

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Wednesday, 8th June 2016

The House met at 11:13 a.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOMING THE CHAIRPERSON OF THE COUNCIL OF EMINENT PERSONS OF MURANG'A- HON. CHARLES RUBIA

The Speaker: Hon. members,, as per our order paper today, our business this morning is an address by our distinguished guest Hon. Dr. Charles Wanyoike Rubia. There will be no other business.

As per our standing orders, the distinguished guest will be heard in silence and he will be the only speaker. I know Hon. Rubia to be a modest person and he may not say much about himself, therefore, with his permission, I will say something about him for the sake of those who do not know him well, especially the younger members of this Assembly.

Hon. Dr. Charles Wanyoike Rubia, born in 1923m is one the most influential makers of the history of modern Kenya. He served as Cabinet Minister, the first African Mayor of the City of Nairobi, an extra-ordinary diplomat, a Member of Parliament (MP) for Starehe constituency in Nairobi and, a one time, very successful businessman.

The Hon. Dr. Rubia was born in Kandara, Murang'a in 1923.

(Applause)

I am sure that the hon. members from Kandara are very happy to hear that. He attended various schools in Murang'a before proceeding to the prestigious Alliance high school in 1941. After very intense education and training at the Posts and Telecommunications Training School in Tanzania, he graduated in 1943 and received a British Council grant to study the British system of local government in the United Kingdom in 1959. He then enrolled in numerous professional training programmes in Nairobi, which he successfully completed.

Charles was now ready for his next ground breaking job. In 1962, he became the first African Mayor of the City of Nairobi, at a time when Kenya was transiting from colonial rule to self-government.

In 1962, as Mayor of Nairobi, he was instrumental and took part in a very crucial convention dubbed, 'The Kenya we want'. This convention, which was an initiative of leading business, political and professional leaders of the time, was funded by the private sector and their friends. It was intended to design and develop strategies and roadmaps to propel Kenya into a great country in Africa and the world.

As a Mayor of Nairobi, Hon. Dr. Rubia was one of the highest ranking diplomats in an 'extra-ordinary capacity'. He routinely hosted civic receptions at City Hall, Nairobi, for every Ambassador who presented his credentials to the new President, Mzee Jomo Kenyatta. He was awarded 'The Freedom of The City of Nairobi' because of his extemporary work as Mayor of Nairobi.

In 1963, Hon. Dr. Rubia was invited to America under the State Department's Exchange Visitors/Foreign Leaders Programme, where he greatly publicized the City of Nairobi and Kenya. He won acclaim from Hon. Tom Mboya and the first Prime Minister of Kenya Mzee Jomo Kenyatta for his 'best diplomatic service'. Charles- as he was fondly called by his peers, represented Kenya on the Africanization Commission of the East African Common Services Organization. He served as a Director representing Kenya in the East African Development Bank Board.

In the corporate world, Charles Rubia also excelled; he served as the Chairman of the Board of Directors of the Kenya Mystery Tours. He served as a Director of more than a dozen companies and state parastatals. He was the founder and First Governor of The Red Cross in Kenya and several other voluntary/charitable organizations. He was a long serving member of the Committee of Muthaiga Country Club, where he is now a life Member.

Hon. Dr. Rubia's achievements in the local government propelled him for high responsibilities at the national level; he served as Member of Parliament for Starehe constituency in Nairobi between 1969 and 1988. He served as an Assistant Minister during President Kenyatta's government. From 1979 to 1988, he served as a Minister in various government ministries under President Moi; these included the Ministry of Local Government, and the

Ministry of Works, Housing and Planning. He was dropped from the Cabinet in 1988 when he lost his parliamentary seat in the now infamous *mlolongo* (queuing) voting system.

In a ballot that was said to be rigged, Rubia lost with 21% against his opponent with 71 %, before losing his position later in 1988 in the Board of the Commercial Development Corporation, an industrial parastatal. This started his transformation from a high flying Minister and Board Member of various corporations to an agent for change.

(Applause)

In 1989, the Nairobi KANU branch suspended Rubia on grounds that he had participated in anti-government demonstrations and recommended that the national party expel him, together with 13 others, with the President promising to hunt down the advocates of multi-partyism, "like rats." They were indeed hunted like rats.

He remained silent for several months, before joining forces with former Cabinet Minister Kenneth Matiba to take the defense of 'political space' and civil liberties outside the confines of the Parliament and Office of the President, where both were accustomed to fighting their battles.

