

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 26th October, 1999**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## NOTICE OF MOTION

### DUTY WAIVER ON INFORMATION TECHNOLOGY PRODUCTS

**Dr. Ochuodho:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, being aware of the pivotal role which the emerging computing and communication technology is playing in enhancing productivity and efficiency; this House urges the Government to remove all duties on information technology products and services and lower VAT on the same to a nominal value of five per cent.

## ORAL ANSWERS TO QUESTIONS

**Dr. Ochuodho:** Mr. Speaker, Sir, I have not received the written reply.

### *Question No.248*

### CLOSURE OF BANKS IN RURAL AREAS

**Dr. Ochuodho** asked the Minister for Finance:-

- (a) whether he is aware that there is a deliberate attempt by some major commercial banks to lock out small-scale depositors;
- (b) whether he is further aware that several banks have merged or altogether closed down their branches, particularly in the rural areas, and laid off staff on very flimsy grounds; and,
- (c) whether he could inform the House what measures he has put in place to reverse the negative effects of any of these actions.

**The Assistant Minister for Finance** (Mr. Lomada): Mr. Speaker, Sir, I am sorry to learn that the hon. Member has not received the written reply, but it is here with me.

Having said that, Mr. Speaker, Sir, I beg to reply.

(a) I am aware that a number of banks have raised their minimum deposit requirements for various types of accounts held by their customers. In relation to this, I should indicate that in a liberalised economy, the Government does not normally interfere with business decisions of enterprises including banks.

Thus, customers who may not raise the minimum deposits required by their banks should strive to move their accounts to other banks with lower minimum deposit requirements.

(b) One of the available options for banks to realise economies of scale, including ability to increase their capital base, is through merger. I am also aware that several banks have closed down their non-profitable, branches in urban and rural areas, with the aim of reducing operational costs. Although, in the process, some staff members of such banks have been laid off, I am not aware that this has been done on flimsy grounds.

(c) In view of the answers I have given to parts "a" and "b" above, part "c" does not arise.

**Dr. Ochuodho:** Mr. Speaker, Sir, the problems in the banking sector are well known. However, I wonder, and I need guidance from the Chair; to me, it appears that even if answers to parts "a" and "b" of the Question are true as given, the Assistant Minister should inform the House what measures the Government has put in place to reverse

that negative effect. The Assistant Minister is still bound to answer that Question. Could he tell us what measures the Government is putting in place to reverse that process, especially in the rural areas, where people do not have banking facilities and those with small amounts money cannot afford the high minimum deposits that are required?

**Mr. Lomada:** Mr. Speaker, Sir, in my answer, I have indicated very clearly that there are quite a number of banks in our country which offer amounts of balances that a customer can afford - it is up to Kshs5,000 - and some banks have a lesser requirement. It depends on how much the customer wants to deposit. If the customer wants to deposit any amount between Kshs2,000 to Kshs100,000, it is up to him. It depends on how rich the customer is, or on his financial ability.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Apart from the good Assistant Minister evading the questions which have been put to him, can he give us the names of any two banks where he can deposit a minimum of less than Kshs5,000?

**Mr. Lomada:** Mr. Speaker, Sir, we have quite a number, and I do not have to enumerate them. But we know that you can deposit with the Kenya Commercial Bank any amount from Kshs5,000. I have also said that it depends on the customers themselves. You can choose to deposit with Barclays Bank Ltd or Standard Chartered Bank, depending on how much you have.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I would like to inform the Assistant Minister that the minimum balance for opening a savings account with the Kenya Commercial Bank today is Kshs10,000. Could he name any two banks, out of the many he knows, where one can open an account with less than Kshs5,000?

**Mr. Lomada:** Mr. Speaker, Sir, that is not the work of my Ministry. That is like asking my Ministry to do the work it is not supposed to do.

*(Laughter)*

**Mr. Michuki:** Thank you, Mr. Speaker, Sir. Arising from what the Assistant Minister says about the increase in capital base, which is supposed to come from the mergers of banks, does he agree that, if there is no proper supervision by the Central Bank of Kenya and the Ministry of Finance, capital base by itself is not a guarantee that a bank will be run properly? Could he confirm that this capital base is excluding Kenyans from starting their own banks, because they cannot raise that kind of capital?

**Mr. Lomada:** Mr. Speaker, Sir, I believe that is also a different question altogether. But I would like to say that banks are free to operate in their own way. The Government cannot dictate to the banks how to operate.

