

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 15th November, 2006

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Mr. Khamasi) in the Chair]*

PRAYERS

### QUESTIONS BY PRIVATE NOTICE

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, we will start with Questions by Private Notice. The hon. Member for Ndhiwa! Is the hon. Member present? Question dropped.

#### DEATH OF MR. MARTIN ODONGO

**(Mr. Ojode)** to ask the Minister of State for Administration and National Security:-

(a) Is the Minister aware that Mr. Martin Ochanda Odongo of Kachuth Sub-Location in Kobama Division within Ndhiwa Constituency was found dead and dumped by the roadside on 10th October, 2006

(b) Could he table a report on investigation of the death, if any, and state how many people have been arrested in connection with the death of the deceased?

*(Question dropped)*

**Mr. Ogur:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! What is it?

**Mr. Ogur:** Mr. Temporary Deputy Speaker, Sir, we started the proceedings of the House when hon. Members were still coming in to add more interest to debates. I am sure hon. Ojode is out there parking his car, and will be coming in. Please do not drop his Question. Give him a bit of time. Thank you, very much.

**The Temporary Deputy Speaker** (Mr. Khamasi): We shall strictly observe the rules of the House. I will not bend the rules of the House this morning.

Second Question by the hon. Member for Mumias. He is not here? The Question is dropped.

#### ESTABLISHMENT OF SUGAR FACTORY IN TANA RIVER DISTRICT

**(Mr. Osundwa)** to ask the Minister for Agriculture:-

(a) Is the Minister aware that Mumias Sugar Company intends to establish a sugar factory in Tana River District?

(b) Could he table a feasibility study report to demonstrate the viability of implementing the

3646

sugar project in the area?

- (c) Could he further table a shareholders resolution mandating the miller to undertake this project?

*(Question dropped)*

**Mr. Ojode:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I apologise for coming in late. I was stuck in a traffic jam as I was coming from the gymnasium. That is why I got late.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Ojode! We have already passed your Question. It has been dropped. If you want it to be reconsidered, you will go to the Speaker's Chamber and discuss it with him.

We will now go to the Ordinary Questions, and start with the hon. Member for Mbita.

### ORAL ANSWERS TO QUESTIONS

*Question No.325*

FUNDING OF COMMUNITY  
POLICING PROGRAMMES

Hon. Member for Mbita is not here? The Question is dropped.

*(Question dropped)*

**Mr. Ogur:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I know that the House will agree with me that more of us are now coming in and will form a good number in here. Could you allow this Question to be asked after ten minutes?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Ogur, you have been here for a long time and you know that we cannot sit here quietly for ten minutes, hoping that an hon. Member will be coming. I am sorry; the rules will have to apply. That is the way it is.

Nex Question, the hon. Member for Yatta.

*Question No.363*

REHABILITATION OF SOFIA-  
KISIIKI-NGOLIBA ROAD

**Mr. C. Kilonzo** asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Sofia-Kisiiki- Ngoliba Road is impassable due to the collapse of two culverts at Kisiiki; and,  
(b) what urgent measures he is taking to end the suffering to residents of the area.

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

(a) I am aware that Sofia-Kisiiki-Ngoliba Road, that is E491, is impassable due to the collapse of two culverts at Kisiiki following heavy rains during January/February, 2006.

(b) My Ministry has no immediate plans to reinstate the culverts, because in the current financial year the District Roads Committee (DRC), Machakos District, did not give priority to repair of the two lines of culverts in the annual work programme.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I thank the Minister for his answer. The problem is that this bridge was swept away in the last rains of January/February this year. The DRC, Machakos, work plan for the entire district was wrong. This is because the DRC submitted its programme even without meeting hon. Members of Parliament from the area. We have requested the DRC, Machakos, that the work plan for the entire district be reviewed to address the issue of bridges swept away in the last rains. I want to ask the Minister if it is possible to authorise the Kenya Roads Board (KRB) to accept a new work plan for the entire district.

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, I think the hon. Member has a point. But the problem is in his district. This is because since February, they have not sat down as a DRC to sort out their requirements. We were expecting their programme before the Budget. They did not present it to us. We have gone to the extent of asking them to meet. Even yesterday, I talked to the District Commissioner, Machakos, and asked him what was going on about that site. We are waiting for their indication, because this particular portion of the road comes under the DRC and not our Ministry. We have done estimates for them on this site. We have indicated that to do repairs on that portion, they would need money in the range of Kshs1,102,500.00. That is the amount required. Let the hon. Member meet with his colleagues in Machakos District and give us their priorities.

**Mr. Mwandawiro:** Bw. Naibu Spika wa Muda, kutokana na mvua kubwa mwaka huu, barabara nyingi zimeharibika, hasa katika Wilaya ya Taita Taveta, na hasa Wundanyi. Bajeti ya Kshs15 million tulizoonna juzi zimepewa kamati za barabara za wilaya hazitatosha. Je, Waziri ana mipango gani ya kuongeza hela kukabiliana na tatizo hili lilioletwa na mvua nyingi, hasa huko Wundanyi?

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, Sir, I am not quite clear whether I should reply in Kiswahili or in English. Nevertheless, let me reply in English.

Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that we do not plan for what nature does. What nature has done has interfered with what we had planned to carry out. The rains have come and the Coast Province, including Taita Taveta District, has been hit very hard. Right now, as I stand here, most senior officers from my Ministry, including the Chief Engineer, Roads, are at the Coast assessing the situation. Other areas which have been hit even more than Taita Taveta District are Kilifi District and Kwale District. Movement in these areas is almost impossible. We have, however, taken there portable bridges to help people cross rivers.

Mr. Temporary Deputy, Speaker, Sir, this is going to be a question of assessing the situation and then reviewing the allocations we have given. This is an emergency and should be considered as an issue outside the agreed budget.

**Mr. Ndolo:** Mr. Temporary Deputy Speaker, Sir, it is true that some District Roads Committees (DRCs) do not meet and take these issues seriously. The Minister agrees with this fact. In Nairobi, we have not met for more than a year. What is he doing to make sure that the District Engineers and the DRCs meet regularly as was the case before?

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, Sir, sometimes I am surprised that I am asked why these committees are not meeting. As far as we are concerned in the Ministry, one hon. Member is supposed to be chairing the DRC. That means that the District Roads Engineer, or the District Public Works Officer, becomes the secretary.

**Mr. Cheboi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think what the Minister is saying is correct. However, is it in order for him to say that hon. Members should be chairing DRCs when, in fact, we received circulars indicating that hon. Members should not chair the committees? Actually, this is just a matter of policy and not the law. The law is very clear on this.

*(Applause)*

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, Sir, I would like to look at that circular because, as far as I know, in the district I come from an hon. Member is still the chairman of a DRC.

**The Temporary Deputy Speaker** (Mr. Khamasi): Last question, Mr. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I would like to inform the Minister that, indeed, the Machakos DRC met on Monday under the chairmanship of an Assistant Minister, Mr. Kaindi. Mr. Temporary Deputy Speaker, Sir, the plans submitted to the Kenya Roads Board (KRB) are for one financial year. In one year, priorities change a lot. Every season when there are rains, bridges are swept away. Is it possible to submit a six-month work plan instead of a year's plan?

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, Sir, the work plan should be for the whole year because the budget is for the whole year. However, in the case of Machakos District, they need to meet and give us their priorities. We will then re-adjust the allocations, in consultation with the Treasury.

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Question by the hon. Member for Migori Constituency, Mr. Owino!

*Question No.619*

INCLUSION OF EARLY CHILDHOOD  
EDUCATION IN NATIONAL POLICY

**Mr. Owino** asked the Minister for Education:-

- (a) why he has not included Early Childhood Education Development in the overall learning curriculum and national education policy; and,
- (b) why this important section of the learning process should be administered by a different Ministry as is the case now.

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has included Early Childhood Education Development (ECED) in the overall learning curriculum and national education policy. The Ministry developed a national ECED policy framework and service standard guidelines in the 2005/2006 financial year through consultations with stakeholders, which will be launched before the end of this year. In addition, the Sessional Paper No.1 of 2005 on "A Policy Framework for Education, Training and Research" outlines several issues and strategies affecting the ECED sub-sector.

(b) The ECED services are currently provided by the Government through a policy of partnership. The Ministry of Education, together with the Ministry of Local Government, non-Governmental organisations (NGOs), community-based organisations (CBOs), faith-based organisations (FBOs), parents, individuals, among others, collaborate to provide education services for young children. However, the Ministry plans to integrate ECED into basic education by 2010. The Ministry is in the process of developing a scheme of service for ECED teachers in preparation for mainstreaming the ECED of four and five-year-old children into primary education structure. Mr. Temporary Deputy Speaker, Sir, even currently, we have district level centres dealing with this issue. They evaluate and train ECED teachers. However, the whole programme will be integrated by the year 2010.

**Mr. Owino:** Mr. Temporary Deputy Speaker, Sir, from the answer the Assistant Minister

has given, our children's education has been left in the hands of so many unco-ordinated bodies and people, for example, NGOs, CBOs, Ministry of Local Government and Ministry of Education. This may work in urban areas. However, as you may remember, the bulk of Kenyans live in rural areas. Nothing of this sort is happening in these areas. It is now over 40 years since we attained Independence, what has the Ministry done to integrate this important sub-sector of education into formalised education system?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, we have taken care of this. It was discussed in this House and the current Ministry of Education has plans to integrate ECED by 2010. Plans are underway. We are training teachers. However, it is difficult for me to be answerable for what has happened in the past 40 years. We definitely have taken action in this very needy area. I, however, agree with the hon. Member that this should have been done earlier. I would also like to add that the syllabus for the Early Childhood Education is being developed. So, whatever is being taught is co-ordinated by the centres.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, I appreciate the explanation by the Assistant Minister. However, is she aware that in the rural areas early childhood education is at a very primitive level? Nursery schools do not get space in primary schools compound and children are taught under trees by untrained teachers. This is supposed to be the beginning of shaping a child into becoming a responsible adult. What is the Ministry doing to involve primary school teachers, who are trained, in the running of nursery schools?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, we are training early childhood teachers. So, we do not even need to involve primary school teachers in the running of nursery schools. As I have just said, we are putting this programme in place in the whole country.

**Mr. Owino:** Mr. Temporary Deputy Speaker, Sir, why will the programme be implemented in 2010? This is so many years away from now.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, 2010 is only about three years away. Everything has to be planned. We have just finished streamlining the Free Primary Education Programme. We are now planning the other stage, which is very important. It will take that time to plan and also put funds in place.

*Question No.381*

UPGRADING OF KISII  
COLLEGE TO UNIVERSITY

**The Temporary Deputy Speaker (Mr. Khamasi):** Mr. Omingo is absent. His Question is dropped.

*(Question dropped)*

*Question No.481*

NON-PAYMENT OF PENSION/GRATUITY  
TO MR. FREDRICK DZINGA

**Mr. Rai** asked the Minister for Finance:-

- (a) whether he is aware that Mr. Fredrick Dzinga (P/No.31479) has not been paid his commuted pension and gratuity since 1998; and,
- (b) when he will be paid.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Fredrick Dzinga has not been paid his commuted pension and gratuity since 1998.

(b) Mr. Dzinga's claim papers have not been forwarded to the Pensions Department by his former Ministry or department for processing and eventual payment of commuted pension and gratuity. From the information which has been provided by the hon. Member, it is not possible to establish which Ministry Mr. Dzinga worked for. We shall follow up the issue once we get the relevant information from the hon. Member.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, Mr. Dzinga retired in 1998 from the Ministry of Health. I would like to correct his Personal Number. His Personal Number is 314719 and not 31479 as stated above.

I would like to lay on the Table of the House correspondence relating to the retirement of Mr. Dzinga, so that the Assistant Minister can take up the matter and give an undertaking to this House as to when Mr. Dzinga will be paid.

*(Mr. Rai laid the document on the Table)*

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, first of all, it is quite clear from the Question that the Personal Number that was given by the hon. Member was not right. Therefore, he made us try to grouse about something that is not there. It will be my pleasure to be of service to the hon. Member if the details are correct.

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, this is really pathetic. It is a question of total and gross inefficiency. Not too long ago, the same Assistant Minister told us in this House that the rate of efficiency was going to improve once the Pensions Department moves from its old premises in Uchumi House to Bima House. It has been more than a year ago and nothing has improved. Could the Assistant Minister tell us why this department is particularly inefficient?

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, I do not remember having responded to hon. Khamisi to the effect that the Pensions Department would move from Uchumi House to Bima House. Could the hon. Member substantiate which cases of inefficiency are there? I have been very clear in the response that I have given. About a month ago, I made it very clear in this House that unless the right forms are filled in the right manner and forwarded to the Pensions Department, the department will not be in a position to process payments if the details are not correct. In this particular case, we have even heard the hon. Member saying that he gave the wrong personal number.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, the issue of saying that the personal number was wrong is not a good excuse. All these are just delaying tactics. This Question was directed to the Ministry on 28th June. We are now in November. If there was any discrepancy in the personal number, the department could have asked me to furnish it with the correct particulars and tell me when Mr. Dzinga would be paid. Mr. Dzinga has waited for eight years only to be told that the stated personal number was incorrect. In view of the fact that I have laid the relevant documents on the Table of the House, could the Assistant Minister tell the House when Mr. Dzinga will be paid?

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, I really sympathise with the pensioner. He has waited for eight years, but the hon. Member has asked the Question during his fourth year in this House. He should have asked the Question when he came to the House if there was that kind of a delay.

Mr. Temporary Deputy Speaker, Sir, there are so many pensioners out there and unless their pension forms are filled in the right manner and forwarded to the Treasury, their pensions

cannot be processed. This is where the connection seems to be lacking. Pension is processed at the Treasury, but the details have to come from the line Ministries where the pensioners were working.

Mr. Temporary Deputy Speaker, Sir, in the case of this particular pensioner, the Personal Number given was 31479, but the personal number that the hon. Member has given is a six figure number. We could not have known whether, indeed, this man was a pensioner.

