had cases in my own place where some bandits did come to terrorise people. This is a fact, and those people will have to be dealt with. The other thing that I want to say here, and which I think is absolutely important, is that, we are all leaders and we all do subscribe to democracy, which will come out clearly once we do accept it and embrace it as a culture. By a "culture", we mean that, we must be tolerant. You must be in a position to accept somebody to express a view, even if you do not agree with it. Wait until you have a chance to disagree with it. This is democracy! Intolerance breeds a violent mind! Indeed, we, hon. Members, in this House should set a good example that, when we want to talk, we do refrain from abusive language and stop abusing each other. I believe this is going to foster the culture of democracy, stability and peace, to the extent that if we abuse each other, we will be provoking people into violence.

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

(Applause)

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion. The question here is, who is in charge of security in this country? Is the Government in charge of security? Is the Government competent? Can Kenyans trust this Government with their lives?

Mr. Deputy Speaker, Sir, I am surprised to hear the Leader of Government Business saying that we hon. Members in the Opposition side have to co-operate. The Government has all the apparatus for security, but not the Opposition. Because of the culture of violence that the Government has shown and tolerated; where Members of Parliament have been beaten by police, and where every police officer out there acts as a criminal, the culture of

violence has been encouraged in this country. They are now turning around and saying that they want co-operation from us. We are co-operating all the time!

When the swoop was made in the estates, how many guns were recovered in Eastleigh, for example? Because of bribery, as the Leader of the Official Opposition has said, we have never seen the guns that have been recovered from Eastleigh because the same police officers are the same ones who go there to look for the guns. They are the same officers who are bribed and they are the same ones who participate in some of those robberies.

Is the Government capable of doing something little for the citizens of this country? Citizens are dying because there is no food, and they are not being fed; there is insecurity, and there is no infrastructure! Then, what is this Government doing for the people of Kenya?

Mr. Deputy Speaker, Sir, I think it is time for all of us, including the Government, to take the lives of Kenyans seriously, and first of all, to stamp out this culture of violence which has been shown by the Government. Even the criminals have been shown the way by institutionalised violence.

Mr. Deputy Speaker, Sir, as I speak here, some people were killed in Kawangware. For the last three months, these things have been happening, and they are done by the police officers. Those police officers are walking free in Kawangware with their guns and every time we ask them, they tell us that: "We are investigating." What is being investigated when people were killed, one of them being an employee of Postbank? The Postbank employee just peeped out of his window and he was shot dead. That is institutionalised Government thuggery!

Hon. Members: Shame!

Mrs. Mugo: Until and unless insecurity is stamped out, and unless the Minister of State, Office of the President, says that: "I am incapable of keeping security in this country"; then we are just wasting our time.

Mr. Deputy Speaker, Sir, the other day, three women were raped in Umoja Estate by people pretending to be security officers. Maybe, they were security officers-turned thugs; we do not know! So, it is time this Government pulled up its socks and did something for the welfare of Kenyans, either by feeding those people in Turkana or protect Marakwets from being killed when the children go to get their jabs for polio, or provide security even here in the City.

Mr. Deputy Speaker, Sir, until and unless the Government is serious--- This is because they are really not serious, the way they are playing with the lives of Kenyans. If we all can be serious--- The challenge is on your side! Let the Government be serious with the lives of Kenyans and, we, on the Opposition side, will support whatever you are going to do to make sure that Kenyans have security.

Mr. Deputy Speaker, Sir, without security, there cannot be any development. Even the children cannot go to school. There are some areas where the children have stopped going to school because of insecurity. We are crying to this Government. Nobody is putting the Government on trial. All we want is to see security guaranteed for Kenyans because you have the security apparatus, and you have been given the mandate to rule this country and, at least, we hope so, if it was not rigged in. But you cannot rule without providing security and food for the people, and without children being able to go to school and women walking in the streets safe from any harassment.

Mr. Deputy Speaker, Sir, we have heard of cop-highway robbers. How many have been dismissed from the Police Force? When the citizens complain, they are moved from one station to another station in a different area.

An hon. Member: On promotion!

Mrs. Mugo: They are moved from one station to another station where they continue with the same problem.

We are asking the Minister in charge of internal security in this country that if he is in charge of security, unless there is some other underground body which is running this country---

An hon. Member: A private army!

Mrs. Mugo: Unless there is a private army in this country which is running the country, is the Minister in charge of security going to take action and give Kenyans the security which we are crying for?

With those remarks, I beg to support.