(Applause)

In May 1990, the two former Members of Parliament called a joint press conference to urge legalization of opposition parties. Several days later, they issued a 13 point statement on the merits of a multi-party system.

The events of June and early July were decisive with the government rejecting the application for a license to hold public rallies. Prior to the scheduled date, Hon. Matiba and Hon. Rubia were detained under the Kenya's Preservation of Public Security Act, which allows indefinite detention without charge or trial on July 4, 1990.

Also detained were Raila Odinga, human rights lawyers, Mohammed Ibrahim and Dr. John Khaminwa as well as Mr. Gitobu Imanyara, all of whom were held without charge or trial, with others like lawyers Paul Muite and Gibson Kamau Kuria going into hiding for several weeks.

Despite the two issuing a public statement that the rally had been called off, thousands turned up for the canceled rally which was forcibly broken up by police who fired at

demonstrators. In protest, demonstrations and clashes occurred in Nakuru, Murang'a, Nyeri, Nyandarua, Thika, Narok, and Kiambu in support of Hon. Matiba and Rubia. The police and army suppressed this using indiscriminate deadly force; more than 100 people died as a result of military and police action while 1000 were arrested.

Hon. Rubia was arrested and held in Naivasha, Kamiti and Shimo la Tewa prisons and was released a year later, when word went to Moi that he was very sick and could die in jail. His efforts were not in vain as the push for multi-party democracy continued, with the result being the repealing of section 2A of the Constitution which stated that there would be no other political party.

Hon. members, it is through the efforts of Hon. Rubia, Hon. Matiba and others that Kenya is where it is today. With their agitation, multi-party democracy was introduced in Kenya. They are considered as the fathers of political struggle and mentored many politicians.

But, it is important for us to recognize that in his struggle, Rubia, and especially his family, had to sacrifice a lot for this country, with his businesses forced to close and his educated children lacking employment as no employers would hire them for fear of being on the 'wrong side'.

The fruits of multi-party democracy are very visible today, and Kenya has made it to the list of Africa's most democratic and open societies, with the expansion of the democratic space; the growth of numerous political parties and freedom of the people to elect leaders of their choice. But, the other fruit of multi-party democracy is the Constitution of Kenya 2010, the reason why we as an Assembly are able to sit here today.

The Constitution of Kenya 2010, has summarized the gains that Hon. Rubia and all, fought for, with the greatest being Article 1 which states that "All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution" thereby giving the power to the people of Kenya by bringing the government to the people.

The Constitution, further gives the people rights under the Bill of rights and fundamental freedoms in Chapter 4, defining freedoms such as; expression, media, access to information, association, among others. This is another reason why Hon. Rubia lost his freedom fighting for people to enjoy these freedoms.

(Applause)

Through devolution, and the creation of the 47 counties, citizens are able to plan, and make decisions on their development needs, and further monitor how the funds for development are used at the county level, thereby giving power to the people.

Every leader should be willing to copy the example of Hon. Charles Rubia, in the sacrifices he made, the courage he had, as a true servant of the people and take on any challenge, for the sake of the people he or she represents.

(Applause)

Today, we celebrate a great man, a great leader, who sacrificed so much for the people without expecting anything in return.

(Applause)

Hon. members, the least we can do is just like he did- become servants of the people- whom have been called to perform important trusts in the Republic and advance the peace, prosperity and welfare of our country and those whose interests have been committed to our charge. That is Hon. Charles Rubia for you.

In case you are wondering why I am referring to him as Dr. it is true but do not go to him seeking for medicine for your cold.

(Laughter)

Recently, Hon. Rubia was awarded a Dr. of philosophy degree in Human Rights; therefore, he is now rightly Dr. Hon. Charles Rubia.

(Applause)

Hon. Dr. Charles Rubia, and the guests who have come with you, we are much honored to have you visit us today. We have been waiting for it.

We apologize for any inconvenience you may find with the sitting; it is only that we are using a make shift Assembly at the moment while our real Assembly is being refurbished.

Without much ado, hon. members and our guests, I call upon Hon. Dr. Charles Rubia to make his statement.

Thank you very much.

(Applause)

MESSAGES

ADDRESS BY THE CHAIRPERSON OF THE COUNCIL OF EMINENT PERSONS OF MURANG'A- HON. CHARLES RUBIA

Hon. Charles Rubia: Thank you Mr. Speaker Hon. Nduati Kariuki, H. E. the Deputy Governor, Hon. Senator, Hon. Members, distinguished guests ladies and gentlemen.