*Question No.489*

ESTABLISHMENT OF FRUIT  
PROCESSING PLANTS IN  
KITUI/MWINGI DISTRICTS

**The Temporary Deputy Speaker** (Mr. Khamasi): The hon. Member for Mutito is out of the country and he has requested that this Question be deferred to next week. So, I will defer the Question.

*(Question deferred)*

*Question No.261*

DESTRUCTION OF RIAKANAU FOREST

**Mr. J. Nyagah** asked the Minister for Environment and Natural Resources:-

- (a) why the Ministry has allowed the destruction of Riakanau Forest in Mwea Division of Mbeere District;
- (b) who has been responsible for the destruction; and,
- (c) what action the Ministry is taking against those involved.

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, this is the fourth time that I am asking this Question.

**The Temporary Deputy Speaker** (Mr. Khamasi): I would like to inform you that the Ministry has informed us that the Minister and his Assistant Minister are out of the country. They have asked that this Question be deferred to next week.

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is the fourth time that I am asking this Question and the Minister has never been around to answer it. In protest, I want to drop the Question to send a message that an Assistant Minister should be appointed in that Ministry, so that in the future, my Questions can be answered.

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. J. Nyagah, you have no powers to drop the Question. The Question is not your property, but the property of the House. The Question is, therefore, deferred until next week and you should be there to ask it. If you will not be there, then the House will drop it.

*(Question deferred)*

Next Order!

**MOTIONS**

INTRODUCTION OF PETROLEUM

## (AMENDMENT) BILL

THAT, taking into account the rampant poverty that has gripped many Kenyans and having regard to the fact that the pricing of petroleum products has been on a steep increase over the last couple of years; being cognisant of the fact that any increase in prices on petroleum products affects the prices of almost all the commodities and aware that arbitrary price increase on petroleum products only enhances the revenue of the multinational oil companies; this House grants leave to introduce a Bill for an Act of Parliament to amend the Petroleum Act, Cap.116, Laws of Kenya, in order to give power to the Minister responsible for matters relating to petroleum products to fix the maximum price in respect of sale of petroleum products.

*(Mr. Ojode on 8.11.2006)*

*(Resumption of Debate  
interrupted on 8.11.2006)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Is there anybody who is interested in contributing to the debate on the Motion by hon. Ojode?

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the debate on this Motion.

I would like to thank hon. Ojode for being concerned about the welfare of the poor people of this country. Every time multinational oil companies increase the prices of petroleum products, they affect every sector of our economy.

Regarding transport, farmers who rely on tractors to plough their *shambas* have to pay more money than they used to, previously. That affects the cost of production. When oil companies increase the prices of fuel, it affects the transport needs of the common man. That is why when you use Langata Road and Mbagathi Road in the morning, you will see many poor people trekking from Kibera to the Industrial Area to look for jobs. These people cannot afford money for transport because of the increase in the price of petrol. Mr. Temporary Deputy Speaker, Sir, let us take the case of a grandmother who uses kerosene to light her house but because the price of fuel has gone up, she has to opt for firewood because she cannot afford kerosene. I happen to have worked for the oil industry immediately after graduating from the university. Those days, oil prices were controlled and companies would appeal to the Government to increase the prices. The Government then, knew that the price of fuel affects every sector of the economy and especially those sectors that directly affect the poor people. Somehow, the companies made reasonable returns on their investments. These days, oil companies make huge amounts of returns and save their earnings abroad. They do not invest the money locally, in this country. That is why Shell and BP had to withdraw its operations from the western part of this country because they were not making as much money as they were making in Nairobi. Therefore, we should support this Motion and urge the Government to control the prices of petroleum products. Of course the Government is not unreasonable. It will allow the companies to make fair returns; at least 2 to 3 per cent, but not 50 per cent profit. To compound the matters, these companies make huge profits and, yet they retrench their staff. They do not employ many people. They decrease the number of their staff so that they can make a saving on that and increase the price of fuel so as to make more money. If you visit a country like South Africa, you will find that the prices of essential goods and services are controlled by the Government. South Africa is a darling of the West, the same West which imposes conditions upon us. These are conditions such as liberalising our industrial sectors. If you recall the history of liberalisation in Kenya, hon. M'Mukindia went to Marrakesh in Morocco with one



member of staff from his Ministry. He was persuaded, I do not have the facts, I believe, to sign an agreement that Kenya would liberalise the oil sector. That is why we liberalised the prices of essential goods and our exchange control regime, such that today, a foreigner can come to this country and borrow money, buy our coffee, export it abroad, get the proceeds and leave the money abroad. We are actually exporting our economy overseas. We are exporting our wealth and employment overseas. This is done, particularly by the oil industry. Since we do not produce any oil, these companies blackmail our Government as well as our people. They set crude oil prices abroad, something we have no control over. Every time there is a small increase of crude oil abroad, the oil companies immediately increase the prices of refined products, without waiting to receive the stock for which prices have been increased. However, when crude oil prices go down, the companies do not bring down the prices of fuel. These people are very powerful. The Minister for Finance requested them to reduce oil prices but with impunity, they told him that they could not reduce them. I have not seen business firms which are as arrogant as the oil companies in this country. I believe we will have a Bill on Energy tabled in this House, that will be discussed, maybe, today or tomorrow. I urge hon. Members to propose amendments so that we include the essential ingredients of this Motion. If we pass it today, we will have given ourselves more leverage to make amendments so that we can protect the interests of poor Kenyans. In fact, even the interests of big time Kenyans, the ones who drive Mercedes Benz vehicles will be met. They will be able to spend less on the vehicles than they are spending now, if we reduce prices of fuel. What we need to do more is to support our poor people; my mother and grandmother and even my great grandmother if she is alive. We need to support those children who use lantern lamps to study at night and schools which provide tuition in the evening. We need to give them the capacity to offer proper education.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): Do we have a response from the Government side? What do you say, Minister?

**The Assistant Minister for Energy** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I am consulting on a few technical issues with the Clerk-at-the-Table and we are going to issue our response.

**The Temporary Deputy Speaker** (Mr. Khamasi): Okay, in that case, we will have hon. Dr. Khalwale to contribute.

**The Assistant Minister for East African Community** (Dr. Khalwale): Mr. Temporary Deputy Speaker, Sir, I rise to support this most noble Motion by hon. Ojode because the majority of us here represent the rural poor who are most hit by the arbitrary increases in petroleum products prices. I would, therefore, like to congratulate hon. Ojode for coming up with this good Motion and I urge the House to join him in ensuring that the Motion is passed very quickly.

Mr. Temporary Deputy Speaker, Sir, I want to look at this Motion in terms of the impact of high cost of kerosene to the people in rural areas. I am afraid that when this year's KCPE results will be announced, the rural children will have performed poorly because they rely on kerosene to do their homework and I am sure that most families cannot afford the kerosene that is very expensive today. This will deny this country able brains that would have gone on to become doctors, engineers or other professionals ten years from now. When petrol and kerosene are expensive, the end result is that it increases poverty. This is because money that would have been spent on other amenities is then channelled to buying kerosene for cooking, especially in the slum areas.

Mr. Temporary Deputy Speaker, Sir, when you look at the cost of petrol and diesel, it also hits the poor very seriously. I saw the Minister for Energy asking motorists to go and fuel at filling stations where the prices are competitive, and I realise that he does not quite understand the urgency of this problem. The problem is not with the motorists because a difference of two or three

shillings does not count much for somebody who owns a motor vehicle. The real problem is with the poor.

I have experienced a tremendous increase in the cost of ferrying bodies to the rural areas. The cost of ferrying a body has almost trebled on the excuse that the cost of petrol is high. Similarly, the cost of travelling from Machakos Country Bus Station to Mombasa or Western Province and other parts of the country has gone up on the pretext that the cost of fuel has gone up. This is something we cannot take lightly because the people who use public means to go upcountry or carry their dead are not usually rich people. Members of this House, especially from Western Province and Nyanza Province where we accord a lot of respect to the dead, will be happy if this Motion is enacted because then, the high cost of carrying those bodies will go down.

Mr. Temporary Deputy Speaker, Sir, every week I go to Arusha. Like what we see here, we have many citizens walking from Kibera and other slums to go to Industrial Area to work, you see the same thing. When you reach the flower farms on your way to Arusha, you see citizens walking in very large numbers from the flower farms going to Kajiado or Kitengela on foot. We must speak for and support the poor.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I urge the Government to address the issue of wastage, especially in Nairobi. If you were to calculate the amount of money that is wasted because of traffic jam in this country, it would go into billions of shillings. That is why the Government should consider prioritising the concessioning of our highways. I am told that when the new roundabout was done in Westlands, an average of half a billion shillings is saved every year, yet it cost very little money to construct it. So, it is important that the Ministry of Roads and Public Works should address the issue of traffic congestion in the city urgently. This is nothing new. If you go to Bangkok, Thailand you will find some of the best highways in the world. This is because they simply concessioned all the roads in that city 25 years ago. I hope the Minister will prepare an urgent paper, present it to Cabinet and make sure it gets the necessary approval for us to get the proper transport network in this country.

With those remarks, I beg to support.

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Mwandawiro! That is not what we want to see here. The Chair can only pick one individual at a time to contribute and that must not be necessarily you.

**Mr. Bahari:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I want to join my colleagues in thanking hon. Ojode for bringing this Motion at this important time in the history of this country. This is particularly so because energy is a very important sector. It cuts across and affects literally everything in terms of pricing and costing in this country. It affects the competitiveness of our industries, the products that we finally consume, transport and everything else. This is impacted on by the cost of energy.

Mr. Temporary Deputy Speaker, Sir, increase in the price of oil will certainly check inflationary pressure in the rest of the market. It even goes further to affect issues like environment which is very critical. We know there is an on-going conference on climate change in this country, and it is an issue that is very critical to us because of the way we have handled our environment in the past. If there is an increase in the price of diesel, we will go and fetch more firewood, fell more trees and so on. At the end of the day, we will have no sustainable development, yet the world is working to ensure there is sustainable development.

Mr. Temporary Deputy Speaker, Sir, this is a critical matter which should not just be looked at within the confines of price increases, but it must be looked at within the broader context of the larger impact that it has on the economy, environment and future generations. This is not a light matter and it must be taken seriously. I would like to congratulate Mr. Ojode for bringing this Motion.

Mr. Temporary Deputy Speaker, Sir, on a smaller scale, it goes against the grain that oil companies have acted as a cartel to ensure that Kenyans suffer. Year in, year out, we have seen multinationals in this industry declaring huge profits. There must be some responsibility from these oil companies. These multinationals have a responsibility to this country and to the economy in which they are operating. If they have behaved in an irresponsible manner, this House has been mandated by the people of the Republic of Kenya, to ensure that everything that happens in this country is for the greater good of Kenyans. It is within this context that I believe this Motion is vital and it must be disposed of with the necessary speed that is expected and required of us, so that the relevant law is put in place.

Mr. Temporary Deputy Speaker, Sir, this Motion must be passed with speed because there are players in the petroleum industry who have silently connived and acted as cartels against the law to terrorise Kenyans. We should pass this law so that players in other sectors learn a lesson. Globally, this matter is handled with a lot of concern. In the same law the issue of how the products of oil companies impact on the environment must also be tackled. We must ensure that the disposal of the by-products at the end of the day do not unnecessarily cost Kenyans their lives.

Mr. Temporary Deputy Speaker, Sir, I want to comment on the issue of price. Kenya is listed as one of the very poor countries in the world. As much as we are saying this economy is doing very well, we still need to do a lot to ensure that the common man earns a decent living. This has not been possible because of cartels in the oil industry that have gradually remained adamant. They have continued to be responsible in undermining the efforts of the people of the Republic of Kenya to earn a good living.

Mr. Temporary Deputy Speaker, Sir, I want to conclude my contribution by saying that I support this Motion. We should proceed to pass it without spending more time debating it. With those few remarks, I beg to support.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, I would like to start my contribution by thanking Mr. Ojode for moving this Motion. It is high time the Petroleum Act, Cap.116 of the Laws of Kenya was revised. In 1981, there was a conference in this country with the concerns of introducing or looking into methods of the use of new and renewable energy to save the future of this country and the globe. Why should we have mini-budgets again? These mini-budgets were very prevalent in the 1970s. Why should we allow petroleum companies to control the lives of Kenyans? This is enslaving our nationals and the economy of this country.

Mr. Temporary Deputy Speaker, Sir, a while ago, a woman was referred to as a beast of burden. Pictures were shown in newspapers of a mother carrying firewood on her head and back demonstrating the waste and destruction of wood fuel. The only solace was that the substitute of wood to save forests was kerosene. The Minister was very humble in the Budget to consider reducing petroleum products. The Liquefied Petroleum Gas (LPG) is not a way of life for Kenyans. That is completely oriental. Mothers in the countryside do not even know how to use LPG for cooking purposes. If you look at how the LPG can be transformed into lighting, it becomes even more expensive than the price reduction in the Budget.

We have to consider the fact that we have come from the past. Developed countries are coming from the future while we are coming from the past. We are now meeting mid-way. This kind of situation has forced us to reduce our lives to ashes. Price controls were a way of gauging the development of this country. However, this House can take the blame for having introduced a Bill

liberalising and privatising institutions which were really meant to build and develop this country. Kenya is in tears. When you look at travelling impediments caused by the price rise, who suffers? It is the low income earners who suffer. When you see slum dwellers suffering, that is an emblem or torch to tell us that the mother in the rural area during the rainy season like now, where firewood cannot be found, and if it is available, it is wet, is having a hard time. In this kind of weather, that mother is not in a position to make food for her family. Are we not destroying ourselves? We need to improve on the laws that we pass here. The Bills that we pass here must not be cosmetic. We should not make laws to please one person and hurt the other. Mr. Temporary Deputy Speaker, Sir, the price of charcoal is now as high as that of kerosene. There is no electricity in the rural areas. A mother who has school going children in the rural areas is really suffering. Even if we talk about the Rural Electrification Programme (REP), who will benefit? About 90 per cent of Kenyans are poor. They are not in a position to meet the high electricity bills from the Kenya Power and Lighting Company (KPLC). Are we not adding a burden to our people? Why can we not find it necessary to revise and give the Minister power to have control the price increase in fuel? Our country indicated that the cost of fuel was based on poor transport structures and this introduced the pipeline. We thought that the prices would be reduced because crude oil or fuel is being pumped from Mombasa inland, but that was not the case. What is the importance of pegging our money against the Dollar when we have no purchasing power? Kenya does not have gold and, therefore, if we open our doors in terms of pleasing the master, we are strangling our country. There will be no improvement. Emphasis must be given to renewable energy. To be competitive, this Government should put in enough money into solar and wind energies. We should move away from the use of petroleum, if the use of petrol will hurt the economy of the country. Kenya must look for an alternative of sustaining herself.