Mr. Achuka: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

This Motion is very important because it is talking about insecurity in the country. Insecurity is the cause of all crises in this country and it has affected the people of this country. Insecurity is the cause of economic decline in this country and it has cost us the lives of the citizens of Kenya. Insecurity has deprived Kenyans of the freedom of movement to search for food and to take care of their animals.

An hon. Member: Ongea Kiswahili!

Mr. Achuka: We are not free to do our business; we are not free to send our children to school. We are not free to farm and we are not free to do what we want in this country because we are always living in fear due to insecurity. The Government has the capacity to control or to contain this problem, but it is watching as these things happen without taking any action. It is just reluctant and I do not know why. Maybe, the Government has an agenda

of trying to frustrate and weaken many communities and make them poor. They want to weaken them so that they become politically submissive to that party. This is a very serious issue and the Government should come up with a solution. If the Government does not come up with a solution, then it should not blame anybody. There will come a time when all the people will say they are fed up!

(Applause)

We have talked about this issue for many years since 1983 when I came here as the Member of Parliament for Turkana South. I was even arrested and jailed in Nakuru because of insecurity. This Government is favouring some tribes, and that is why the people of Turkana are killed by Pokots and the Government is doing nothing to help them. The Government is just watching as the Turkana are being killed by the Pokots during day time. For example, one day in Kalemorok, the Turkana were attacked at about 3.00 p.m. The Turkana fought the Pokots from 3.00 p.m. up to 4.00 a.m. in the morning. The security forces were about 20 kilometres and they could not come to help us. On 28th October, the Pokots of Alale, Kesoi and Kacheliba came and robbed the Turkana. The Government is supposed to take action.

Mr. Deputy Speaker: Time up!

Mr. Muithia: Mr. Deputy Speaker, Sir, I stand to support the Motion as a very bitter Member of Parliament. I would like to know from the Minister in charge of Internal Security what the role of the Director of National Security Intelligence Services (NSIS) is. All this insecurity is happening in the country when recently we formed that department to be able to give the Kenya Government information on insecurity in this country. But it appears that the role of the NSIS is to follow---

(Members consulted loudly)

Mr. Deputy Speaker: Order! Order!

Mr. Muithia: It appears that the role of the NSIS is to follow Members of Parliament and report them to the system, so that we do not do our work. In the last two years, more than 30 deaths have occurred in my constituency. Personally, I am unable to do my duties in the constituency because I have to get out of the constituency by 4.00 p.m. As late as Kenyatta Day, two people were killed in the morning and five injured. There have been no arrests. Two weeks later, two other people were killed, ten injured and there has been no arrest. All these have been reported to the security arm and nothing has been done. I tend to think that the insecurity in this country is created by the Government to divert the attention of Kenyans from the real problems of bad governance, poverty and the failure of the constitutional amendments in the Constitution. The Government appears to be happy that our minds are not concentrated on the recovery of the economy. When Turkana and Marakwets are attacked by Pokots, I have had the occasion to hear elected Members of Parliament sitting in this House boast to the others how they retaliated and the Government does not take any action. It appears as if this is Government-instigated insecurity. Unless the Government wakes up and takes affirmative action, very soon, it risks being overthrown from its position because it has failed to protect its citizens.

Mr. Deputy Speaker, Sir, why do we not use the Armed Forces? We should ask the Armed Forces to help the Government in maintaining security in this country. That is why we in the NCEC are calling for everybody to be involved in matters affecting this country. We are not calling upon the Armed Forces to take over this Government, but we are saying that they have a role. There is more than ever before, the need for us to have the NSIS and the Armed Forces coming together to help us. At the beginning of this Parliament, hon. Members came to this Floor and asked to be given guns. We were told that we do not need those guns; yes, we may not need the guns but then where is the security of these hon. Members? I want to appeal to the Government to work with the Opposition to bring the security back to its normality.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Order! Order! It looks like that there is a lot of interest in this Motion, I will, therefore, using powers conferred on me under Standing Order No.17(2), extend the sitting to 7.00 p.m.

(Applause)

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, hon. Members have made reference to insecurity from neighbouring countries. Whereas I will address myself to that particular one, we must never look at it negatively. We from the Government side feel that the biggest threat to our internal security from external countries is from the fallen Republic of Somalia. It is not being tribalistic; it is that there is no more

Government in Somalia, and that all the guns that were there are finding their way here. That is why, this afternoon, the President said that the Government is going to take quick action to deal with this question of guns that are particularly found in Eastleigh. That is not being tribal; that is being realistic. If we do not call a spade a spade, we are not going to cure this problem. So, we are going to face this problem of guns that have come from the fallen Republic of Somalia. Whereas we are going to do that, we are also trying to address the problem from the root cause. We want to ensure that, eventually, Somalia gets a government, and that is why we agree with those hon. Members.