**Dr. Ochuodho:** Mr. Speaker, Sir, I am sure you sympathise with the House from the answers that we are getting---

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

**Mr. Speaker:** I have already given Dr. Ochuodho the Floor.

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to deny what is in the law already; that, the Ministry is considering to raise the capital base of banks from the current figure to Kshs500 million in order to start a bank? Is he denying that, that arrangement is not in place?

**Mr. Speaker:** That is a different question, Mr. Michuki. Proceed, Dr. Ochuodho.

**Dr. Ochuodho:** Mr. Speaker, Sir, it appears that the Assistant Minister is evading all the questions he is being asked today. I hope he answers this last one. It is clear that the main reason why we have a problem in the banking sector is because of bad debts that made the major banks go under, or have problems. Can the Assistant Minister tell us what the Government has done to recover the bad debts of the Kenya Commercial Bank (KCB) Ltd, and National Bank of Kenya (NBK) Ltd, and how much they have recovered from the bad loans within the National Bank of Kenya Ltd?

**Mr. Speaker:** That is not relevant to this Question, Dr. Ochuodho.

**Dr. Ochuodho:** Mr. Speaker, Sir, if you recognise that, that is not relevant, can the Assistant Minister tell us why then, they cannot allow farmers to start their own bank?

**Mr. Lomada:** Mr. Speaker, Sir, my Ministry has not stopped anybody from starting any bank. They are only required to follow the normal procedures when applying.

**Mr. Speaker:** Next Question, Mr. Weyrah.

GOVERNMENT TECHNICAL  
SUPPORT TO FARMERS

**Mr. Speaker:** Is Mr. Weyrah here? The Question is stood over for sometime. Next Question, Mr. Katuku.

*Question No.529*PAYMENT OF TERMINAL BENEFITS  
TO ASP COMPANY EMPLOYEES

**Mr. Katuku** asked the Minister for Labour:-

- (a) why the ASP Company Ltd of P.O. Box 56038, Nairobi, has not paid terminal benefits to its 65 employees who were dismissed from service for joining the Kenya Engineering Workers Union; and,
- (b) if he could order reinstatement of the workers and payment of terminal benefits to those who may not wish to be reinstated.

**The Minister for Labour** (Mr. Ngutu): Mr. Speaker, Sir, I beg to reply.

(a) All the 65 employees of ASP Company Ltd were paid their terminal benefits in conformity with the individual contract of service. Termination of services accrued from the expiry of the contract which the management declined to renew, and not victimisation for joining the Kenya Engineering Workers Union.

(b) I investigated the dispute, but the union objected to the findings and the recommendation, and has now filed a dispute in the Industrial Court in accordance with the Trade Disputes Act, Cap.234.

**Mr. Katuku:** Thank you, Mr. Speaker, Sir. The Minister has said that these workers were not sacked because of joining the union, but the fact of the matter is that, they were sacked when they joined this union. Be that as it may, I want the Minister to tell this House how much this company has paid these workers since it breached the contract. Secondly, when were these payments made?

**Mr. Ngutu:** Mr. Speaker, Sir, I have said that these workers were paid their terminal benefits. However, I do not have the figures to indicate how much they were paid.

**Mr. Ndilinge:** On a point of order, Mr. Speaker, Sir. Whenever we bring a question here concerning African workers, the Minister starts dodging here and there. This has been the practise of Wahindi who are misusing our fellow Kenyans. Can the Minister tell the House whether he will investigate and find out if, and when, these workers were paid? This is collusion!

**Mr. Speaker:** Mr. Ndilinge, what tells you in this Question that the workers are Africans?

**Mr. Ndilinge:** Mr. Speaker, Sir, we know, and we have had similar cases before this House. It is only Africans who are being mistreated. Can he tell us whether he is going to investigate and find out how much they were paid?

**Mr. Ngutu:** Mr. Speaker, Sir, I have said that they were paid the terminal benefits which were due to them at that particular time. But the Questioner might wish to know that those areas which had not been properly dealt with have been put before the Industrial Court, and the matter is lying there until it is decided.

**Mr. Katuku:** Mr. Speaker, Sir, the Minister does not have the figures. He has just been told that these workers were paid their terminal benefits, but he does not know how much they were paid. I want the Minister to confirm or deny that once there is misunderstanding between the employer and employees, the officials of the Ministry are corrupted, and at the end of the day, the affected workers are not adequately compensated? That is why I am asking how much they have been paid. The Minister's officers have been corrupted, and in this case, the workers were not paid accordingly.

**Mr. Speaker:** Order! Order, Mr. Katuku! I have said several times that---Have you ever looked at Standing Order No.69? You will bring this House to unnecessary standstill because somebody will ask you to substantiate, which you will not do and you will bring the House to disrepute. So, will you ask that same question in a better way?