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

**The Assistant Minister for Energy** (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. The Ministry of Energy is really concerned with the ongoing debate on the control of prices in respect of sale of petroleum products in this country. We have been looking at the relevant sections of the law to come up with a permanent solution as to how we can save the Kenyan taxpayer from exploitation, given arbitrary setting of prices of petroleum products by oil companies.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Members! Let us, please, listen to the Assistant Minister. He is responding to this very important Motion.

**The Assistant Minister for Energy** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, the Ministry has been looking at all the relevant provisions of the law with a view to harmonising them. In most cases, we have found out that there are conflicting sections of the law. If you look at what happened in 1992, that is, the deregularisation of pricing of petroleum products, you will see that it is in direct conflict with the other existing laws.

If you look at the Restrictive Trade Practices, Monopolies and Price Control Act, Cap.504, it gives the Minister for Finance the powers to fix prices not only for petroleum products, but for other products too. However, it is being challenged by the amendments of 1992. If you look at Section 35, fixing and regulation of prices for various goods and services is not provided for under the Petroleum Act, Cap.116, but it is already provided for in Cap.504. Under the Restrictive Trade Practices and Monopolies and Price Control Act, the powers of the Minister for Finance in relation to complaints of high pump prices and petroleum products include the following: (a) Restrictive trade practices. Here, sections 4 to 18 deal with the practices aimed at driving competitors out of

business and their control, that is, those below the cost price. Sections 23 and 24 are about control of unwarranted concentration of economic power. It monitors the market to determine whether there is unwarranted concentration of economic power in any chain whose sales exceed one-third of the market. Section 35 is also empowered by sections 37 and 38 of the same Act. If you look at Section 37, Cap.504, it gives the Minister some powers. It reads thus: "Restrictive Trade Practices, Monopolies and Price Control Act: The Minister may, from time to time by order declare the method by which the cost of any good or of any service shall be determined and may in such order declare a different method of determining the cost in respect of different classes of goods, transactions, or sellers." This means that what we are discussing today and what we want to insert now in the Petroleum Act, Cap 116, Laws of Kenya is already provided for. In fact, it is for the Minister to implement it. Section 38 goes ahead to state that the order should be read before the National Assembly. So, if the Minister feels that he is being restricted in anyway, he can table the regulations before this House which would then give him the go ahead to do what the regulations appertain. Section 38 reads thus: "All orders made under Sections 35 and 37 shall be laid before the National Assembly as soon as--- (b) after they are made and if a resolution is passed within the next 20 days on which the National Assembly sits next after any such order is read before it, that the order be annulled, it shall henceforth be void but without prejudice to the validity of anything done thereunder or to the making of any new order."

In this Act, if the Minister for Finance is very serious on it, he can enforce the powers that have been given to him through Parliament. I believe that this Parliament will always be ready to do exactly that.

Mr. Temporary Deputy Speaker, Sir, we have already prepared the Energy Bill which is coming up for debate either today or tomorrow. In the same respect, we have been concerned, as a Ministry, on the issue of control of prices of petroleum products. If you look at the Energy Bill, 2006 which we shall be debating either today or tomorrow, Section 5 is about the objects and functions of the Energy Regulatory Commission. This Bill seeks to establish an Energy Regulatory Commission whose first task shall be to regulate---

**Prof. Olweny:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to deliberate on a Bill that has not been brought before the House?

**The Temporary Deputy Speaker** (Mr. Khamasi): You are right, Prof. Olweny. Mr. Kiunjuri, I think what you are doing now is anticipation of debate. You should leave that until that time the Bill will be laid on the Table of the House for debate.

**The Assistant Minister for Energy** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I have already argued that there are so many sections in various Acts and statutes on issues relating to petroleum or price control. I said that the Ministry is supportive of this Motion and that is why I am telling this House that there is no need of amending the Petroleum Act, Cap.116 because what we are seeking to amend is already provided for in Cap.504 and it shall also be captured in the Energy Bill. I am only alerting hon. Members that we are coming up with the same regulations in the Energy Bill. All I am doing is submitting and---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Kiunjuri! I appreciate what you have said. However, do not refer to the Bill which is not being debated here.

**The Assistant Minister for Energy** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, we have seen the need to harmonise all the relevant statutes and come up with a law that will surpass other existing laws. In my submission, the Ministry is also going to look at the various sections of the Petroleum Act, Cap.116. Even if we pass this Motion today, I will ask the hon. Member who Moved it to come to our office so that we can sit down and see whether the sections that he is asking us to amend are properly provided for in the Energy Bill. If that is agreeable to both of us, then there will be no need of amending the Petroleum Act, Cap.116 because we shall be

addressing some of these issues in the Energy Bill. However, it is important for hon. Members of Parliament to seek Ministerial Statements from relevant Ministries with regard to this matter. For instance, they should seek to know what the relevant Ministries are doing in their efforts to control prices not only for petroleum products, but also other products. If we cannot defend Kenyans, they will continue being exploited and yet the laws that protect them already exist. That will be unfair to both us and the citizens of this country.

Mr. Temporary Deputy Speaker, Sir, so, with those few remarks, I wish to say that the Ministry is going to support this particular amendment, but at the same time, we shall be requesting the Mover that instead of him going ahead and doing all that pertains to bring up the amendment, to come and sit down with us and enjoin it in the Energy Bill that is coming either today or tomorrow. I beg to support.

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Motion. Mr. Temporary Deputy Speaker, Sir, sometime back this country went for liberalisation of the economy. That was a major move that was done in this country as it was done in the rest of the world. Unfortunately, it took this country to hell particularly when it comes to the petroleum products. The liberalisation that was done in this country a few years ago has now been an avenue for exploitation of the citizens of this country by the multinationals that sell petroleum products in this country. Everybody, including the leaders, and ordinary people know that petroleum products are too expensive and that affects every sector of the economy be it transport, farming or village life. It has adversely affected the lives of everybody in this country. Due to the high costs of petroleum products, multinationals are making huge profits which unfortunately are not helping us in this country. Most of their profits are channelled back to their countries of origin and yet that is our taxpayers money. We know they own the companies but at the end of the day the money is from us and the people exploited are Kenyans. It could have been better if that money that they make by exploiting us through high petroleum product prices is used to---

*(Loud consultations)*

On a point of order, Mr. Temporary Deputy Speaker, Sir. Could hon. Ojode, who is the Mover of this Motion, listen to my contribution?

*(Laughter)*

**The Assistant Minister for Energy (Mr. Kiunjuri):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it provided for anywhere in our Standing Orders that an hon. Member who is already contributing can also still rise on a point of order?

*(Laughter)*

**The Temporary Deputy Speaker (Mr. Khamasi):** Order, Prof. Olweny! You had better learn these simple rules. You are speaking, raising a point of order and also ordering the hon. Mover. How many functions are you performing? Three functions in one! Yours is to debate and you had better proceed along those lines!

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, these multinationals have initiated very few development projects in this country with that money that they make apart from simply putting their petrol stations and other shops for those petroleum products. They are very few. If anything, let me say none. They have not even helped in putting up roads. I do not think they help the Government in improving the infrastructure in this country. So, the liberalisation that was done

in this country was supposed to lead to some healthy competition in this country but it did not work. It would have led to that competition which could have been healthy for both the sellers, dealers and buyers of the petroleum products. That is what we did not get.

Mr. Temporary Deputy Speaker, Sir, apart from lowering the prices of petroleum products, one of the things that would help us in this country is the use of gasohol. We have enough raw materials for production of gasohol in this country. Petrol is imported by the so-called multinationals dealing in petroleum by-products and even the Government itself can import petroleum products. Then we have alcohol produced in Muhoroni by the Agro-Chemical Factory and also by the Molasses Complex Factory in Kisumu. These two factories produce more than enough alcohol that we could use to blend with petrol so that we have gasohol. Gasohol is one of those few cheap fuels used to fuel vehicles in countries like Brazil and Cuba but here, the multinationals block the use of gasohol. Sometimes back gasohol was being used to fuel vehicles in this country but it was stopped for reasons which we do not know up to today. That is one way out that would help us in phasing out the problems of energy in this country.

Renewable energy sources are also another way of handling of our problems but unfortunately the Government is not interested. I hope the Energy Bill which the Assistant Minister has talked about will address some of these issues for this country so that the prices of petroleum products would be lowered and we lead easier and affordable lives than is the case today.

With those comments, I beg to support.

**Mr. Ojode:** Thank you, Mr. Temporary Deputy Speaker, Sir. Let me start by thanking all those hon. Members who have contributed on this very important Motion and I learnt a lot while we were discussing it. It is unanimous that it is better for us to regulate the prices of fuel products and this is not the first Motion of its kind. Even in South Africa, they are regulating prices of petroleum products.

Mr. Temporary Deputy Speaker, Sir, when you listen to what is being discussed in Gigiri, it is about climate change. Why do we have climate change? It is as a result of the destruction of forests. The forest cover has been reduced in Kenya as a result of the rampant usage of wood fuel. I would encourage my colleagues especially those who have contributed, that it is important for us to fix the ximum prices.

My colleague and friend, the Assistant Minister for Energy, was talking about the Monopolies and Price Control Act. The Liberalisation Act of 1992 phased out this Monopolies and Price Control Act. If it were there, the Minister for Finance would have used the same legislation to control the pump prices but the multinationals, having realised that there is no legislative clause which backs the sentiments of the Minister, have refused to lower or reduce their prices.

I want to inform my colleagues that every now and again when we bring Motions here to regulate fuel prices since 2002, the Ministry comes up with another Bill just to block the first Bill. I am very happy that my colleagues have seen this and are overwhelmingly going to support the particular Bill. Therefore, I will not take so much of their time, having agreed in principle to support the initiative. Today is the D-day for multinational oil companies. They will no longer charge Kenyans as and when they want to.

With those few remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Order!

INTRODUCTION OF SQUATTERS  
SETTLEMENT SCHEME BILL

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I beg to move the follow Motio:-

THAT, noting with concern the plight of scores of Kenyans who are landless across the country and whose earnings are barely enough to sustain them and further noting that there is no clear land use policy and thousands of hectares of land belonging to the Government or private individuals lie idle; this House grants leave to introduce a Bill for an Act of Parliament entitled The Squatters Settlement Scheme Bill for purposes of settling all genuine squatters in the country.

Mr. Temporary Deputy Speaker, Sir, this Motion is merely asking Parliament to give authority so that we can introduce a Bill for the purpose of settling all the landless people in this country, especially those who are genuinely landless. The history of landlessness in this country goes far back to the year 1800, when the Europeans came and took over this country and managed it the way they wanted. When they came, they displaced people from their indigenous homes and ancestral land. People were subsequently employed as cheap labourers on the same land they had been chased away from.

After the First World War, in 1914, and the Second World War, in 1939, retired white soldiers were settled in this country by the British Government. They were given all the opportunities to deal with labourers the way they wanted. Therefore, they were able to get cheap labourers, who were to do the jobs on the same land that was taken away from them. Time has come when we should start thinking very seriously about the problems of our people. The unilateral decision by the British Government caused the squatter problem.

Mr. Temporary Deputy Speaker, Sir, the squatter problem that was created by the colonial Government was not properly addressed by the first Independent Kenya Government, which was formed by a coalition of KANU and KADU in 1961. Due to the disagreement that was there during that time, it was not possible for African leaders to agree on how to deal with landlessness, because the British were also in the same Government, under the Governor.

The history of land in this country is very clear. It is only that the Government of Independent Kenya failed to address the issue. That could be the reason for the squatter problem in this country. We may not wish to explain because it is known by everyone that Kenyans lost their lives fighting for their land. Eventually, after winning the war, land in this country continued to belong to foreigners.

Mr. Temporary Deputy Speaker, Sir, when the people started complaining, our good friends - the late Jaramogi Oginga Odinga, the late Bildad Kagia and some of us - stood very firm to ensure that land was given to Africans for free but it was not possible. The British, due to the cold war then, were still capable of manipulating the leaders of this country. So, the issue of taking over land from the white settlers was rejected by the Kenya Government during the late President Kenyatta's time. The policy that was in place then was willing buyer, willing seller.

The British Government then created an organisation in the name of Settlement Fund Trustee (SFT) to ensure that land belonging to its citizens then would be purchased through that Fund. No land of citizens of other countries, other than British citizens, was to be purchased through that fund. When the scheme was started, a lot of things happened. The British had also to decide on the price at which the land was to be sold. That scheme caused a big problem because even the money that the British Government had provided was enough to buy only a few farms.

Mr. Temporary Deputy Speaker, Sir, when the problem of landlessness escalated in the country, a commission was formed and somebody called Shimechero was appointed to head it. He was the Commissioner of Squatters. As such, he was charged with the responsibility of identifying landless people and squatters in the country. He was mainly to deal with the issue of squatters. The



commission came up with a figure of 55,000 squatters in the period 1965-67. The matter was not addressed. So, nobody cares what happened with that commission.

That also created a lot of mischief about land buying. Mr. Shimechero's commission was followed by a Ministerial committee, whose mandate was to look into the issue of absentee landlords in the coastal strip as well as identify land that was lying idle in the country. As we speak, there is now an attempt by the Government to come up with land use policy. That is a policy which ought to have been put in place immediately after Independence, if we were genuinely mindful of our people.