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

Mr. Deputy Speaker: Mr. Sungu, you had better be sure that you are raising a point of order. You should also say which Standing Order the Minister has violated.

Mr. Kathangu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order---

Mr. Deputy Speaker: Order! I am sorry, but look at the Standing Orders and see how you are supposed to stand on a point of order and what you are required to do.

Mr. Kathangu: Yes, but I am correct.

Mr. Deputy Speaker: You are not correct; read the Standing Order under which you stood. Do you know it?

Mr. Kathangu: Yes.

Mr. Deputy Speaker: Which one is it?

Mr. Kathangu: It is one of them.

Mr. Deputy Speaker: No way!

(Loud consultations)

Order! Order! Hon. Members, the Standing Orders of this House are very clear. Any hon. Member can rise on a point of order any time, but he must point out to the Speaker the Standing Order the hon. Member on the Floor has violated, so that the Speaker can make a ruling. So, that is why I told hon. Sungu to rise on his point of order and point out the Standing Order that Mr. Sunkuli violated.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. With due respect to the Chair, I think it is unfair---

Mr. Deputy Speaker: Order! Name your Standing Order!

Mr. Sungu: Mr. Deputy Speaker, Sir, the practice in this House has been that one rises on a point of order without necessarily quoting any Standing Order that has been violated; this is normal practice in this House.

Mr. Deputy Speaker: Order! Hon. Members, I have, on many occasions, had to draw your attention to the relevant Standing Order and what it says whenever I made a ruling. So, please, let us follow the Standing Orders of this House. So, hon. Sungu, raise your point of order and name the Standing Order the hon. Member on the Floor is violating; it is as simple as that.

Mr. Sungu: Mr. Deputy Speaker, Sir, I happened to have forgotten my "Bible" in my locker. May I go for it now?

(Laughter)

Mr. Deputy Speaker: Order! You are now being frivolous! Mr. Kathangu, could you now raise your point of order?

Mr. Kathangu: Mr. Deputy Speaker, Sir, I would like to know whether it is in order for the Minister of State, Office of the President, in charge of security, to tell the people that there are going to be swoops? Those guns will be transferred.

Mr. Deputy Speaker: Order! Mr. Kathangu, that is not a point of order.

Mr. Kathangu: It is a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! You are asking the Minister a question. Now, read Standing Order No.68 and learn how to use it. If you use it correctly, I will have no problem with you, but I will not allow you to stand on a point of order and then ask a question. I have just extended the time of this [**Mr. Deputy Speaker**] sitting to give more hon. Members an opportunity to make their contributions. Now, if you do not want to make your contributions, I will terminate the debate.

Proceed, Mr. Minister.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, we are being asked to take security matters seriously, and we want to continue taking it seriously. Because I have made my point, I would like to say that regarding Somalia, we are addressing the particular issue. Unfortunately, the hon. Members who fought for multi-partysm do not want to hear the alternative views. However, I would like to say that the Government is taking

the issue of insecurity seriously. I am sure that hon. Madoka, who will respond on behalf of the Government, will have an opportunity to say so.

Mr. Sambu: His time is over!

Mr. Deputy Speaker: I am compensating him for his time that was taken up by some hon. Member. Continue, Mr. Minister.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, before I was interrupted, I was addressing myself to the external issues that have contributed to the insecurity situation in our country. We are, in fact, even looking into the potential issues that would have come easily. Recently, I visited the Government of Ethiopia during which we addressed related issues regarding insecurity incidents that occurred along the common border of the two countries.

Mr. Deputy Speaker, Sir, the Government has the weapons with which to look after the lives and property of Kenyans. However, in order for us to address the issue of insecurity properly, Kenyans also ought to understand that it is up to us all to look after the security of this country. The information on the whereabouts of these criminals is with the citizens of this country. The Government cannot be expected to come up with magic with respect to this issue. It is not enough for those who are in the Opposition to say that the Government is to blame for the insecurity situation in this country. We are not going to be responsible in that manner. We must understand that in order for us to get to the bottom of this problem, we must stop apportioning blame to one person or the other. We will deal with the issues as they are currently. The Vice-President has put the point across very clearly, that whereas we are trying to deal with this issue, it must not be politicised. We must continue going to the nitty-gritty of the related issues.

With those remarks, I have made my point.