**Mr. Katuku:** Thank you, Mr. Speaker, Sir. I am bitter because the Minister does not give a good answer. We have workers who have been robbed of their rights because they were not paid accordingly. I want him to undertake to investigate and find out how much they have been paid because I understand they have been underpaid.

**Mr. Ngutu:** Mr. Speaker, Sir, the matter is before the Industrial Court. If that is the case, the Industrial Court will decide whether they were underpaid or not.

**Mr. Speaker:** Next Question, Mr. Ayoki.

*Question No.337*UPGRADING OF KOMBWEA  
TELEPHONE EXCHANGE

**Mr. Ayoki** asked the Minister for Information, Transport and Communications:-

- (a) if he is aware that the sub-telephone exchange at Kombewa Division cannot cope with the telephone demands in the area; and,
- (b) if he could consider installing a telephone exchange with a capacity to cope with the telephone demands of this region.

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) Kombewa Division is served by a sub-telephone exchange with a capacity of 180 lines connected to the Kisumu System Exchange. At present, there are 52 lines connected to users in the area, while about 85 applicants are in the waiting list. This brings the total demand at Kombewa to 137 users. According to the design of the line, the concentrator has a capacity of 180 lines and the service offered should be adequate. In case of additional demand in excess of the current figure of 137 lines, we should be able to meet and accommodate the new applicants.

(b) I wish to state that Telekom Kenya Limited has acquired the necessary line material to enable it to clear all the outstanding applicants on the waiting list. The action taken so far is that we have acquired drop-wires which are due to be transported to Kisumu. The engineers on site are surveying the area for installation, to determine the quantity required. Equally, the cables to be used to distribute the wires were tendered for in August, 1999, and are expected to be delivered in December, 1999. When the installation process starts, it is expected to be completed by February ,2000, after which the applicants will be provided with the service.

**Mr. Ayoki:** Mr. Speaker, Sir, while I thank the Minister for the adequate answer he has given us, I would like to inform him that, the actual number of applicants in Kombewa area is about 300. So, 180 lines are not enough to serve the area. Could the Minister consider giving Kombewa an independent telephone exchange facility, so that they will be ready for an expansion in the area in excess of those 180 lines?

**Mr. Mudavadi:** Mr. Speaker, Sir, I will take that as a proposal for me to look into, but at the moment, we shall endeavour to make sure that we exhaust the capacity available.

**Mr. Sungu:** Mr. Speaker, Sir, it is common knowledge that telephone facilities are being extended in many places, particularly in the Rift Valley. The people of Kisumu District are co-operating with the Government. Does that not amount to discrimination, that people of Kombewa cannot get telephone lines, even when there are new modern facilities like wireless equipment which do not require wires that the Minister is talking about? Could the Minister now consider installing the wireless telephone facilities or ,alternatively, license independent operators to give us better services?

**Mr. Mudavadi:** Mr. Speaker, Sir, all that I can say is that, at this point in time, it is important that we exhaust the capacity that is available with the current facilities. I just want to assure the hon. Member that as we look at the restructuring of the KPTC, there are various options we are looking into. That includes the proposals he has just suggested, to try and make sure that telephone facilities are distributed to many more Kenyans than as at the moment.

**Mr. Speaker:** Last question, Dr. Ochuodho.

**Dr. Ochuodho:** Mr. Speaker, Sir, the fact that there is a net telephone demand countrywide is well-known. We are equally informed that a number of companies are in the process of being licensed for regional provision of telephone services. Could the Minister tell us what conditions are put in place to ensure that when those regional telephone operators start to function, they will not just be concentrated in towns, but they will also go to the rural areas?

**Mr. Mudavadi:** Mr. Speaker, Sir, I would like to say this is an area we are looking into. So far, there are two areas where there was a pilot scheme to try out the rural or regional telephone providers. The policy in this particular area is still being defined. When that happens, we shall make sure that all conditions are made public, so that any provider, or interested party who intends to become a provider, would know what are the bench-marks or criteria that have to be met, before one can be given a licence to become a provider in any part of the country.

**Mr. Speaker:** Next Question, Mr. Otula.

*Question No.443*

EQUAL EMPLOYMENT OPPORTUNITIES  
FOR LUOS IN KITUTU CHACHE

**Mr. Otula** asked the Minister for Local Government:-

- (a) why are members of the Luo ethnic group, officially inhabitants of Kitutu Chache Constituency in Mugesoro sub-location, not employed in the Gusii County Council; and,
- (b) if he could take measures to ensure that the said people are accorded equal employment opportunities in the County Council of Gusii.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Speaker, Sir, I wish to reply.