Mr. Temporary Deputy Speaker, Sir, the land policy being developed by the current Government does not address the issue of landlessness. It only addresses policy issues relating to land use. As a Government, we may develop the best land policy in the world but, as long as Kenyans continue to be landless and bear the "squatter" title in their own country, it becomes clear that we are not genuine in our thinking about them. I think we need to sort out this matter once and for all. There were excuses in the 1960s, 1980s and also 1990s. We forgot to think about the squatters and went on grabbing land. Those who had power continued to grab land without considering the interest of the poor Africans. There is no excuse now, and I urge this Parliament to address this issue once and for all. We should bring a law to this House to look into the issues of people with large tracts of land, idle land and absentee landlords.

Mr. Temporary Deputy Speaker, Sir, the only way to address land issues is to bring a Bill to deal with people who were displaced during the Settlement Fund Trustee (SFT) era. During the SFT era, a number of people were displaced. If a farm was bought and only 50 people were settled on it, the other people who were living on that land became squatters and they were thrown out of the farms. We have to address this issue. There is also the issue of absentee landlords and idle land in the country. This matter has been discussed in this Parliament several times and even a Motion was passed but we have not found a solution to this problem. The best solution would be to bring a Bill to this House and have it enacted into law so that we can move fast.

In 1987, about 200,000 people were chased from the forest and nobody cared about where they were to go. They became squatters in an independent country. We also need to find a solution concerning people who have been displaced by the tribal clashes. Certain international organisations were expected to facilitate the resettlement of these squatters but that has not materialised. The time has come when we have to deal with our affairs without waiting for assistance from foreign donors. I think foreign donors have their own motives when they are supporting us.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of landlessness in big cities, towns and slums, like Mathare. We have to ensure that the people of Mathare are given title deeds on the land they are living because they are our people. Right now, there is a lot of insecurity in Mathare. This is an indication of people trying to ask themselves whether they are free or not. This Parliament should urgently address this problem. If we want to deal with insecurity in this country, we should make sure that we settle these people. The people living in Mathare, Kibera and other slums are a security risk. In few years time, they will demand to be settled like any other person. No country will accept a situation whereby some people have huge tracts of land while others are living in shanties. We must be honest.

Mr. Temporary Deputy Speaker, Sir, we can earn fat salaries here, but those who come after us will get even more than we are earning. The time will come when people will take the law into their hands. Before that happens, why can we not sit down and find solutions to their problems? Why do we enjoy seeing the ODM-(K) or NARC-(K) going to Mathare? Why do we enjoy seeing large crowds of people being addressed by people who do not care about their welfare? The time will come when these tribal leaders and tribal chiefs will have it rough as people

get educated. The people are getting educated because they are suffering when others are enjoying themselves.

I think something should be done about the mushrooming of small villages all over Rift Valley. There is land that can be purchased and given to the poor in this country. People with big tracts of land, like me and other hon. Members of Parliament, should be ready to surrender a portion of their land to give back to the poor who fought for this land. It is important that this House decides on this issue once and for all.

Mr. Temporary Deputy Speaker, Sir, in my area, we have about 145 small shanties all over the place. There are about 3,000 people living there. They do not know where to go and what to do. They just live in those small villages. If one of them passes away, he is buried in the same place. One acre of land is occupied by about 500 people. What does that mean in a free country like this one?

All I want is for the House to sit down and address this matter once and for all. This is what we all need to do. I am happy that hon. Members are listening very attentively and they know that this problem is bigger than what I am able to explain. Hon. Members have the moral responsibility to deal with matters that are bothering their people. We were brought here by the people to speak for them. Not every *mwananchi* can be present in this House. That is why this Parliament is for the people and by the people. That is why we are given only five years contract. If we fail to represent them properly, they will always find a replacement. Before we are replaced, we should leave a mark here that we decided the fate of our people like we did with the Constituencies Development Fund (CDF). That is a very important decision that this Parliament has ever taken. If we can do something about the issue of landlessness and squatters, I think we will be taken more seriously than we are taken today.

Mr. Temporary Deputy Speaker, Sir, without repeating what I have said, I have been the Assistant Minister for Lands and Settlement for nine years. I was later appointed a Minister, but the issue of land has not been easy to deal with. The issue of land delayed our Independence. We were to attain our Independence from the British in 1961. That was the first decision by the Colonial government. But because of the land issue, our Independence was delayed for another two years. That is why we became independent in 1963. If you look back, you will see the kind of force or struggle that our leaders or forefathers faced during that time. The British and landowners were able to create divisions within KANU in a very big way. On one side, we had those who were crying to take over European land and distribute it to the people, while the other group who wanted peaceful development were on the other side. But when you are creating a class of poor people, that cannot be considered as development.

*(Applause)*

There is no development which will be sustainable in this country, no matter how much we want to claim that we are developing; no matter how much our Gross National Product (GNP) will be improved, unless we improve the lives of our people, our future is still at stake. The sustainment of any kind of development is when all people develop together without leaving others behind and expect them to become nothing, but just voters.

Mr. Temporary Deputy Speaker, Sir, our people are becoming more educated. Karl Marx did not decide on communism because he was happy to do that. It is because of the pressure which he had. It is the pressure of poverty. I do not see ourselves getting out of this problem unless we decide to call a spade, a spade, and unless this Parliament decides to take over their responsibility. It seems as if Parliaments in Africa still depend on the Executive, and those are separate entities. We are elected to improve the welfare of our people, and the only place we can do that is in this

august House. We ask several Questions, we complain and we accuse each other here, but a well learned person sitting on the side will look at us and feel sorry for the parliamentarians, because we tend to shift blame to other people, especially to the Executive. The Executive has its role to play, especially the security of the country, to manage and give direction in economic management, but the laws are made here. We can dissolve this House and we can do whatever we want to do in this Parliament as long as what we are doing is for the good of this nation.

Mr. Temporary Deputy Speaker, Sir, we have been accused of not working hard. We have been told that we have only passed four or five Bills. I think the country needs to know that the Bills are the responsibility of the Government---

**The Temporary Deputy Speaker** (Mr. Khamasi): Your time is up, Mr. G.G. Kariuki. You should move the Motion.

**Mr. G.G. Kariuki:** I request Mr. Mwandawiro to second my Motion.

**The Temporary Deputy Speaker** (Mr. Khamasi): First of all, you should move the Motion and then you request somebody to second it.

**Mr. G.G. Kariuki:** I beg to move.

**The Temporary Deputy Speaker** (Mr. Khamasi): Who is seconding your Motion?

**Mr. G.G. Kariuki:** I request Mr. Mwandawiro to second my Motion.

**Mr. Mwandawiro:** Asante sana, Bw. Naibu Spika wa Muda. Kwanza, nitaanza kwa kumpongeza Bw. G.G. Kariuki kwa kuleta Hoja hii ya maana sana ambayo ina faida kubwa kwa nchi hii. Hoja hii ni ya kimaendeleo sana. Vile vile, namshukuru kwa mambo yote aliyosema katika hotuba yake wakati wa kuwasilisha Hoja hii. Iwapo sisi sote, kama viongozi, tutayatilia maanani mambo ambayo amesema, nafikiri tutaweza kupiga hatua kubwa katika kuleta suluhu ya kuboresha maisha ya wananchi wengi katika jamii yetu.

Bw. Naibu Spika wa Muda, pia ningependa kumshukuru kwa kumtaja Bw. Karl Marx, ambaye ni mwanzilishi wa ukomunisti wa kisayansi. Hiyo ni sahihi kabisa kwa sababu pale, kuna nadharia maalum kwa Wabunge wote kusoma na kuelewa. Nadharia hizi zinalenga kabisa na kuangalia njia mbali mbali za kutumia ardhi na raslimali vizuri ili kuboresha maendeleo katika taifa lolote lile. Nadhani kwamba watu kama hawa watakuwa wanatajwa mara kwa mara katika Bunge hili.

Bw. Naibu Spika wa Muda, ni muhimu tuunge Hoja hii mkono kwa sababu ina lengo la kuleta Mswada wa kuwatafutia makao watu wasiokuwa na ardhi. Hilo ni lengo muhimu sana. Nikisema hivyo, natambua kwamba hivi sasa, Serikali inaleta mapendekezo ya Sera ya Ardhi. Tumekuwa katika semina hiyo hivi majuzi, na naipongeza Serikali, kwanza, kwa kuanza kufikiria na kuunda mapendekezo ya sera ya ardhi, ambayo yatawasilishwa katika Bunge hili hivi karibuni. Namshukuru Bw. G.G. Kariuki sana kwa kuleta Hoja hii ya kuomba kuletwa kwa Mswada wenyewe. Ombi hili litaiharakisha Serikali kuleta Sera ya Ardhi hapa Bungeni. Vile vile, kutokana na mapendekezo hayo ya sera, kile kinachohitajika ni hatua kabambe za kupambana katika kuleta suluhisho kwa matatizo ya ardhi. Hilo litapatikana baada ya kuleta Mswada kamili. Linalojulikana ni kwamba, matatizo ya kuwa na watu wasiokuwa na haki ya kumiliki ardhi au maskwota ni jambo lililozungumziwa sana katika Bunge hili na katika vikao mbali mbali, siku nenda, siku rudi. Hatuwezi kuendelea kuzungumza milele. Ndio maana Hoja hii ya Bw. G.G. Kariuki na hotuba yake inavyosema. Lazima tuanze sasa kutafuta suluhisho.

Naunga mkono maoni ya Bw. G.G. Kariuki kwamba, sisi kama Wabunge na vile vile Serikali iliyoko, ina uwezo, kama inataka, ya kuleta suluhu. Ni kweli kwamba Serikali yoyote ambayo italeta suluhu katika maswala ya ardhi, haswa katika kuhakikisha kwamba kila mwananchi atafaidika kutokana na ardhi na raslimali zilizoko katika nchi hii, hiyo Serikali ndio itakayokuwa ya kwanza kuanza kushughulikia maslahi ya nchi na kuleta maendeleo kwa ujumla. Nasema hivi

kwa sababu hatuwezi kuwa nchi huru kama ardhi yetu inatawaliwa na wageni.

Kwa mfano, ukienda Pwani, utaona kuwa hoteli nyingi zinamilikiwa na watu kutoka nje. Hawa ndio wanaofaidika sana, haswa kutokana na faida hiyo ya ardhi iliyoko kando kando ya bahari. Vile vile, ukienda katika sehemu zingine humu nchini, iwe ni Laikipia, Taita-Taveta ama wapi, utakuta kuwa watu wengi kutoka nje wamepewa uhuru kutumia raslimali zetu zilizoko hapa za ardhi kwa ajili ya kuboresha maisha yao. Hatuwezi kusema kwamba tuko huru kwa njia hiyo. Vile vile, hatuwezi kuwa na maendeleo na haki iwapo kuna idadi kubwa ya wananchi wetu ambao hawana hata inchi moja ya ardhi yao. Hatuwezi kusema kwamba tuko huru kwa njia hiyo. Hatuwezi kuwa na maendeleo tukiwa na idadi kubwa ya wananchi wasiokuwa na mashamba. Hatuwezi kuwa na usalama nchini. Vita vya kikabila vinavyotokea katika sehemu mbalimbali hapa nchini vinatokana na umasikini na ukosefu wa mashamba. Watu wengi hawana mashamba ya kuwafugia wanyama wao. Ikiwa kila mmoja wetu atamiliki shamba, basi hili litakuwa ni suluhisho la shida ya usalama nchini. Tunafaa kuwa na sheria maalum ambayo inatokana na mapendekezo ya Hoja hii.

Badala ya kusuluhisha matatizo ya maskwota, tunawaongeza. Mfano mmoja ni Wilaya ya Taita-Taveta. Kuna madini mengi katika wilaya hii. Pia kuna rasilimali kama vile wanyama pori na maji. Badala ya hifadhi ya wanyama wa pori kupunguza ardhi inayomiliki, hivi sasa inataka kuongeza ardhi hiyo. Hivyo basi, kuna matatizo baina ya wenyeji wa sehemu hiyo na Serikali. Vile vile kuna watu binafsi wanaokubaliwa na Serikali kumiliki mamia ya ekari ya ardhi yenye rasilimali ya madini. Hatua hii imewafanya watu wengi waendeleo kuwa maskwota. Kuna ufisadi wilayani unaoongozwa na wakuu wa ofisi za arthi na makao. Wao ndio wanaogawa hayo mashamba. Vita vingi vinavyotokea katika wilaya mbalimbali hapa nchini vimechochewa na makao makuu ya wilaya hizo. Kwa hivyo, Waziri wa Ardhi akitaka kusuluhisha matatizo ya mashamba katika Wilaya ya Taita-Taveta, anafaa kumtembelea Mkuu wa Wilaya na kumkanya dhidi ya kuendelea kuwaruhusu watu binafsi kuendelea kunyakuwa ardhi ya watu wetu. Vile vile, anafaa kumkanya dhidi ya kuruhusu Mbuga ya Wanyama ya Tsavo kuendelea kunyakua ardhi zaidi kutoka kwa watu binafsi. Jambo hili limesababisha kuongezeka kwa maskwota.

Bw. Naibu Spika wa Muda, kwa jumla, Hoja hii inahitajika mara moja. Nataraji Bunge hili litaunga mkono Hoja hii ili tuweze kusuluhisha tatizo la maskwota nchini. Tukifanya hivyo, tutaondoa umasikini katika nchi yetu. Vile vile hatua hiyo itapunguza kuenea kwa mitaa ya mabanda inayoongezeka kila siku katika miji yetu. Jiji la Nairobi ni chafu sana kiasi cha kwamba tunashangaa kama kweli tuna Serikali au la. Wageni kutoka nchi zingine wakitembelea jiji hili wanashangaa kama kweli tuna Serikali au la. Pia kuna nyumba zinazoendelea kujengwa kiholela. Ardhi imenyakuliwa na mabepari wachache na hata makanisa. Makanisa yamepoteza maadili ya kidini. Hatuwezi kupanga miji yetu kama hatujalitua tatizo la ardhi na kuwapa maskwota mashamba. Vile vile tunafaa kuunda sera maalum inayosimamia mambo ya umiliki wa ardhi hapa nchini.

Naomba Bunge hili liunge mkono Hoja hii. Baada ya kuipitisha Hoja hii, Serikali inafaa ilete mara moja Mswada wa mapendekezo ya sera za ardhi. Ikifanya hivyo, suluhisho la tatizo la maskwota litapatikana.