Mr. Orenge: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

Security is one aspect we cannot afford to compromise. One should not blame leaders of the National Assembly wholesale. Over the years, all the instruments of maintaining security in so far as the National Assembly is concerned have been in place. We have enacted laws in this country that make it illegal for anybody who is not licensed to carry any firearm or ammunition. The law provides that persons found in possession of these weapons should be arrested and prosecuted. We have done our duty as the National Assembly. However, over the years, in the North Eastern Province, before the collapse of the Bare regime, or even before Bare came into power, insecurity has been part and parcel of life in that province.

Mr. Deputy Speaker, Sir, at one time, I appeared before a District Commissioner in a Mandera court as an advocate. There was an allegation that there was an element of insecurity in parts of Mandera District, but the local people, who had no arms at all, were swooped and charged, with creating disturbance and being in possession of firearms. Those were ordinary people who were being charged whereas those who were responsible for insecurity were walking out scot-free. I am saying this because I believe the Government must look into it. It was established in evidence that the bullet that killed Dr. Ouko was similar to a Government issued one. The Government should find out how that bullet got into the hands of criminals. There is evidence that some of the bullets that were used to kill those innocent people who had sent their children to Tot Health Centre for the anti-polio vaccination recently came from the bullets factory in Eldoret.

Instead of the Government arresting KANU and Opposition leaders and church leaders in that region, it should find out how those criminals got possession of firearms or ammunition coming from a Government institution. If the Government cannot find this out, then there is something wrong. In West Pokot, Turkana and Elgeyo Marakwet Districts, these things have been happening for the last 20 years or so. Is the Government suddenly waking up and saying: "From today, we are going to take action"? The Government must be alert all the time; it never goes to sleep. So, it should explain why these things are happening.

Has the Government been asleep in the last 10 years to be woken up suddenly? The Government was mandated to defend the lives of Kenyans and their property when Ministers took oath here to defend the Constitution of Kenya. Have they been carrying out their duties in accordance with the oath they took in February, 1998? Have they lived to that oath, or they are suddenly waking up? The culture of violence will continue to be part of us if the Government will not have respect even for elected leaders.

Mr. Deputy Speaker, Sir, if hon. Shaaban can be attacked somewhere on the road and up to now nobody has been arrested, yet he is a Member of the ruling party, who will have confidence? If a Minister in the Government is killed, and up to now there is no evidence at all as to who would have done it, the Government is encouraging people to break the law with impunity because it is not punishing criminals. When the Government points a finger at Eastleigh, that, that is where the ammunition and the firearms are going, the question it must answer is how they have reached this estate from southern Somalia, which is thousands of miles away. This is because the Government is trying to blame the Somalis who live in Eastleigh, but between that border in Somalia up to this estate, you go through so

many districts, provinces and roadblocks. There are so many District Commissioners on the way! One day, if you join the Opposition, like hon. Nyachae has done in principle; or you are in the Opposition like me, and you try to speak to women in the market, you are surrounded by 100 policemen. But up to now, the Government has not told us what it has done in the killing of six innocent children in Tot. Nothing has been said! There is no answer to that.

Mr. Deputy Speaker, Sir, I would like to warn this Government that if it allows militiamen to increase in number, like it is allowing it in West Pokot District, it will have Banyamulenge and, the Mai Mai, and at the end of the day, this Government might collapse because it has dug its own grave.

Thank you very much.

(Applause)

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, the Government has taken the views, recommendations and suggestions of the hon. Members in this House very seriously. Indeed, the Government does take the question of security seriously. It is not true, and I feel sad when I see hon. Members all the time saying that the Government must be serious. We are, indeed, a very serious Government.

A number of hon. Members: No! No! Wacha!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, among those hon. Members who have spoken, it is only one or two of them who came up with some suggestions; most of the others rose, criticised and came up with no solution, which means that they do not also think. We, as a Government have done everything, and we are constantly reviewing the security situation in this country. We apply all our available resources to try and ensure that security is maintained in this country.

Most of the cases of insecurity emanate from crimes related to firearms; many are from ethnic tension and conflicts, and quite a few too are politically instigated.

Mr. Jirongo: By who?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, it is done by some of us, and equally, by some of the other leaders outside this House.

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

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, as has been said, the responsibility of maintaining security is everybody's business, and unless all of us take this issue seriously, we will not help the Government in curbing insecurity. It is our entire responsibility to maintain security.