(a) The Ministry is not aware that Luo inhabitants, if any, of Kitutu Chache Constituency, Mugesoro sub-location, do not get employment with Gusii County Council.

(b) The Ministry's guidelines on filling the posts of local authorities is that, such posts should be advertised and any Kenyans, including members of the Luo community resident within Gusii County Council, are entitled to apply for such vacancies. All applications received are normally considered together with those of others who applied, without taking into consideration the applicants' ethnic background.

**Mr. Otula:** Mr. Speaker, Sir, the Assistant Minister has said that he is not aware that the Luo community living in Kitutu Chache Constituency are not employed in the Gusii County Council. Could he give us two or three names of Luos who have been employed in Gusii County Council?

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to ask a question about Luos in Kitutu Chache Constituency, and yet we do not have Luos in that constituency? There is no sub-location called Mugesoro in the constituency.

**Mr. Sungu:** Mr. Speaker, Sir, I can bet that there are Luos living in that area because, even the late Minister, Onyonka, was a Luo from Kajulu in my area.

**Mr. Maundu:** On a point of order, Mr. Speaker, Sir. I do not want to offend my hon. friend who asked this Question, but does this Question not offend our Standing Orders? The Questions framed in this manner should not be allowed on the Floor of the House. Could you guide us on that?

**Mr. Speaker:** I think, with all honesty, you are right. I think I will disallow the Question. Question disallowed!

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. At this late hour, even if you disallow the Question, the injury has already been done. Would it not be in order for the Assistant Minister to go back and come to make a statement in the House on the breakdown of employees of Gusii County Council from that area? I would like to agree with hon. Angwenyi that there are no Luos in Kitutu Chache Constituency. They are all Kenyans. In fact, the Luos on the Kisii side are regarded as Kisiis, and the Kisiis on the Luo side are regarded as Luos. There is no problem.

**Mr. Speaker:** Order! Order! As I said, and taking into account the direction this Question is taking, I think hon. Maundu is right. I think if I allowed the suggestion of hon. Anyona, it is going to get worse because in every place where people are employed, hon. Members will ask Questions about their tribal considerations, and I think it is against the Constitution. I will, therefore, strike off this Question. It is hereby struck off!

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Is it not in order for Mr. Otula to withdraw the statement that the late Onyonka was a Luo? The late Onyonka was a Kisii and my Member of Parliament!

**Mr. Speaker:** Order! Order! I do not think it is defamatory of any person being a Luo, because Luos are an integral part of the Kenyan society. By the way, Mr. Angwenyi, I do not think you, yourself, can vouch, for sure, how you originated!

*(Laughter)*

Hon. Members, I have always warned you to get tribes out of this House. It is such a dangerous `animal' that the little time you let the tail come out, the whole body and its ugly head will be upon us. So, could we keep it out? It is out and I will not recognise anybody on that.

Next Question, Mr. Osundwa.

*Question No.392*

FRAUDULENT LAND TRANSFER BY  
DISTRICT LAND REGISTRAR

**Mr. Speaker:** Mr. Osundwa not in?

Mr. Weyrah's Question for the second time!

*Question No.258*

GOVERNMENT TECHNICAL  
SUPPORT TO FARMERS

**Mr. Speaker:** Mr. Weyrah still not in?

*(Question dropped)*

Mr. Osundwa's Question for the second time.

*Question No.392*

FRAUDULENT LAND TRANSFER BY  
DISTRICT LAND REGISTRAR

*(Question dropped)*

#### QUESTIONS BY PRIVATE NOTICE

OCCUPATION OF COFFEE  
FACTORIES BY THUGS

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

(a) Is the Minister aware that on 5th October, 1999, the Nyeri District Commissioner, Mr. Ali Korane, with his entire security team and 40 armed policemen were stoned and chased away by armed thugs who had camped and had been training in Mutitu Coffee Factory?

(b) Is he further aware that the said thugs illegally occupied three factories, namely: Mutitu, Karundu and Kiawamururu about two months ago, with the full knowledge of the district security officers and that on 20th July, 27th September and 5th October, 1999, the thugs invaded villages and destroyed coffee plants, burnt houses and shops and held several people hostage, including the area chief?

(c) In view of the above, what action has the Minister taken to restore security in the area and punish those behind these attacks?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Speaker, Sir, I answered one aspect of this Question last week, and we agreed that we would work together with the Minister for Agriculture and come up with a statement on Thursday. So, I would like to reiterate that the statement will be made on Thursday by the Minister for Agriculture.