Kwa hayo machache, ninaunga mkono Hoja hii.

*(Question proposed)*

**Mr. M'Mukindia:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to strongly support this Motion by Mr. G.G. Kariuki. As he said earlier, it is clear that the Settlement Fund Trustee which was given the job of settling squatters and people who were landless on the formerly whites-owned farms in this country, never completed its job. For whatever

reasons, the job was half-done. Because of that, many squatters were left all over the country without land, while many other people acquired huge chunks of land, which up to today, are still not developed. We should remember that a similar situation has arisen in Zimbabwe, where a similar programme was set in motion. Until about nine years ago, this programme was going on very well. Unfortunately, with the change of Government in the United Kingdom (UK), that programme was abandoned. For that reason, the Government of Zimbabwe was forced to forcefully acquire land on behalf of its citizens.

The fact that this has happened in Zimbabwe and, to a lesser extent now the pressure is growing both in Namibia and South Africa for forced land distribution, it does not mean that this country cannot face exactly the same problem. Kenyans have been very patient. If you go to Rift Valley and Meru, for example, you will see huge chunks of wonderful land which are owned by one or two people, but actually surrounded by thousands of squatters. This situation is not sustainable. Unless we redress it quickly, we may end up having a Zimbabwe-style so-called "land-grab," which is actually forced redistribution of land.

Mr. Temporary Deputy Speaker, Sir, specifically, in my own area, there is a big squatter village called Mashaka. I believe all of us know what it means. These people actually live on a swamp. Now that it is raining heavily all over the country, they cannot get to their houses because they are flooded. Equally, they cannot go to the toilet. At the same time, they cannot bury their dead. The situation is pathetic. Indeed, we must blame successive Governments for this problem. They have been extremely insensitive to this issue of squatters.

We are aware also that two or three years ago, many people were evicted from the forests. They had been settled there by the Government to plant trees. They did not settle there on their own accord. As a result, they ended up being squatters. This problem exists in my constituency. There is a village called Karuri where people have been living on a road reserve for the last four years. This is pathetic. Given that there are huge chunks of land lying idle in this country, what excuse do we, as a country, Parliament and Government, have not to resettle these people? Why do we not buy land from those who have it and resettle these very poor people? It is no wonder that crime and insecurity is increasing all over the country. What would you do if you were a parent with one or two children and you do not have food or a place to settle? What solution or advice do we have for such a family? Obviously, you go to your garden and shamba to get what is there. We are forcing people in this country to become criminals. We are criminalising poverty. It is our own doing. We cannot blame those people. Therefore, this is an issue of identity. I want to join my hon. colleagues in supporting hon. G.G Kariuki to move very quickly to bring this Bill to Parliament, so that we debate and pass it.

With those few remarks, I beg to support.

**Mr. Khamisi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to fully support this Motion brought by my colleague, hon. G.G Kariuki.

You know very well that I am very passionate about this issue. I feel that we are failing our fellow Kenyans by not settling them properly, yet this is one of their fundamental human rights. Settlement schemes were started in the 1970s and 1980s. But, as we have noted, there was a complete failure in the implementation of these settlement scheme programmes, to the extent that the people who were supposed to be settled were not settled. Instead, other people, who were privileged, were given land at the expense of the needy. We have reached a point where we have created a tribe called "squatters". This tribe is composed of millions of Kenyans across the heart of this country. I think we have created a very dangerous situation, that is now manifesting itself in urban and rural areas.

We have earned the dubious distinction of having the largest squatter settlement in the heart of Nairobi, the Mathare Valley. I can tell you that this settlement has now become a tourist

attraction. Tourists come here to see how people live in Mathare Valley. If there is a failure on the part of our Government, then it is failure to provide proper settlement for our people. I fully support this Motion. I feel it supplements my Motion tabled in this House recently in which I urged the Government to look into possibilities of settling people on the land now owned by absentee landlords.

*[The Temporary Deputy Speaker  
[Mr. Khamasi] left the Chair]*

*[The Temporary Deputy Speaker  
[Mr. M'Mukindia] took the Chair]*

Mr. Temporary Deputy Speaker, Sir, all Kenyans deserve to own land. We are all equal. We should be considered as equal citizens of this country. It is a shame that we should have individuals owning tens of thousands of acres of land, while other people go without any land. It is shameful that two or three families own a whole region in Taita- Taveta District, while there are thousands of indigenous people in that area who have no land whatsoever. We have a responsibility, as a people and a Government, to make sure that people, who are today suffering as a result of wrong policies, are settled.

Somebody asked recently why pokot pastoralists should be squeezed into one small corner when their ancestral land in Trans Nzoia is owned by a handful of Kenyans. This is a very pertinent question. It is pertinent because it hurts a lot to see women and children being displaced from their homes, or their homes being torched to provide settlement land for other people, who are more privileged. I think, we have cases in places such as Kuresoi, Laikipia and other areas in this country that have had land clashes. This has all been as a result of lack of land.

Mr. Temporary Deputy Speaker, Sir, the Coast Province is a good example of the use of wrong policies in this country. A majority of people in this region live as squatters. In my constituency, right from Mtwapa, all the way to the end in Malindi, there are squatters. Mtwapa Town is a squatter settlement. Kilifi Town is a squatter settlement. The only people who benefit are the European farmers. If we cannot take into consideration the welfare of our people, then we have no business, either being in Government or being called civilised.

Mr. Temporary Deputy Speaker, Sir, the land issue was a subject of our Independence struggle. The Mau Mau went to the forest to fight for land. Today, our freedom fighters are victims of these policies. It is shameful that every 12th, December, when we celebrate our Independence, we see these individuals complaining that they have been forgotten. Then what was the point of them fighting for Independence if they could not be considered even for mere settlement?

Mr. Temporary Deputy Speaker, Sir, this Motion is important and timely. It is important because it seeks to solve a very serious problem. Commissions have been established over the years but have brought nothing. They have brought no relief to the people of this country. I am happy about this Motion because it talks about genuine squatters. We have a habit of having professional squatters in this country. These are people who were given land in one area, settled for a little while and sold it. They then moved to a different area and declared themselves squatters. A way has to be found to know who is a genuine squatter. That squatter can then be properly settled! In fact, I will go further and say that all land and title deeds given out from now on should be in joint ownership with the Government. In this way, individuals will not take advantage of the situation to sell their pieces of land and declare themselves squatters. If we do this, we will ensure that those who do not have land have it and live in a dignified manner. Mr. Temporary Deputy Speaker, Sir, we have heard of insecurity. Recently, there were very disturbing incidents in the

heart of this city. The place we are talking about, Mathare, is congested and over-flowing with human beings. We need to find a solution to that problem. If we do not, this capital city will continually become inhabitable, and most of us will have to find other places to live in. There is no way we can live in a city that does not provide basic security. These people are not crying out of nothing! They are crying because they have been forgotten. Years ago, there was a saying by Mr. J.M. Kariuki that, this was a land of ten millionaires and ten million beggars. That situation has changed. We are now have 30 million people in this country, and you can literally count the rich people in it. We have people who are filthy rich! They have tens of thousands of acres of land. I do not understand why at this time and age, we allow people like the Delameras to own the vast expanses of land that they have in the Rift Valley Province. That land must be delivered to Kenyans. It must be delivered soon, otherwise we are going to live in a very unstable situation.

Mr. Temporary Deputy Speaker, Sir, I have talked about this for a long time. We have tens of thousands of people who are displaced for one reason or another. They are displaced from their homes. They have become squatters not because of their liking but because of our political and tribal situation. We need to find a solution. There is no reason why we should have displaced people in this country, people who are refugees in their own country.

Mr. Temporary Deputy Speaker, Sir, I do not want to take too much time. I know my colleagues would also like to contribute to this Motion. However, I want to add my very strong voice, that this Motion ought to be passed quickly and a Bill brought to this House, so that we pass it. It should then be assented to by the President, so that we can provide relief for the tens of thousands of Kenyans who are today living in misery.

With those few remarks, I beg to support.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, hon. Members! Before Mr. Waithaka contributes, there are a lot of loud consultations at the corner where Mr. Oloo-Aringo is sitting!

Mr. Oloo-Aringo, there are too much loud consultations between you and Rev. Nyagudi!  
Mr. Waithaka, please, proceed!

**Mr. Waithaka:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. This is a Motion of national importance, because it addresses issues that ought to have been addressed a long time ago. I am also happy that the Motion has been brought by an hon. Member, who has been a long-serving Minister for Lands and Settlement. He was Assistant Minister for nine years and a Minister for similar number of years. So, it becomes extremely relevant because he knows what ought to have been done.

Mr. Temporary Deputy Speaker, Sir, I am also happy that he confessed that land in this country is mainly owned by leaders, including hon. Members. He mentioned himself as being one of the big land owners. He made a very good suggestion that those who own big tracks of land, and who are in leadership, should surrender it to the Government for the purposes of it being given to the landless. This is a very clear indication that a time will come when capitalism will be "killed" from the top. This will be when capitalists will start realising that they have offended others and will want to confess by way of surrendering their land. Actually, that is the best way to confess, by returning what you have taken. It is a very positive thing that the Mover has done, and I hope all others will follow suit.

Mr. Temporary Deputy Speaker, Sir, if you look at those who settled in the Rift Valley Province, you will realise that they formed big companies which they called Land Buying Companies. They bought pieces of land on a willing buyer, willing seller basis. But, if you look at

what the leaders got, you will see that they got houses previously owned by the white men plus 300 to 400 acres of land, or sometimes 1,000 acres. But, the people who actually formed the companies got two and half acres or three acres of land. The leaders got big pieces of land. They also got the *wazungu* houses, tractors and cows! Today, they are the richest men in this country. However, they tell us that they are very hard working people, when they are actually living on the sweat of the poor who contributed much of the resources.

It will not be wrong for one to suggest that these people may not have paid any money for their land. These are the pieces of land they are now selling to the Government and making a lot of money. If these people did not pay for the land they own, there is no reason why we should be asking the Government to buy land from them. They should be asked to voluntarily surrender the pieces of land. If they do not, we should have a mechanism through which to acquire the land and give it to the poor. As has been rightly said, we cannot have people suffering simply because one or two persons own vast pieces of land. For example, the piece of land from Naivasha to Gilgil and Nakuru is owned by one person.

When the British Government formed the Settlement Fund Trustee (SFT), they only formed it in a guise to give our Government a loan to buy land from the British settlers. The British settlers had no justification to acquire this land and so, the British Government had to give a loan to our Government in form of the SFT. We do not know how the SFT was run and where the money that was paid by the settlers in the Rift Valley Province went.

Mr. Temporary Deputy Speaker, Sir, if you have a piece of land and you do not have a title deed for it, you are still a squatter because you cannot claim ownership over it. This has been a thorn in the flesh because the current Government, and even the previous regimes, have been reluctant to make conclusive decisions as to how to deal with certain regions. For example, since Independence, Nyahururu Town has been administered from Nyandarua District, but it has been in Laikipia politically. Only recently, it was gazetted that Nyahururu Town will be administered from Laikipia. The District Commissioner, Nyandarua, is in Nyahururu Town. This means that all the officers in the office of the District Commissioner, Nyandarua, are squatters in Nyahururu Town, which is in Laikipia District. The Government should come up with a proper policy to ensure that if somebody is allocated a piece of land, he or she gets the relevant documents.

We have another very big squatting problem in a village in Kinangop called Mutenyaro. This is a settlement scheme which was started in 1982. The piece of land, instead of being allocated to the poor people in the village, was allocated to people who were working in the Ministry of Lands, big civil servants and DCs. They gave their pieces of land to brokers to sell on their behalf, who then divided the 2.5 acres pieces of land into small plots of 40 feet by 80 feet and sold them to the people who were running away from Enoosupukia and Molo. The people who bought the plots built houses on the plots and went to farm in Kieni Forest. When these people were chased away from Kieni Forest, men came to Nairobi to look for employment, which was not even forthcoming, and the women and children were left in Mutenyara. When the owners of the pieces of land realised that the brokers had sold them at Kshs50 per 40 feet by 80 feet plot, making about Kshs1 million per 2.5 acre piece of land, and they were only demanding from the brokers Kshs150,000 from each plot, they refused to transfer the plots to the new owners. Because these people had not obtained the consent of the Land Control Board, when the matter is taken to court or to any tribunal, the law is always against the squatters. They say that any transaction relating to land which is not blessed by the Land Control Board is null and void for all purposes. They quote Cap.302.

Mr. Temporary Deputy Speaker, Sir, we need to have a law like the one hon. G.G. Kariuki is proposing, so that we can legislate and know how to deal with the squatter issues. It is only an



Act like the one that has been proposed that will enable us to deal with the issue of squatting in Mutenyara and in other places. If you go to Nyahururu around the former OI Kalou Salient and OI Bolosat, you will find that there are very many squatters. These are people who bought land from people who were allocated land there who were not even from Nyandarua District. They then settled there, but the original owners of the land refused to transfer the land to them. They cannot go to court because they will lose the cases. The law is not in their favour, especially Cap.302. We need to have a law which provides that if you are squatting on a piece of land, you should be documented as the owner of that piece of land.

The problem of squatters has even caused another bigger problem in my district. Land ownership issues must be addressed once and for all. We are actually sitting on a time bomb. After Independence, people who were in reserves in Nyandarua were put in district officers villages. Even if the Government does not have any intention to settle them elsewhere, they should be given ownership of the pieces of land on which they have put up their houses. There are people who are going to the Land Registry, looking at the map and saying that the said pieces of land are reserved for villages and have no owners. They then grab these pieces of land.

Recently, and the Mover of this Motion will recall, we were settling people in Nyahururu in a site-and-service. Somebody came to Nairobi and found that this piece of land was reserved and not allocated. He was allocated five acres in Nyahururu Town where the site and service housing scheme is situated. There are 69 three bed-roomed houses fully supplied with water and electricity. The owners of these houses have no documents although they are living there, but an individual has a document on his own. This is a company called Excel Develop Limited. The company went to court and sued the occupants of these houses. The issue of land ownership is terrible and must be addressed urgently.