It is with great pride that I address you this morning, the great men and women who form the Assembly of my native county of Murang'a of which I am very proud. I am in deed grateful to you Hon. Speaker and the committee for inviting me.

As we were walking in, I reflected on once upon a time way back in the British isle, Britain, I think it was in 1963, I had the honour also and privilege of being invited by the City Council of London to address the as I am doing here today

(Applause)

It is that reflection that makes me feel very happy and at long last I am to address the Assembly in my own county.

It is with great pride I address you this morning, I wish to thank you all particularly Mr. Speaker for this invitation. It always feels good to be home, perhaps because of my leadership in Nairobi and at the national level, and having not sought an elected position in Murang'a, many of you may forget that I hail from this county.

I was born and brought up in Maria-ini sub-location, location 5, Kagundu-ini in Kandara, Murang'a where I still have a home, extended family and many childhood friends.

This is a significant day in my life. As I accepted the invitation to speak to you today, I did so aware that it is my first time to address a council Assembly since my days as Mayor of the City of Nairobi and later as Minister for local government.

Indeed, there was a time I visited Murang'a County Council, then there was a chairman called Njoroge and I addressed the council. When I visited here as Minister for local

government, I decided to give Murang'a County Council, two physical planners because those were very important people not only in urban areas but also upcountry, I was happy to give to Murang'a county at that time two physical planners, to plan your town well and your country

Mr. Speaker sir, the turning point, both in my life and the fight for multi-party democracy in Kenya, started in May 1990, as you have just said when Hon. Kenneth Matiba and I started the agitation for the rights of Kenyans to live as a free people without fear of tyranny.

When we convened the now famous Saba Saba meeting for July 7, 1991, we were arrested and detained on July 4, 1991; that is a few days before the actual date of the seventh.

Kenneth, myself and many other Kenyans paid heavily for this sacrifice, but it was not in vain; that is why we are able to gather here today to speak freely and chart our own destiny as a county and as a country.

Our struggle for democracy was inspired by many more heroes before us, who had said *ciaigana ni ciaigana* (enough is enough)

(Applause)

And laid down their lives so that future generations of Kenyans may live free and in peace and prosperity.

We remember our freedom fighters like Mary Nyanjiru from Kiandari, General Kago and others as you may recall in this particular area, even church people were involved, and I remember because I went to my primary education in Kahuhia we had Petro Kigo who was a Reverend and was in the forefront of fighters for this country. I can also remember those days people like Reverend Elijah Gachanja are some of the people who joined us; for that we must never forget them, I will probably talk about it later when the time comes.

We thank the Almighty God that our efforts and sacrifices were not in vain. Although we were successful in our fight for multi-party democracy, it is unfortunate that this crusade was hijacked by other forces who then introduced *majimbo* (federalism) while this was never our original intention.

And at that point I would like to explain; when Kenya attained independence in 1963, we had actually a *majimbo* Constitution, and also that those days I remember very clearly as Mayor of Nairobi, then under the federal Constitution we had a lot of problems.

We could see tribalism start to show its head, so in our campaign for multi-party we never intended this country to be run on federal basis, but as a democrat, what was decided, we have to work with it and I will tell you we have to observe the Constitution to the letter because that is what democracy means. Unfortunately the federal system was introduced by the people who were outside the crusade.

Some of you may recall, I think even you Hon. Speaker can recall because you was in Parliament also, there was something they called IPPG which meant Inter Parties Parliamentary Group which was formed after very careful political consideration by the regime then Moi government which started discussion on how to run the country with multi-party from what was decided by some of us outside parliament including some Members of Parliament, unfortunately politicians those days accepted IPPG.

After that we had big meeting where people were invited from all over the country. What we have is also federal, but we have to live with it and apply to the letter and I say we can manage the current system of the government in the spirit of the proponents of the system and also on behalf of our country Kenya.

Today, I came to celebrate freedom in our young democracy.

(Applause)

This young Assembly signifies the great strides we have made across generations to nurture a culture of democracy and peace in our county and country.

Ladies and gentlemen, I also came to speak of peace. I speak of peace as the only guarantee for sustainable freedom and development for our people, our county, our country and our continent.

I speak of peace at a time when our country is at war fighting the Al-Shabaab terrorists in Somalia and many African countries are facing the threat of unnecessary violence fuelled by extremist ideologies. I speak of peace.

About a decade ago, Kenya's peace and sovereignty came under a mortal threat from a near civil war situation after the disputed election. I speak of peace at a time when we are headed for a general election next year.