(Applause)

In most of these areas, like in the North Rift Valley, the insecurity situation arises out of livestock rustling. Most of these problems arise because our leaders in those particular areas are not prepared to come out and condemn any of these actions by their own people. As I have said, most of these leaders also instigate these people.

We have talked about proliferation of arms into this country. We have done everything possible and we continue to do so to ensure that we stop this proliferation of arms. One of the hon. Members referred to our neighbouring country where most of the people are legally armed. I want him to know that those people who are legally armed by our neighbouring countries are the same people who cross the border to come and steal animals in our country. I think we need to be a little bit more serious because if you give out too many arms to these people, you are not helping to curb insecurity in this country. I challenge hon. Kibaki; if he knows where these arms are being sold, let him take us there. When we have known arms are being sold in particular places, our policemen have gone there. We have evidence to show that we have raided those particular places and we have recovered some arms. If a responsible Member knows that there are certain arms being sold, let him come and take us there instead of just standing here and saying so.

Mr. Kibaki: On a point of information, Mr. Deputy Speaker, Sir!

The Minister of State, Office of the President (Maj. Madoka): I do not need you to come and take up my time. I do not need any information here. Let him report in the right place.

Mr. Deputy Speaker: Order! Hon. Minister, just advance your argument. You do not have to answer what other Members say. Indeed, one of your own colleagues stood up here and said those guns are available in Eastleigh.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, also, if hon. Saitoti knows the place, I am sure he will take us there. We are all the time condemning the police, but they have done a commendable job over the few months from the beginning of this year. They have recovered very many firearms and drugs. They have done a lot. We accept that, indeed, we do get one or two policemen who do get involved in these

particular crimes, but I do not think it is fair to condemn the entire Government because of the activities of one individual. Where we have found some of these policemen involved in crimes, we have evidence that they have been charged, prosecuted and gone to jail.

Mr. Deputy Speaker, Sir, most of the work that the policemen do, 98 per cent of it is very successful. But there are just a few bad eggs in the basket. Let us not condemn the Government because of those few individuals in the police force. The Government has set up special crime prevention units throughout the country. As a result of those units, the police officers have been very, very successful in their work. We also have the Flying Squad which, again, has been very successful.

Mr. Deputy Speaker, Sir, I would like to call upon hon. Members of this House to co-operate with the Government in trying to curb insecurity in this country. What we need is the desire for peace and co-existence. We have too many ethnic and clannism problems which create a lot of insecurity in this country. I call upon the leaders in those particular areas to try and preach peace, which we all desire because it is the only way we can live in harmony. The Government also recognises that unless there is peace, stability and security in this country, the lives of Kenyans are at stake, because investors will not come to our country. So, we work throughout to try and ensure that we maintain security in this country.

Mr. Deputy Speaker, Sir, we again appeal to hon. Members to come forward and help us. We share the views of hon. Members. We do not want to witness any senseless killing of our people. It also pains us to see people being killed by their own brothers. So, we are equally concerned, and we will continue to do our best, to make sure that all Kenyans are protected at all times.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. The Government is accepting mistakes. This is the transparency we are talking about. We are seeing a new Government--

Mr. Deputy Speaker: Order! I do not want a speech; I want you to raise your point of order.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, is it in order for the Minister to revert us to the dark ages of hiding the obvious things about the brutality of the police?

Mr. Deputy Speaker: Order! Hon. Gatabaki, you know very well that was not a point of order. I thought this matter was a serious one. So, please, let us be serious about it.

Proceed, Mr. Minister!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I was just about to draw my conclusion by saying that we all appreciate that security anywhere in this world is a very serious and sensitive issue. Whether you go to London, New York, Washington DC, South Africa or Nairobi, it is a major concern, and you will get incidences of insecurity and crimes. So, it is not unique to Kenya. We are doing our best. I want to assure Kenyans that we will not rest until we have systems in place, which will ensure that Kenyans are protected.

(Applause)

Mr. Kajwang: Mr. Deputy Speaker, Sir, the Government is not very serious. The other day, we passed a Bill here to establish the National Intelligence Security Service (NISS). I thought one of their jobs was to listen near the windows of thieves, and robbers; mix with their girls and, sometimes, sleep with them, so that they get information which would lead them to arrest the robbers before they rob; the murderers before they murder, and the bank robbers before they get into the banks. These officers have a lot of money. They are paid more than any other police officers. In addition to their pay, they have some money on which they drink, roam and riot around. I do not know what they do. The Minister is in charge of these officers and I thought he could use them to get into Eastleigh, so that they buy one gun. Today, if they went there, they would buy a gun. I tried to buy a gun but I was so scared because I do not know how to shoot. Otherwise, with Kshs20,000, I would have bought myself a good gun; a good pistol!