Mr. Temporary Deputy Speaker, Sir, the Mover also mentioned a very important issue that the land policy that we are now trying to formulate is not talking about land ownership, but land use. You cannot talk about land use unless you have talked about land ownership.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Members, I want to declare my interest in this one. I want to give hon. Khamasi a chance to contribute because he has to take over the Chair from me in the next ten minutes.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the debate on this very important Motion.

The issues of landlessness and squatters are very emotive. I am shocked to see that the Minister responsible for this particular Ministry is not here taking notes. I can only see Assistant Ministers who are very eager to contribute to the debate. This is a very important Motion.

The plight of squatters in this country is very demeaning. I have lived around a place where squatters have settled. If you look at the manner in which they live, you will find that it leaves a lot to be desired. They live in very poor sanitary conditions and the food they eat leaves a lot to be desired. They have no proper shelter, their children have no access to good education and we are just watching. We should ask ourselves: Who are the big land owners in this country?

When land ownership data was produced sometime ago, it was found out that a few families actually own arable land in this country. One wonders whether members of these families, which have, in fact, ruled this country, have hearts. I do not know for what reason one wanted to own 300,000 acres of land when he ruled this country when other people did not have land. I do not know what joy one would derive out of that. This is shameful!

Mr. Temporary Deputy Speaker, Sir, when we were fighting for the second liberation of this country, we were singing "*Yote Yanawezekana Bila Moi*". Did we sing that just to jump into the sea and perpetrate what Moi was doing?

Mr. Temporary Deputy Speaker, Sir, the question of absentee landlords is a major issue which has been on our lips for a long time, yet we do not seem to move and correct the situation. What we are doing is exactly the same thing we oppose. You know very well that in fact, we come here and pretend that we are advocating for the poor, when we are still the ones who go out there and buy all the land that belongs to them. The poor do not have anywhere to graze their animals. We come here to pretend and call others names. When I go buying all the land from my neighbours who are semi-literate, leaving them in small little villages, yet those people have two to five animals which need to graze, and the only place they could graze was the land I bought, how can I blame them? It is high time that everybody thought like the Mover of this Motion.

I was surprised to hear the Mover of this Motion say that he is one of the biggest land owners in this country and that the Government needs to decide on how some people will give up their land to the poor. Time will come, whether we like it or not, when squatters will have to take some of our land. It is theirs and they will take it. The faster we move to correct the situation, the better.

We said that, *Yote Yawezekana Bila Moi*. What happened in my constituency about two weeks ago is shocking. There are about 1,000 people living in a place where they were settled by the colonialists in 1953. Recently, the Ministry of Environment and Natural Resources told them that they were living in forest land and that they must move out. Those people had lived there since 1953. When they asked why they were being evicted, they were told that the land had not been gazetted. Since the land had not been gazetted, all the squatters had to move out. There was no proper explanation given to them, yet they were waiting to be evicted from a place which they had occupied since 1953, and had title deeds to show that. What a shame? What is this Government trying to do? Is this the Government we were fighting to bring into power? No wonder its officers are not in this House today.

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

I know that hon. Wamwere cannot pretend to be representing the Government. He has many squatters in his constituency. In fact, he should be joining us in lambasting the Government for what it is doing. Indeed, you can see very well that Government officials knew that this Motion was coming here today, yet there is no Minister to take notes and appreciate what hon. Members are saying.

**An hon. Member:** We are here!

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, let not those small ones pretend that they are Ministers. We know what they do. We know that they only come here to answer Questions and they cannot do anything.

**The Assistant Minister for Trade and Industry (Mr. Miriti):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that there are no Ministers here when there are five of us in this House?

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, listen to him! Listen to the way he is saying it. He is even afraid to say he is a Minister because he knows that he does nothing apart from answering Questions that we bring to this House. I would like to take this opportunity to support this Motion.

**The Assistant Minister for Information and Communications (Mr. Wamwere):** On a point of order, Mr. Temporary Deputy Speaker, Sir. We must be technically right. We are Ministers! The hon. Member cannot allege that we are not Ministers and the Chair does not make a proper ruling on it!

**The Temporary Deputy Speaker (Mr. M'Mukindia):** I did!

**The Assistant Minister for Information and Communications (Mr. Wamwere):** Did you

say that we are Ministers?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Yes, you are Ministers!

*(Laughter)*

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir. He knows very well that technically, he is a Minister. I want to underline the word "technically."

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is another Minister speaking. Is the hon. Member, my good friend from Shinyalu, in order to use the term "technically" when he knows that the Standing Orders are very clear about the issue? For the purposes of this House, both the Cabinet Ministers and the Assistant Ministers are Ministers: Either "technically" or otherwise.

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, please, protect me because I have very little time to finish my contribution.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): You are right. I would say that there is no other way someone can be a Minister apart from technically.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir; I appreciate that ruling.

*(Laughter)*

I wanted to say that tribal clashes created squatters. It is now four years, since this Government took over. We still have squatters living in church compounds, school compounds and on roadsides. Those are people who had literally bought land, yet this Government has moved very slowly in resolving the problem. That problem is self-inflicted and can be corrected. There is no reason why we still have people living on the wayside, roadside, and church compounds when they actually owned land. It is high time that this Government did something about it.

What hon. Kariuki said about "cities" in this town is a matter of time. Unless we deal with it now, what I saw last week; hawkers moving around in thousands--- Thank God that they were peaceful. If someone had dared to shoot at them, there would have been disaster in this town. I saw thousands of people moving in this town and most of them are squatters, landless and hawkers. If we do not deal with the issue, we will be in trouble.

I want to support this Motion and hope that Mr. Kariuki will bring the necessary Bill as soon as possible.

**Mr. Rotino:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Motion and support it. As my colleagues have said, the Motion has been brought by a very important person; a person who was a Minister in the former Government. The Motion he has brought is very timely and I want to support it. I listened to him when he moved the Motion and I wanted to hear him say what problems he faced so as not to implement this Motion. He was a Minister in that Government and had the opportunity to settle squatters. He should have given us the reasons why he did not settle or even try to settle some of the squatters.

Mr. Temporary Deputy Speaker, Sir, we have said time and again, and this has been echoed by everybody, that we are sitting on something which is very dangerous. It is upon this House to take responsibility. We have passed many laws and policies in this House, but nobody has implemented them. Ministers come and hear these problems but do not take action. The Government keeps postponing these problems. The former regime knew about the squatter problem, but instead of settling them or even trying to settle them, for 24 years, they kept on postponing the problem. I do not know who is going to solve it. The upsurge in crime is partly because of this problem. The trouble in Laikipia is a good example. The issue of Pokots and Samburus moving into Laikipia is

not of their own making; it is due to the problems they face. They were deprived of their land. In 1926, the Pokots were moved from their land in Trans Nzoia to the periphery and dry areas. But they now want to move back to their land but nobody is listening to them and that is why they are using force. That is why the rate of crime in this country is on the rise. It is not that those people want to become criminals. But it is because we are pushing our people into a corner. We are not listening to them and that is why they are taking the law into their own hands.

The other day, we saw thousands of youths demonstrating in the streets and Members were surprised. Those youths could as well have walked into Parliament and even the police officers could not prevent them. When we make laws, we must implement them. It is one thing for us to pass this Motion and quite another to implement it. The Mover of the Motion was once a Minister in the Ministry of Lands and he should have resigned then for not being able to execute his duties. The problem in Kuresoi is also a land issue. Many people are not being settled, yet when you drive upcountry, you see thousands of acres of land lying idle. Mr. Temporary Deputy Speaker, Sir, this Motion is timely and the Mover should move with speed and bring the Bill to the House, we pass it and we see it being implemented. It is unfortunate that the Ministers are not here, which shows that they do not take the land issue seriously. Not even the technocrats from the Ministry are here! We are speaking to ourselves. Who is going to implement this? This matter has been raised time and again.

There is a lot of ADC land in Trans Nzoia. When we talk about squatters, we should know the genuine ones without interference from us politicians. But even if we were to say we want to settle squatters today, who owns the land in Mathare or Kibera? It is not those squatters; it is us the politicians. Those are the rich people who own the land.

So, we should be sincere to ourselves. We should not just talk here for the media to report. Hon. Wamwere here will say that I am talking about squatters. But we are interested parties also. We are the people who own that land. Just go to Kibera today and see who collects rent! Many of them are politicians or civil servants. Are we really sincere on what we are talking about? We may pass very good laws here, but the Executive must implement them. Let the politicians also be sincere and stop interfering with the settlement of squatters. Otherwise, we shall be going round and round. Any other Government will come in and it will not be able to do anything because of the interference by politicians.

With those remarks, I beg to support.

**Mr. Odoyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought you agreed that we have two turns this side in view of the fact that Mr. Khamasi spoke from the other side.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Odoyo, that is not a point of order!

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, naomba kujibu Hoja kwa niaba ya Serikali, kwa sababu Serikali ni Serikali. Katika kuunga mkono Hoja hii, ningetaka kusema ya kwamba Serikali haina haja ya kupinga Hoja ambayo inakubaliana na malengo yake.

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think there is a very fundamental issue that Messrs. Khamasi and Rotino have raised. My good friend, hon. Wamwere, is supporting this Motion and he is responding on behalf of Government. We need your guidance. Is it necessary that when a Motion like this is moved, the relevant Minister should be here? If so, what is the procedure? I thought if the Minister is not there, it should either be the Leader of Government Business to respond or his deputy. We are either taking this House seriously or we are not; there are no two ways about it.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Ethuro, you know what you

are saying is not correct. As you said earlier on, a Minister is a Minister.

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): But that is not true! I beg to differ.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, hon. Ethuro! Are you arguing with the Chair?

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): My apologies, Sir.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): All right. The ruling is that, as I said earlier on, there is no other way; you can be anything other than technically being somebody, which covers the area of science and law. So, it is very appropriate that these are Ministers. You may say they are not senior Ministers, but they are Ministers technically and legally. So, they are quite in order to reply on behalf of the Government.

On the other issue, Mr. Odoyo, I already explained as to why the Chair did what it did.

**Mr. Odoyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am just referring to the use of the word "technical". I note that technical officers from the Ministry of Lands were not even invited to listen to this particular Motion. May I also request that those relevant Ministers also invite the relevant technical officers so that we have technical back-up for appropriate institutional memory and follow-up?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Indeed, that is a valid request. Obviously, while we expect that Ministers are taking notes and they will pass on the message, it is always very useful to have technical officers from the relevant Ministries listening and taking into account what Members are saying.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, sisi waakilishi wa Serikali upande huu tumesikia na tutafikisha ujumbe huo kwa wakubwa wetu.

Ni matumaini yangu kwamba mudawangu wa kujibu Hoja hii bado upo.

Nilikuwa nikisema ya kwamba Serikali hii haiwezi kupinga Hoja ambayo inaambatana na matakwa na malengo yake. Isitoshe, Bw. G.G. Kariuki, aliyewasilisha Hoja hii, anataka Bunge hili limpe ruhusa ya kuwasilisha Mswada hapa ambao utahakikisha ya kwamba maskwota miongoni mwetu wamepata makao. Wakati tulikuwa tunajadili Hoja ya Katiba mwaka uliopita, moja ya maswala ambayo yalikuwa katika Katiba kielelezo, ni swala la maskwota. Serikali iliunga mkono Katiba hiyo kwa sababu ilikuwa na imani na bado ina imani ya kwamba kuna haja kubwa ya kuwapa maskwota makao.

Bw. Naibu Spika wa Muda, juzi Mheshimiwa Rais alizuru Mkoa wa Pwani, na kuwapa maskwota hati za kumiliki mashamba. Tunaelewa ya kwamba maskwota wako kila pahali nchini na tunahitajika kuwashughulikia wote. Tunataka maskwota nchini wapewe mashamba na hati za kuyamiliki. Hati hizi zitawasaidia kumiliki mashamba hayo milele.

Bw. G.G. Kariuki amefanya kazi nzuri kwa kuleta Hoja hii. Nikiongea kama Mbunge wa kawaida, ninakumbuka ya kwamba katika mwaka wa 2003, nilileta Hoja hapa juu ya swala la maskwota. Nilitaka Serikali iwashughulikie na kuwapa makao maskwota katika nchi hii. Hoja hiyo ilipitishwa. Lakini, kwa bahati mbaya, hadi sasa, mapendekezo ya Hoja hiyo hayajawahi kutekelezwa. Wakati huu, Bw. G.G. Kariuki amechukua hatua ya kuja hapa na kuomba ruhusa ili auwasilishe Mswada ambao utakuwa sheria. Ninampongeza kwa kuchukua hatua hii muhimu sana. Iwapo tutapitisha Hoja hii na baadaye alete Mswada na pia tuupitishwe, basi tutakuwa na sheria ambayo itahakikisha ya kwamba hakuna skwota nchini ambaye ataishi bila bila makao. Ni lazima tumpongeze Bw. G.G. Kariuki kwa kuchukua hatua hiyo mwafaka. Nafikiri ya kwamba waheshimiwa Wabunge wanastahili kujifunza somo kubwa kutokana na hatua hii. Hii ni kwa sababu wakati mwingi Hoja huletwa hapa, tunazijadili na kuzipitisha na kisha hazitekelezwi. Ni

muhimu kuhakikisha ya kwamba Hoja inapata "meno". Hoja haiwezi kupata "meno" hadi itakaporudi hapa kama Mswada. Mswada huzaa sheria. Haya mengine ni kama ya kupitisha wakati tu.

Bw. Naibu Spika wa Muda, swala la maskwota nchini Kenya lina historia ndefu. Nimesikia wengine wakiuliza ni kwa nini inakuwa hivyo? Ni kwa nini tumekuwa na maskwota hata baada ya sisi kuupata Uhuru? Nadhani watu wana majibu tofauti kwa swala hili. Ninaamini ya kwamba swala la maskwota lilipata mizizi baada ya Uhuru wakati sisi tulipoamua kuufuata mfumo wa ubepari; tofauti na ule wa ujamaa. Najua katika Bunge hili tuna wafuasi wengi wa mfumo huo wa ubepari na ambao wanaweza kusema hicho si chanzo cha tatizo hili. Ni lazima tuelewe ya kwamba ubepari ni mfumo ambao unashikilia ya kwamba kuna watu wenye haki na wengine ambao hawana haki. Ni lazima watu wetu wawe na haki ya kumiliki mali na mashamba, bali na zile haki za kibinafsi. Ukifanya uamuzi huo; ya kwamba unataka msingi wa maendeleo wa nchi uwe ni falsafa hiyo ya ubepari, basi, tupende tusipende, kutakuwa na tofauti hizi ambazo tunajadili hapa.