When we had problems after the elections of 2007, I was still here in Kenya and I was still in my mind and I will tell you that I was disappointedly sad that instead of solving our problems here, other people came from outside to come and bring peace; I am talking of people like Kofi Annan and others.

I was not convinced that we needed outsiders to come and bring peace to us. What actually happened, they did not only help solve the problem of election results, they introduced other issues which they referred to as injustices of the past. And in fact under Kriegler committee, they started talking of past injustices going back to 1963, because we allowed foreigners to come and bring peace to us, they gave us more topics to discuss including land issues.

And land is a very sensitive item in everyone's lives because if you become a citizen of a country, you will reside if you have land in it.

As I said, it is unfortunate that we were able to be led by foreigners, people who did not know anything about us. The county had able people, Mr. Speaker allow me to blow my own trumpet and say I actually wrote an article in the press and I said we do not want foreigners to tell us on this

(Applause)

And I mentioned a few names; people could do it. We were going to Somalia and Sudan to make peace using our own people and I said let us use those people of ours to bring peace.

I still say, I am saying this because we are headed for elections next year and if history repeats itself, there are signs we could have trouble. I do not think it could be as bad as that of 2007 and 2008 but indications are there unless we work for peace. That is why I am presenting on peace and the peace cannot be empty in the space, it has to start with you and me. I will come to that much later when I speak.

I speak of peace. Peace is the single most important gift from God, which we often take for granted. I have, therefore, chosen this time and this place to remind all of us to treasure peace in our communities, our county, our country and our world.

What do I mean by peace? What kind of peace do we seek as a county and as a country? We are reminded now and again that peace is not the absence of conflict, but the ability to handle conflict by peaceful means.

I, therefore, speak of genuine peace, the kind that cherishes harmonious co-existence among neighbours in a community, the kind that enables men, women and nations to have hope for a better tomorrow and to build a better life for their children and future generations.

Why do I speak of peace now? Tensions and conflict among men and nations are as old as civilization itself, but today, violent conflict and war are no longer among nation states. Our recent experience from many parts of the world is that millions of innocent people are losing their lives today because of wars involving communities within the same countries.

You do not have to think very far, it is actually happening in Arab countries today, it is happening also in some countries in Africa.

We have celebrated democracy and freedom as the gifts from the past generations but today democracy is facing the threat of conflict as families, clans and ethnic communities are rising up against each.

Election time is a particularly risky time when the danger of violence becomes very real. Experts are telling us that the period during and after elections is the most volatile in Africa when many countries face a real challenge to stability.

The 2010 Kenyan Constitution has enabled us to devolve power and resources to county governments; with devolution, we have also devolved the vices of the past associated with the centralization of power such as corruption.

(Applause)

But supremacy wars for county leadership risk devolving the instability associated with the struggle for power by national elites. In the age of the counties, we have to be on guard to avoid rhetoric and political styles that will fuel conflict in our county and nation.

It is possible to contest for leadership without degenerating into violent conflict; without introducing conflict in communities. We have a moral duty to foster unity, cohesion and peaceful co-existence of our people. This is the surest way of winning the war against ignorance, poverty, disease and tyranny, and of ensuring sustainable development and democratic freedoms.

Our politics should be of selling our ideas and programmes to the electorate. Nobody can convince me that leaders in Murang'a or any part of Kenya have to form militias or youth groups to terrorize, heckle and shout down other leaders.

I am also speaking as a past practicing politician, I know what I am talking about, and because I have gone through it, I am warning you not to have it that way; it is idle and really primitive and it must be condemned in the strongest possible words.

Distinguished men and women, this county is very young, slightly above three years only, but County Assemblies have a historic mission to nurture a culture of peace and democracy as a pre-condition for development and prosperity for all.

As Members of the County Assembly, you are privileged and honoured, your role as agents for development in the county is well cut out, however, it is important for you to conduct your business in the Assembly in accordance with your standing orders and etiquette, in the spirit of the Kenyan Constitution 2010.

I urge you to legislate laws that will encourage economic development and investments in your county. You are in competition for development that must be put in mind. That is why I am referring to this.