Mr. Deputy Speaker, Sir, the Minister should not ask hon. Kibaki to go and show him where guns are being sold. Use these officers, whom we pay a lot of money, to go to Eastleigh and roam, drink, talk and sleep around and get some information. That is the job of the Minister. That is not our job. Our job is to create the force and allocate them money. We have given them enough money. What are they doing with the money? So, the Minister should not come here and tell us it is our duty. How can I control crime in this country? The criminals cut my face; I now look quite ugly, and I was a very handsome man.

(Laughter)

Yesterday, the Minister told this House that he was not aware that Mr. Kajwang was hurt. I was almost being laid on the Table. It was Mr. Speaker who stopped me from being laid on the Table of the House. A friend of mine called me yesterday afternoon and told me that he does not know that I was hurt because he does not bother. This is because he

has never been in the Opposition. Sooner or later, he will be in the Opposition.

Mr. Deputy Speaker, Sir, the Government has not recognised that hon. Members are public servants. We work for the public; we do not work for ourselves and, thus, if we earn money here, we earn it to do the job of the public. The Government thinks that it is the Ministers and Assistant Ministers who do the job for the public. What else do Ministers and Assistant Ministers do more than me? The Ministers and Assistant Ministers answer Questions brought by hon. Members on behalf of the same public. They have vehicles, guns, money and everything else, but I walk on foot around here.

(Laughter)

Mr. Deputy Speaker, Sir, it is a very serious matter, and if the Government is serious to get rid of crimes, it can do so. I will give you an example. I was a student at Makerere University in the 1980s when it was dangerous to walk around Kampala. There were gun shots everywhere. At 5 p.m., they were "greeting" each other. You would see bullets flying in all directions. But President Museveni told the security officers: "Gentlemen, we are going to ask you to tell us how you used your bullets. If we find one which you cannot explain how you used it, we will shoot you in the Public Square." And he shot five of them, and there was no more gunfire. Government officers joke about the issue of security because it is the police officers who hire out their guns and ammunition to robbers and, in the end, we are robbed with them and they share this money with the robbers.

(Applause)

Mr. Deputy Speaker, Sir, we cannot have a country like this; we are soon going to have no country. You cannot walk in the streets; you cannot go and buy anything after seven O'clock because it is dangerous. **Hon.**

Members: And the robbers do not hide!

Mr. Kajwang: Mr. Deputy Speaker, Sir, what are we going to do? Either the Minister of State, Office of the President, in charge of internal security, should confirm to us that this Government is earning from robbing its citizens and then we acquire guns and fight the Government. Who does he want to tell us that the Government wants to protect?

Hon. Members: Tell them! We start with Maj. Madoka!

Mr. Kajwang: Mr. Deputy Speaker, Sir, this is a very serious matter. Now, the Government has allowed cattle rustlers to roam about and kill children, and then Maj. Madoka waits for an hon. Member to ask a Question in the House and, three days later, reports that the security officers have not caught anybody, or he is not even aware that anything like that happened. And we are supposed to listen to such kind of talk. I did not want to use a worse word, but that is not responsible talk from a responsible citizen. What are the residents in Tot supposed to do to show that they are responsible, and in order to protect themselves? If a group of people have those big guns and you have nothing, and they take away all your children, wives and animals, what are you supposed to do? We are brewing war in this country, and we are going to have this "brew" very soon.

Thank you, Mr. Deputy Speaker, Sir.

Dr. Ali: Mr. Deputy Speaker, Sir, this is a very sad day for me. What I am complaining about is not the issue of insecurity in the country, but what we have heard about Eastleigh being termed as the den for arms and ammunition. Going by the statement that was given by the Government side in the House, I know that women and children are going to suffer tonight. I know that they will be raped, looted and so many other things are going to happen in Eastleigh. The Government officials who spoke earlier blamed Eastleigh for causing insecurity in the country, but they are not caring about the welfare of the area residents. The security officers will go and look for Somalis. They will say: "Wewe Somali! Lete dhahabu na dola!" Do we manufacture those things? This is something that is happening every day. An Assistant Minister from North Eastern Province (NEP) stood up here a while ago and said that we are tired with Somalia and that we do not want these warlords; "get hold of them and put them in cells", he said, and we leaders from there agree with him. And we are ready to make sure that nothing comes from Somalia; give us the guns and you will see. We are trained to do that. Mr. Deputy Speaker, Sir, the Government has failed to maintain security in the country. If given guns, we will stay on the Somalia-Kenya border and make sure that nobody enters this country. Otherwise, if the Government cannot trust us with guns, then, it should not harass us. This is a fact which I will repeat now and then.