Tuliambiwa na Bw. G.G. Kariuki ya kwamba Uhuru ulicheleweshwa kwa kwa muda wa miaka miwili hivi wakijadili swala la mashamba. Hata hivyo, hakutueleza hasa walikuwa wanasema nini wakati wa majadiliano hayo. Nahisi ya kwamba ni Wazungu ambao walikuwa wakitetea haki yao ya kuendelea kumiliki mashamba baada ya Uhuru. Walifaulu kwa sababu kuna Wafrika wengine ambao walikubaliana nao, mradi tu wangeweza kuungana mikono na kujenga umoja wao wa kumiliki mashamba na huko mamilioni ya watu wetu wabaki bila mashamba. Kwa watu hao, huo ulikuwa ni mpangilio sawa sawa. Hii ndiyo sababu tulipopata Uhuru, Serikali ya hayati Mzee Jomo Kenyatta na hata ile Rais Mtaafu Moi, ziliendeleza mfumo wa kikoloni au upebari. Huo ndio mfumo tunaoutafutia jawabu. Kama hatukujibu swala la falsafa ya nchi; aidha kama tutakuwa watu ambao wanafuata ujamaa, hata kama ni ule wa Kiafrika, tuendeleo kushikilia huu mfumo wa ubepari. Hatutaka kuyajadili mambo haya kwa makusudi. Hatukutaka kuwa na jawabu ya swali hili lenyewe. Jawabu letu lingekuwa utekelezaji wa falsafa ya ujamaa wa Kiafrika.

Bw. Naibu Spika wa Muda, ukweli wa mambo ni kwamba nchi hii ni yetu sote. Hatuwezi kuwa na nchi ambapo watu wachache wanamiliki mashamba na wengine wetu hawataruhusiwa kumiliki hata kipande cha ardhi. Sote tu sawa na tuna haki ya kumiliki ardhi hii. Nasema hivi kwa sababu kukazuka vita leo watakoajiriwa kazi ya kulinda nchi hii, wengi wao watakuwa ni maskini. Unakumbuka kwamba wazungu walikuwa na taratibu ambayo tunafaa wakati mwingine kuitazama na kuifuata. Wakati wazungu waliwapeleka watu wao kupigana katika Vita Vikuu vya Kwanza na vya Pili vya Dunia, wakati waliporudi, waliwatunza kwa kuwapa maekari ya mashamba kwa sababu ya kutetea himaya yao. Wazungu hawakuwa wakinyakua mashamba kwa niaba ya watu wengine.

Ninachosema ni kwamba waliwapa watu wao zawadi za mashamba. Ninaamini ya kwamba, nchi hii haiwezi kulindwa na matajiri peke yake. Kwa hivyo, kuna haja ya kuwashughulikia masikini ambao tutawategemea kulinda nchi wakati wa vita. Ni lazima tuwape nafasi ya kumiliki mashamba katika nchi hii. Wasipomiliki mashamba katika nchi hii, watamiliki wapi kwingine? Hata hatuna uhakika ya kwamba mbinguni kuna mashamba. Naona kama ni hali tupu. Sijui kama kuna mashamba kule. Kwa hivyo, kama mtu hajamiliki shamba akiwa hapa duniani hawezi kumiliki pahali pengine. Ni lazima tukubali ya kwamba swala hili si kama lile linalosimuliwa katika riwaya ya *Shamba la Wanyama*, pahali ambapo wanyama wote ni sawa, lakini wengine ni sawa kuliko wengine. Hii ni nchi ambayo inastahili kutuunganisha sisi sote, maskini kwa matajiri. Ni lazima watu wa tabaka zote waunganishwe ili kila moja wetu ajivunie kuwa Mkenya. Hatutaki wengi wetu kuvumilia kuwa Wakenya. Wengi wetu wanavumilia kwa sababu wamelemewa. Tunataka kujivunia kuwa Wakenya.

Bw. Naibu Spika wa Muda, baada ya kuangalia maslahi ya maskwota wa Mkoa wa Pwani, tungependa Serikali ishughulikie maskwota katika sehemu zingine hapa nchini. Pahali ambapo

panastahili kupigwa darubini ni kule ambako watu walitimuliwa kutoka kwa mashamba yao wakati wa vita vya kikabila. Watu hawa, mpaka wa leo, bado ni wakimbizi katika nchi yao. Wamejaa kila pahali. Ikiwa tuna mashamba chungu nzima ambayo yalinyakuliwa na wageni--- Kwa mfano, limetajwa shamba lile la Lord Delamere, katika Wilaya ya Nakuru, pahali ambapo mara nyingi nimejihisi kama mgeni ambaye anapitia nchi ya mtu mwingine. Ukienda huko Laikipia utakuta kwamba hali ni hiyo hiyo. Maekari ya mashamba yanamilikiwa na wageni. Ukienda kule Sotik, hali ni hiyo hiyo. Kwa hivyo, hatuwezi kulia eti hatuna mashamba ya kuwapatia watu. Watu waliofukuzwa kutoka makwao ni muhimu watafutuwe makao wakati huu.

Mimi ninaamini kwamba ikiwa sisi tulio Serikalini kweli tunataka kurudi Serikalini, ni muhimu tulishughulikie swala hili. Ninayo imani kuwa tutalishughulikia kabla ya mwezi wa Desemba ili tuweze kupigiwa kura na kurudi uongozini. Hatuna jingine la kufanya sasa ila kuwashughulikia maskwota ili tuweze kushikilia hatamu za uongozi tena. Hakuna cha bure kabisa. Watu hawawezi kukupigia wewe kura ilhali hutumizi wajibu wako ama hutimizi agano. Wananchi wanapotuchagua, agano huwa hivi: "Tunawachagua ili nanyi mtutafutie makao." Sisi tutalitimiza agano hilo.

*(Laughter)*

Bw. Naibu Spika wa Muda, jambo jingine ambalo ningependa kugusia ni swala la wezi wa mashamba. Hii ni Serikali ya maendeleo. Sijui ni kwa nini mnacheka. Hii ni Serikali ya kimapinduzi na maendeleo. Tunataka kufanya mambo mengi wala hatutaki mchezo.

*(Applause)*

Kuna swala la wezi wa mashamba. Ukiangalia kijitabu hiki nilichonacho, utakuta kwamba kuna orodha ndefu ya majina ya watu ambao walinyakua mashamba katika maeneo ya misitu, kwa mfano, misitu ya Ngong, Kiptagich, Karura, Nyandarua na kwingineko. Tunajua majina ya watu walionyakua mashamba katika maeneo haya na tutayatwaa hayo mashamba kutoka kwao. Ni sharti Serikali itwae mashamba yaliyonyakuliwa ili iweze kuwapatia wale ambao wanastahili kuwa nayo. Aidha, mashamba hayo yarudishwe mikononi mwa Serikali ili tuweze kuyafanyia maendeleo.

*(Mr. Odoyo consulted loudly)*

Kama wewe ni mmoja wa wale walionyakua mashamba, basi kaa chonjo kwa sababu tutakuchukulia hatua!

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

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Odoyo! First of all, you are totally out of order to be speaking to hon. Wamwere directly. Always address the Chair. You have been altercationing with Mr. Wamwere and, therefore, I will not accept your point of order.

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, I apologise and aver to your ruling.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, nilikuwa nasema kwamba wizi wa mashamba uko pahali pengi na siyo tu katika maeneo ya misitu. Mimi ninatoka Subukia, ambako kwa miaka mingi, watu ambao walikuwa wanachama katika makampuni yaliyonunua mashamba kutoka kwa wazungu ili yaweze kuwagawia Waafrika, wamekosa mashamba. Watu walinyang'anywa mashamba yao wakati wa utawala wa giza katika nchi hii. Ingawa watu walinunua hisa katika makampuni kama vile Ngwataniro, Ndeffo au Kihoto, watu hao wanashikilia stakabadhi za mashamba yao lakini hawana mashamba yenyewe kwa sababu walinyang'anywa.

Ingawa tunaongea kwa niaba ya Serikali, tungetaka Wizara ya Ardhi ielewe kwamba ina wajibu mkubwa wa kuhakikisha kwamba wale walionyanywa mashamba yao bado wanangojea kurudishiwa mashamba yao. Si watu wachache; ila tu hawana nguvu. Ufisadi unaowaathiri hauwezi kuandikwa na vyombo vya habari kwa sababu ni watu wadogo. Hata hivyo, Serikali ina wajibu wa kuhakikisha kwamba imewasaidia kupata mashamba yao ili nao wajihisi kama Wakenya.

Bw. Naibu Spika wa Muda, ingawa tunaongea juu ya maskwota, inawapasa nao kuelewa kwamba wana wajibu wa kusaidia katika kusuluhisha swala hili. Wanaweza kufanya hivyo kwa kuchagua watu ambao si wezi wa mashamba wakati wa uchaguzi. Maskwota wasiwe watu wa kujikaanga kwa mafuta yao wenyewe kama nguruwe. Utagundua, kwa mfano, wakati wa mjadala kuhusu Katiba mpya, wananchi wengi waliikata Katiba hiyo ingawa ingewasaidia kupata mashamba. Wakati wa uchaguzi ujao, utaona wananchi hao wanaoteseka wakiwachagua wanyakuzi wa mashamba kama viongozi wao. Sasa, wakiwachagua wanyakuzi wa mashamba kuwa viongozi wao, ni vipi watajisaaidia?

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga mkono Hoja hii.

**Mr. Odoyo:** Thank you, Mr. Temporary Deputy Speaker, Sir.

The word "squatter" is defined by the Oxford Dictionary as someone who is sitting on somebody's land illegally. In Kenya today, we have squatters in the rural and urban areas and yet land is the single most important resource in Kenya. Indeed, the Independence of Kenya was won on the basis of landlessness.

Today, Mr. Temporary Deputy Speaker, Sir, I am unhappy to report to this House that we are far much more landless than we were when Mau Mau activism was at its peak. When the colonial Government was here, the number of people who did not have land was far much less than what we see today. That is to say that one needs not to project to see that a scenario similar to what happened during the Mau Mau days is coming and the word "tsunami" is becoming more and more relevant in today's Kenya.

Mr. Temporary Deputy Speaker, Sir, the young people today are hopeless. *Mungiki*, an expression that we have many young people who are landless and do not own property, is back. While the original intention of *Mungiki* was to seek and secure land, a few politicians have misguided the group members and made them violent.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion and the issues raised by hon. Wamwere and hon. Khamasi. Unless we resolve the issue of land, beginning with the problem of land ownership--- Here in Nairobi, if you buy a plot, say, in Nairobi West, the Nairobi City Council will give you a certain time limit to develop that plot. However, in the rural areas of Kenya, we have people who have owned fertile land and kept it idle for the past 30 years. How much is the country losing in terms of cash crops and value of land? We all know that the value of land is not in the acreage, but in the land use.

This country cannot develop unless we use the little land that we have. I, therefore, propose that those who have fertile land that is lying idle must surrender that land to the Government. The unfortunate bit is that the history of the rich in Kenyan is associated with the people who worked in the previous Governments. They are the ones who own large tracts of land. The history of rich Kenyans is the history of the people who rule this country today. If the Ndung'u Report was to be laid on the Table of this House, it would clearly show that the who-is-who in the Kenya Government today are the people who grabbed the largest tracts of land.

Mr. Temporary Deputy Speaker, Sir, I, therefore, aver that despite the good intentions of hon. Wamwere, issuance of land to squatters will not happen when this particular Government is in power. I urge him to join us in the next Government so that we can resolve this problem of squatters which, I vow, cannot be resolved by the current Government because it consists of persons who own large tracts of land in this country, including Mr. G.G. Kariuki and Mr.



Wamwere who was given land by the former President, hon. Moi and has even refused to surrender it.

*(Laughter)*

**The Assistant Minister for Information and Communications** (Mr. Wamwere): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that I was given land, I do not know by who, when, in fact, all the land that I own is the one that I bought? I have never been given land. Could he substantiate that I was given land by anyone by presenting documents here that prove his point?

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, I can table a HANSARD Report where the hon. Member admitted in this House that, indeed, he was given land when he was released from detention.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): On a point of order, Mr. Temporary Deputy Speaker, Sir. We will be here tomorrow, and the day after, and I will love to see his substantiation and then we can continue from there.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Odoyo, since you know that you are responsible for the factual aspect of your statement, are you sure you can substantiate it?

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, if you were to make a ruling as to when I table those documents on those particular words that were uttered by the hon. Member and the many articles he has written in newspapers all over, may I begin---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, hon. Odoyo! I am not talking about statements and whatever you may have heard. Do you have documentary evidence to support your claims? If you do not have it, then withdraw and proceed!

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, obviously, I am technically hampered because the title deed will read in his name but how he secured that particular land is what I was averring to. I have no problem that the title deed has Mr. Wamwere's name and I have no problem with him owning that small piece of land but I am only averring that in this case he was given the land out of gratitude for all the services he rendered.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Odoyo, that is not what I am asking you! You are not in order! Could you table documentary evidence to show that he was actually given land and that he did not buy it?

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, may I, in keeping with the Standing Orders of the House, withdraw and apologise.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Odoyo, I am about to call upon the Mover to reply. So, you really have no time. So, finalise your contribution.

**Mr. Odoyo:** Thank you, Mr. Temporary Deputy Speaker, Sir. With those few words, I beg to support.

**Mr. Mirugi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this important Motion.

Mr. Temporary Deputy Speaker, Sir, first of all, we have to acknowledge that the squatter problem in this country has been going on for the last 43 years. The successive governments since Independence have not addressed this issue adequately. The successive Parliaments have not addressed this issue adequately and I want to say that this country is courting a serious disaster and we have seen the precursors in the last few weeks. In Mombasa, for example, we saw when

squatters started encroaching on private and idle land. The problems in Rift Valley Province of tribal clashes and in Mathare in the last few weeks occurred because of these land issues and the squatter problem in this country. However, we are just pre-empting a disaster.