I urge you to avoid crippling taxation that will chase away investors and or cripple existing businesses in our county. Always bear in mind that you are in competition with your neighbouring counties for investors. The 47 counties are all in competition for development, you cannot succeed if you work as divided people

(Applause)

You will be seen as controversial, undemocratic and nobody will bring his or her investment here, they would rather go to other counties. It is vital that you work together and indicate that you are politically mature to take care of the investors. As President John Kennedy once remarked that “the pursuit for peace is not as dramatic as the pursuit of war”. I agree, those seeking votes might see conflict as an instrument of mobilizing supporters, but there are dire consequences to the individuals and communities.

Members of the County Assembly, I do not have a more urgent task than crusading for peace. Peace is possible, you do not have to struggle a lot to bring peace, and it is you, your mind and your neighbour.

We must learn to work together with our friends and enemies as well. We must take wisely the words of the late Nelson Mandela who said, “If you want to make peace with your enemy, you have to work with your enemy” Then your enemy becomes your partner.

What the Wanjiku wants to see in Murang'a and the entire country are leaders working in partnership, not apart.

Ladies and gentlemen, let me also highlight this point, Murang'a county is an equal and rightful member of the Republic of Kenya. As a matter of fact, Kenya cannot exist without Murang'a county and the same can be said of the other 46 counties. We cannot work in isolation.

I want to implore upon all of us to take this fact practically. Whatever is happening in any corner of this Republic will be related to Murang'a county. Conversely whatever we do here, it will be seen in the same light.

Our people must be ambitious enough, particularly the political class, to occupy high offices in the national government. I want to repeat that point, if you work closely with one another, you will; be able to claim the cake of Kenya because you are together

(Applause)

If you work together and give the impression that you are united, and indeed you are united, you can claim a big place in the government. I am talking to the political class now; if you want to lead, do not think of Murang'a alone. Think that you can also lead in the National Assembly, in the Office of the President, do not always think that you are always there to support; there are times that you need to lead and let the others support you.

That is a challenge I put to you especially the younger political leaders. I think for so long, Murang'a has been a supporting area, I am talking of political positions up there, we have been supporting others, we seem to be neutralized and lacking the guts to claim bigger things up there.

(Applause and laughter)

As I conclude Mr. Speaker, I salute the Eminent Kenyans from Murang'a county who dreamt of the idea of the older and younger generations working together to foster and safeguard national peace.

They formed the Council of Eminent Persons as a platform to enable those of us no longer in active service to contribute to peaceful solutions to our problems.

In the Council, we are guided by the belief that peace is a journey of a thousand miles; we must take it one step at a time. The Council has registered success in resolving what were

potentially deadly and embarrassing family feuds involving prominent citizens of this noble county. It will continue to advocate for peace within and between generations.

Ladies and Gentlemen, Hon. Speaker sir, in August 1962, about a year before Kenya attained self-governance, now called Madaraka, several Eminent Kenyans and their friends came together under the chairmanship of the Late Dr. Jason Likimani and organized the first convention dubbed 'The Kenya We Want'. This first Convention brought together stakeholders from the colonial government, political leaders of the day, business people, the academia, religious leaders and many other professionals.

The Convention was funded by the organizers and their friends. The Nairobi City Council which I was Mayor of, both funded and fully participated in the Convention. Indeed I was given the honour of opening the Convention.

The purpose of the Convention was to chart a way forward for the country that was just about to become independent. A similar Convention was also held, this time by the young government of Daniel Arap Moi when he took over leadership of the country. Those of us who were in parliament then will recall.

As the Council of Eminent Persons of Murang'a, we are toying with the idea of hosting a convention whereby all stakeholders of Murang'a county will be invited to contribute ideas on 'The Murang'a We Want',

(Applause)

So that we all can work together in creating a prosperous and peaceful county.

The potential in this county is great. The human resource potential is great; we have well qualified, experienced professionals, doctors, lawyers, and teachers. We hope the Convention will get ideas from these experts. I have great hope that we will walk this journey together in creating a peaceful, prosperous Murang'a, as a county of great men and women of honour and integrity. Let every one of us take the message of peace to all hills and valleys of Murang'a.

(Applause)

Let peace be in every mouth, every podium, every classroom and every homestead in our beloved county. In the words of our National Anthem, "May we dwell in unity, peace and liberty so that plenty may be found within our borders"

(Applause)

Hon. Peter Kihungi: Our guest, Dr. Charles Wanyoike Rubia and other guests present, ours is to congratulate you and say that we are humbled by your address to us on peace; we will work out to pursue it. We are grateful and honoured to be the first county to be addressed by a person of your status. Thank you.

ADJOURNMENT

The Speaker: The House is adjourned until tomorrow 2: 30 p.m.

The House rose at 12:08 p.m.