Mr. Deputy Speaker, Sir, some time back, a reporter from the *Daily Nation* went to Kawangware and bought guns. Is that Eastleigh? No! There are guns everywhere in Kayole. Is that Eastleigh? There are also guns everywhere in West Pokot District. So, why should Eastleigh be the target? This is because there is Garissa Lodge and Somalis are doing business there, and Asians have bribed the Government because they do not want the Somalis to progress. That

is the only reason, and nothing else.

(Applause)

Mr. Deputy Speaker, Sir, I would not mind if security officers get hold of the thugs in Eastleigh. I am not going to support anybody who is a thief and a gun peddler. We have had enough of that in NEP since Independence. We do not want it; we want to live in peace. We want to rear our animals, farm and do business. But if the security personnel are doing business out of that, then, we are not doing anything. You will go to Garissa, stay there for about six months, and there is no problem. Then, you hear, one day bandits have attacked. Where do they come from? You will hear that the North Eastern Provincial Commissioner's vehicle is attacked and another day something else happens, and after that you do not hear anything else. You have to seek police escort to travel to NEP. Why should we be having this problem? Why can the Government not post Somali District Commissioners and OCPDs to NEP and see whether there will be banditry or not? I can guarantee you that there will be no banditry. I can tell you, that it can be done. What is very special about North Eastern Province? We should be told; if we cannot be told, then, let us forget about the issue of saying that there is banditry and guns in North Eastern Province. There is nothing in North Eastern Province, except hunger and suffering. We have suffered enough, and we feel that we should be given the opportunity to live peacefully like anybody else in this country. There were mines in my constituency, and when the Minister was asked, he said that there were no mines, until I forced it out of him. Why should that be the situation? This Government should take the problems of North Eastern Province seriously. Otherwise, we will go back to our old ways; we will go and buy guns and defend ourselves. I come from the Ethiopian border and there are guns being sold there every day. At the border, we have the OLF militia and others from Somalia. Ethiopia has taken over Somalia. Oromos are in Somalia, and the Government of Ethiopia wants them out or they wage war on Somalia. Why can the Government of Kenya, also, not do something?

Mr. Deputy Speaker, Sir, the other time Kenyan police were disarmed by some people from Somalia. What were they doing? They were just drinking, eating ugali and playing darts, whereas they know the Somalia border is dangerous and there are guns all over. Kenyan soldiers simply put guns in vehicles and sleep. These are not good soldiers. We should get well trained soldiers who can defend this country. Guns do not only come from Somalia, but also from Ethiopia, Sudan and Uganda. We have requested for Kenya Police Reserves, and we are simply told that the Government is considering this. What is the Government considering and yet people are dying? People have been killing one another in Garissa for the last one year. Every day, ten to 20 people are killed in Isiolo and Garissa. Nobody talks about it because nobody cares what happens there. Is this the way we are going to live in this country? If the Government is tired of Somalis, it should get rid of them.

I beg to support.

Mr. Shakombo: Bw. Naibu Spika, jambo la kusikitisha ni kumsikia Waziri anayehusika na usalama wa nchi hii akitueleza kwamba, Serikali inafanya kila inavyoweza kuhakikisha kuna usalama. Kila wiki, magari kumi yanaibwa. Kila mtu anajua kwamba, magari yanayoibwa mara nyingi ni aina ya Vitara na Toyota. Kwa nini hawa askari wa Flying Squad na Anti-Crime Squad hawana akili ya kutumia magari yanayopendwa na wezi ili wawakamate ama kuwapiga risasi?

Bw. Naibu Spika, Kenya ilipopata Uhuru, bandits walikuweco Somalia, lakini hawakuwa wakipita kule. Hivi sasa, bandits wanafika hadi Malindi. Kila wakishambulia, wanaua, wanachukua mali na kwenda zao. Polisi wanaposema: "Our men are in hot pursuit of these bandits", huwa ndiyo hatua ya mwisho. Kule kwetu, kwa kawaida, watu walikuwa hawaweki milango ya vyuma kwa nyumba. Hivi sasa, Likoni ni miongoni mwa mahali pasipo na usalama kabisa. Zaidi ya wezi kumi wanawavamia wananchi, wakiwa na magari au mikokoteni, na kuchukua mali yao. Wakishaenda, mali hiyo haiwezei kupatikana tena. Serikali inasema vile inavyoweza kuhakikisha usalama wa wananchi, lakini kwa maneno matupu. Maneno matupu hayafai. Maneno ni lazima yafuatwe na vitendo ili Wakenya wawe na imani kwamba Serikali yao inawalinda.