Mr. Temporary Deputy Speaker, Sir, I want to say that we are not short of laws in this country that could have addressed this issue. For example, the Minister for Lands can invoke the Compulsory Acquisitions Act and take over idle land or land that has been acquired irregularly. It is also shameful and very sad that leaders in this country have taken advantage of the patience of Kenyans. I want to say that Kenyans are the most patient people in Africa and out of this treasure of land, we have been very patient. It is high time that this Government and Parliament addressed this issue comprehensively.

Mr. Temporary Deputy Speaker, Sir, another issue is that it has become a trend whereby Motions have been brought into this House, passed and have gathered dust. I know this is not the first time that a Motion addressing the squatter problem has been brought to this House. This Parliament has to take the centre stage by providing a resource office whereby we can have assistance in drafting Bills. We should not have to wait until the Government brings Bills to this House.

I very much support the idea of making this House independent. So, I want to urge Mr. Oloo-Aringo to, speedily, bring the Bill to the House, so that we can enact it into law and provide for a resource office. That will enable us to have Private Members' Bills drafted within Parliament Buildings, instead of waiting for the Government to facilitate the same. It is the mandate of this House to address the priorities of this country. The squatting problem is a priority in this country.

Mr. Temporary Deputy Speaker, Sir, it is very shameful that some political leaders, who are aspiring to be President of this country, own large tracts of land when the majority of Kenyans are landless. For instance, one family owns land the size of Nyanza Province in this country. It is very shameful. The same leaders go out there and talk about squatters and yet they own land the size of Nyanza Province. We can settle squatters and avoid the insecurity problems frequently witnessed in Kibera and Mathare slums if some of the leaders who pretend to talk about the plight of the poor people of this country can surrender those tracts of land.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Mirugi, I had given you three minutes. Please, wind up, so that I can give the Floor to someone else.

**Mr. Mirugi:** Mr. Temporary Deputy Speaker, Sir, I am finishing.

The Ministry of Lands should also speed up the acquisition of land. For instance, there are 1,000 acres of land being sold in Rongai. The Ministry should purchase such land and settle squatters on it. There are many other big chunks of land being sold in this country. Therefore, the Ministry should put its priorities together and come up with Budgetary estimates for acquisition of land from the private sector for the purpose of settling squatters.

Mr. Temporary Deputy Speaker, Sir, I also wanted to mention that, in Nakuru Town, we are suffering very much due to the squatting problem. Lake Nakuru and Lake Elmentaita are drying up. The pressure exerted on land in the catchment areas has led to the drying up of those water resources. So, it is high time we addressed the squatter problem once and for all.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mrs. Kilimo, you have two minutes!

**Mrs. Kilimo:** Thank you, Mr. Temporary Deputy Speaker, Sir. The problem of landlessness in this country has been caused by politically-correct individuals, most of whom are our colleagues here. I would like to take the issue of the land of the Duke of Manchester that was to be allocated to the landless people of Marakwet East and Marakwet West Constituencies, as an example. What happened? We were in the bad books of the KANU regime then. So, the politically-correct persons were given the land, which they in turn gave to their brothers.

Mr. Temporary Deputy Speaker, Sir, lands officers are not sincere in this country. I hope that the Bill that will follow this Motion will provide for structures to look into how lands officers will allocate land to individuals. Whenever the Government provides land for settlement of squatters, individual lands officers grab chunks of 50,000 acres, sub-divide them into small plots, which they allocate to their friends or sell to those very same people for whom the land was intended.

Whenever people went to such areas to claim their rights, having been told that the land was meant for their settlement, fighting would erupt. Rich people, who grabbed such land, hide behind hungry youths whom they hire to kill people. They are the ones responsible for all that has happened to our people.

Mr. Temporary Deputy Speaker, Sir, I hope that we will have structures in the Bill that will follow, so that, in future, lands officers can allocate land in a more systematic manner.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Mwenje, you have one minute.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): I do not know what I will say in one minute, but I will try to be very fast.

Mr. Temporary Deputy Speaker, Sir, 70 per cent of my constituents are squatters. Embakasi Constituency has a population of about one million people, being the most densely populated constituency in this country. I am bothered that, literally, every day, I have problems with squatters coming to my house, demanding that I help them in one way or another. What makes me even more concerned is the fact that some of the people owning land, which they obtained unscrupulously, have now turned to demolishing slum dwellings in Nairobi.

Mr. Temporary Deputy Speaker, Sir, two days ago, some dwellings in a slum were demolished by a former Member of Parliament for Starehe Constituency, who owns over 2,000 acres of land in Embakasi alone. These days, he does not only demolish the houses but he burns them down completely, without caring that people have been living in them for more than 15 years. What I know is that there is the law of advance position of a particular land. I think that law should now be applied because we are punishing these people and sitting on a time bomb. This will become a very serious matter later.

I hope this issue will be looked into.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I had a very good time when I was moving the Motion. I would, therefore, wish to donate four minutes to Dr. Mwiria, and two minutes to Mr. Karaba.

**The Assistant Minister for Education** (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I think we should thank Mr. G.G. Kariuki for coming up with this Motion, instead of blaming him for saying that he was a Minister during that time. What is wrong with realising that something is wrong many years after and correcting it? Are we saying that we do not want to own up when we have made mistakes? In fact, we should commend him instead of blaming him. We need to support him.

An hon. Member said here that a lot of us, hon. Members, also have stolen or grabbed property which they need to announce. I think that Mr. G.G. Kariuki should call on others who also got land the same way to own up and follow him in a public *baraza* and announce it. We will follow their example.

Secondly, Mr. Temporary Deputy Speaker, Sir, I would like to tell Mr. Odoyo that it is wrong to score political mileage by attacking Mr. Wamwere because he has not been given any land. In fact, he suffered because he always fought for the poor and landless. We need to acknowledge that fact. I do not think we need to bring ODM politics here just to soil the name of a man who is fighting for the poor, including those in ODM-K, like Mr. Odoyo.

I appreciate the fact that Mr. Wamwere has spoken so well because the Government should

be about the truth. Some hon. Members have talked about collective responsibility--- Collective responsibility is not about stealing. It is about the Government representing the truth. We should congratulate Mr. Wamwere and others who are willing to come out strongly against things that are wrong, even if some of the perpetrators may have been associated with one regime or the other. By addressing the squatter problem, we will also be dealing with ethnic problems once and for all. A lot of people are squatters because they were not given land when they should have been given. So, they squatted on this land and they were not given any title deeds. One way of dealing with this issue is to make sure that we give them title deeds so that this problem does not keep on recurring. Some hon. Members have said that we should ask people to surrender their land; they will not. These people have this land because they are gluttonous and have no sense of shame. It has nothing to do with needing it. Therefore, they will have to be forced to surrender it. We cannot talk about the right to private property when they did not use those rights to accumulate that land legally. This matter must be discussed and the solution must not necessarily be the law, because, like I have said before, the law often favours the rich.

Finally, Mr. Temporary Deputy Speaker, Sir, some people have plenty of land, some of which they have acquired illegally. We need to force them to observe human rights. There are people who own land in this country who treat their workers like dirt. This is also a serious problem. Unless we go back to our traditional African systems, whereby we took care of the poor, it will be a problem forever.

The squatters themselves must bite the bullet. They must be part of the solution in terms of getting the right leaders and getting involved in politics, instead of directing their energies to meaningless demonstrations in the City of Nairobi.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Proceed, Mr. Karaba. You have only two minutes!

**Mr. Karaba:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, and also, Mr. G.G. Kariuki, for allowing me to contribute towards this Motion, which is very important to me. This Motion should even have come earlier. It should have come in 1963! It seems that many people were not interested in it at that time, maybe, due to the rate of poverty that the landless are suffering now. It is coming at a time when the landlords have grabbed land and marginalized very many people. For example, we have very many landless squatters living on the roadside in Central Province. Just the other day, I asked a Question here about the resettlement of squatters who are living on the road reserves in my district, and the Minister did not even say whether they are going to resettle them or not. Up to today, that is the true situation in Kirinyaga. We have very many people who are living on the road reserves.

Therefore, this Motion is seeking to establish a Bill that will compel the Government to acquire land and distribute it to the squatters or landless. These are the people who fought for our Independence, but we have left them to suffer. Once this Motion is passed, the Mover should bring a Bill for us to deliberate on it and approve it. It is the duty of the Executive to implement the proposals of hon. Members to alleviate the sufferings of our people by giving them land.

I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): I understand that Mr. Ndolo has been given two minutes.

Proceed, Mr. Ndolo!

**Mr. Ndolo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I thank the Mover of this Motion for giving me this opportunity to contribute to this very important Motion, especially for me, being an hon. Member from the City of Nairobi.

Mr. Temporary Deputy Speaker, Sir, the area I represent is a time bomb. I am saying this

because most of that area belonged to the Nairobi City Council and has been grabbed, and the land has been turned into commercial property because of greedy leaders; in fact, by some of our leaders who are even here, sitting on that side of the House---

**The Assistant Minister for Health** (Dr. Machage): On that side!

*(Dr. Machage pointed at Mr. Ndolo)*

**Mr. Ndolo:** Especially the hon. Member who is pointing at me; he has got a very big piece of land in my constituency!

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, this is something that we should understand when talking about land. Let us not pretend, because right now, the grabbers have built what I can call "Kayole-type houses" on the land which was grabbed from the Nairobi City Council. It is very sad! It is very important that this country addresses that issue now. If we are not going to address it as hon. Members, and just sit down and say that we are the ones who are talking for the poor; and we know that we are not, we are actually just putting this House to shame!

Mr. Temporary Deputy Speaker, Sir, I support what Mr. Mwenje has said, that those people who have grabbed land around Nairobi, making it a land of squatters, should surrender it immediately. Otherwise, we are going to---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Thank you, Mr. Ndolo. Your time is up!

Mr. G.G. Kariuki, please, you have one minute to reply.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I would like to thank the hon. Members who have contributed to this Motion. I also want to thank all hon. Members who are still here listening to this debate and waiting to pass it. I want to assure the House that I will do my best to bring the Bill which will favour the poor people. It is high time that the landless people and squatters are taken seriously by this National Assembly. With these few remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Next Order!

ESTABLISHMENT OF TECHNICAL  
COMMITTEE ON YALA SWAMP PROJECT

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

THAT, whereas the National Assembly approved a resolution calling on the Government to reclaim the Yala Swamp and to implement irrigated farming to increase food production and to promote commercial farming in the area and being aware that the Government, through the Lake Basin Development Authority, signed a Memorandum of Understanding with Dominion Farms Limited for the development of the Yala Swamp; this House urges the Government to set up a technical committee of experts to investigate and report on the extent of the implementation of this project and to recommend an action plan on how the project

can be expanded in Siaya, Bondo, and Busia; and further that the report of the findings of the technical committee be tabled in the House within six months.

Mr. Temporary Deputy Speaker, Sir, the Motion highlights the role of Parliament in initiating public policy. I will start by congratulating Mr. G.G. Kariuki and all those who have debated the fate of the squatters. That is our role; to initiate public policy, particularly where the Government has not done so. The House, therefore, approved the National Food Policy for this country, to promote self-sufficiency in food production and encourage our people to produce surplus food for export. In other words, we wanted to turn this country into a green revolution.

Mr. Temporary Deputy Speaker, Sir, this Motion, therefore, will give hon. Members an opportunity, not only to debate about the Yala Swamp and the environment of that region, but also to highlight the integration of irrigation policy in our National Food Policy. My argument is that no food policy can be complete without an integrated irrigation policy. This country is endowed with a lot of surface and ground water. One-third of this country has adequate rain water. But, unfortunately, we do not have a clear policy on how to integrate the use of water for food production. We have separated irrigation from food production as if they are not one and the same thing. What this Motion is calling for is the integration of irrigation in the food policy to produce self-sufficiency in the food production. Yala Swamp is just one example.

Mr. Temporary Deputy Speaker, Sir, the Motion, therefore, calls for an action plan to promote commercial farming in the country. I want to emphasize that it supports the investment by the Dominion Farms Limited in Yala Swamp, as a good example of how to integrate food and irrigation policy, so that we can maximise our production of food for this country. That is a noble objective. That is what we should be debating. That is where the Government must lead. But when it fails to do so, the Members of Parliament must take the initiative and lead. This is what makes this Parliament be particularly different from the previous ones. We are not saying that only the Government can do it. The Government has the first opportunity to do it. But where it does not, we, as Back-benchers, must take the initiative and do it. We must save our people from poverty because it is still the biggest problem in Kenya today. Poverty is killing more people than the HIV/AIDS pandemic, malaria and tuberculosis. This is because all these are opportunistic diseases. If people had nutritionally adequate diet, they would be able to resist some of these diseases which are part and parcel of our environment.

Mr. Temporary Deputy Speaker, Sir, there are many activities so far which have been demonstrated and can be done when we have irrigated farming. When we have irrigated farming we shall make best use of our fresh water, like Lake Victoria, the second largest fresh water lake in the world. It is irrigating land in Egypt, 6,000 kilometres away. Egypt is 100 per cent dependent on irrigation. We are using less than 5 per cent of Lake Victoria water for irrigation purposes, when 6,000 kilometres near the Mediterranean Sea, the Egyptians are surviving on irrigation. This is because they have integrated their food policy with irrigation.

Mr. Temporary Deputy Speaker, Sir, the Yala Swamp was a Government project. But in the heyday of "anti-Nyanza" and "anti-Luo," it walked out of this project and abandoned it. That is why some of us have been very bitter. Even though we are taxpayers, there has been a deliberate policy to discriminate against parts of Kenya, as if we are foreigners. Our people are not, and will never be foreigners in Kenya. Development must be equally distributed throughout this country.

*(Applause)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order! Mr. Oloo-Aringo, you

will have 15 minutes when the House resumes debate on this Motion next week.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.