Miezi miwili iliyopita, saa kumi za mchana, kijana mmoja mwenye kuuza dukani alipeana pesa kwa watu waliomletea mikate. Mara kulitokea watu wanne na wakamvamia. Alipojaribu kushikilia pesa zake zisiende, alipigwa risasi na akafa. Wezi hao walitumia risasi zikamalizika, na vijana waliokuwa wamewazingira wakaanza kuwapiga mawe. Hao vijana walimwua mmoja wa hao majambazi na wakamfuata yule mwingine aliyekuwa na bastola na wakamkamata. Utashangaa kusikia ya kwamba ile bastola ilikuwa imetoka kituo cha polisi cha Likoni. Utawezaje kumwambia mwananchi asaidiane na Serikali na apeleke habari hukusu wezi kwenye kituo cha polisi ikiwa kituo chenyewe ndicho kinachotoa bunduki ya kutumiwa kuwaua watu? Ukiwaambia polisi kitu chochote, wanazunguka kwa yule mshukiwa na wanamwambia ni nani aliyewapasha hizo habari. Huyu mwenye kuwapatia polisi hizo habari maisha yake yatakuwa hatarini. Watu wanashindwa hata kutoa ushahidi kwa sababu polisi hawayabani majina ya watu wanaowapasha habari.

Hata sisi wenyewe Wabunge hapa hatuko salama. Wiki iliyopita, grille ya gari langu iliibiwa hapa ndani ya Majengo ya Bunge. Nilienda kwa Chief Serjeant-at-Arms na hata kwa polisi lakini kila mmoja alishangaa ambavyo jambo hilo liliweza kufanyika. Tunaelekea wapi? Sasa ninasema kuwa ikiwa wezi wanaweza kuiba grille ya gari hapa katika Majengo ya Bunge, kesho miwani yangu itakuja kuchukuliwa hapa hapa, na hata sijui nitaweza kufanya namna gani.

(Laughter)

Bw. Naibu wa Spika, hii ni nchi yetu na ikiharibika, itaharibika kwetu sote na si kwa waheshimiwa Wabunge wa upande wa Upinzani, bali hata kwa watu wa Serikali. Nina marafiki kutoka nje ya Kenya, kama Rwanda. Kila mara nikiongea na wao, wananiambia kuwa kule kwao mambo yalianza kama vile yanavyofanyika hapa, kidogo kidogo. Magari yanaibiwa; watu wanauliwa, na hii hali ikazidi kuendelea. Mimi nikiondoka hapa Bunge sipitii kwingine bali hukimbia moja kwa moja mpaka nyumbani. Labda mtu atanifuata nyumbani, ambapo mimi hukaa mpaka asubuhi ndipo ninapokuja hapa. Kwa nini mambo yawe hivi na hali tuna Serikali?

Kwa hayo machache, ninaunga mkono.

Mr. Maundu: Mr. Deputy Speaker, Sir, the issue of insecurity is a very critical one and hon. Members have raised it. We would like the Ministers in charge of security in this country to take this matter seriously. This is not a question of raising a matter here and whitewashing it to protect the image of the Government. We must get out of this culture where we are always on the defensive. If the Ministers in charge of security want to do a job and be appreciated by Kenyans, they must be on the offensive. The culture of a Minister defending himself whenever an incident occurs should be discouraged in this country.

Everybody in this country is willing to help agents of security to combat crime and sins of insecurity, but the Minister's efforts will come a cropper if he does not co-operate very closely with hon. Members of Parliament and other people in this country. In order for the Police Force to do its job, hon. Members of Parliament may consider making it an independent entity in itself, so that we have a police commission, and so that we have a Police Commissioner who is called so rightly. Let the Police Force be an entity which is not controlled and manipulated by senior politicians. Let it be an entity which can make independent decisions about matters affecting security in this country. Let the Police Force feel that it has the power to even arrest a Minister of Government who has breached security regulations.

(Applause)

Let the Police Force feel that it has the support of Kenyans and it will not be intimidated. I do not think that the Police Force, as it is today, is properly secured.

With those few remarks, I beg to support.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for us to interrupt our business. The House, therefore, stands adjourned until tomorrow, 2nd December, 1999, at 2.30 p.m.

The House rose at 7.00 p.m.