**Mr. Speaker:** What is your reaction, Mr. Mutahi?

**Mr. Mutahi:** Mr. Speaker, Sir, I think the Minister is giving the wrong impression. He was supposed to give that statement last Thursday, but there was no time.

**Mr. Speaker:** You are right, Mr. Mutahi, but as it is, he does not have it even now. He has said it will be given by the Minister for Agriculture. So, could we have it given on Thursday?

**Mr. Mutahi:** Mr. Speaker, Sir, I agree with your ruling, but there is another problem; as you said, there was one part of the Question that he was to investigate, relating to case No.136, dated 7th September, 1999, and case No.225, dated 23rd September, 1999. I would like to know his findings about those two cases, or whether he will include them in that statement.

**Maj. Madoka:** Mr. Speaker, Sir, I said that we will include the findings in that statement.

**Mr. Speaker:** Who will make the statement?

**Maj. Madoka:** Mr. Speaker, Sir, it is quite involving because it deals with co-operatives.

**Mr. Speaker:** For the orderly conduct of the business of the House, I will, therefore, advise that you get in touch with your colleague in the Ministry of Agriculture and let him give you all the information you require to answer the bit that concerns co-operatives. But you should answer the other bit about pending cases. So, we will continue with the Question under you. Is that okay with you, Maj. Madoka?

**Maj. Madoka:** I agree, Mr. Speaker, Sir.

**Mr. Speaker:** Very well, the Question is deferred to Thursday. Next Question!

*(Question deferred)*

#### EFFECTS OF DROUGHT IN MWINGI

**Mr. Musila:** Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the prolonged drought and consequent famine in Mwingi District has caused many secondary school students to drop out of school due to their parents' inability to pay fees?

(b) Could the Minister give the House a breakdown of students who have dropped out of secondary schools in Mwingi District during 1999?

(c) What urgent steps is the Minister taking to assist those students who have dropped out resume their education?

**The Assistant Minister for Education (Mr. Karauri):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that, indeed, there is famine in Mwingi District. Since the problem is still persisting, it is, most likely, one of the factors contributing to some of the parents' inability to pay school fees for some of the students in secondary schools, consequently leading to some of the affected students dropping out of school.

However, current records held by my Ministry indicate that out of a total of 5,638 students, at the end of the first term this year, in 34 secondary schools in Mwingi District, there was a drop in enrolment by 111 students in 17 secondary schools, and an increase in enrolment by 99 students in ten secondary schools in September this year. This resulted in an overall drop in enrolment of only 12 students.

(b) I will table a list indicating the drop in enrolment in 17 secondary schools, since it is quite long.

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

(c) My Ministry is on its part doing the following to help secondary school students in the district: First, by the end of second term this year, a total of Kshs2,525,184 had been disbursed as bursary for distribution to the needy students in those schools.

Secondly, since July this year, a total of 445 bags of maize had been distributed by the end of September to all the 34 secondary schools as famine relief food allocation, as directed by the Government this year.

**Mr. Musila:** Mr. Speaker, Sir, I would like to thank the Assistant Minister for his reply. Either the Ministry is not current with its information, or it is hiding some information. The other day, the Minister for Education agreed that over 500 primary school pupils have dropped out of school because of famine. Now, we are being told that only 12 students dropped out of school in secondary schools. If they are indeed, 12, which I believe is not the case, could the Assistant tell us how he is going to assist these students go back to school? They have dropped out of school because their parents cannot afford school fees as a result of famine.

**Mr. Karauri:** Mr. Speaker, Sir, the Ministry can only assist needy students, but cannot do everything for them. I have indicated some of the ways in which we are assisting them.

**Mr. Ndilinge:** Mr. Speaker, Sir, I would like to inform the Assistant Minister that famine has not only affected the learning process in Mwingi District, but the entire Ukambani. Could he tell us whether the Government is going to reinstate the School Feeding Programme?

**Mr. Speaker:** Where is Ukambani?

**Mr. Ndilinge:** Sorry, Mr. Speaker, Sir, I meant Makueni District.

**Mr. Karauri:** Mr. Speaker, Sir, I agree that it is not only Mwingi District which has been affected by famine. In fact, most of the ASAL districts have been affected.

**Mrs. Sinyo:** Mr. Speaker, Sir, this is a Question that is of great concern. Could the Assistant Minister tell the House what policy the Government has in place to assist students who come from families that are generally poor or stricken by calamities in the whole country?

**Mr. Karauri:** Mr. Speaker, Sir, we assist those students by giving bursaries. While distributing bursary money, we expect boards of governors to consider the poorest students who are also bright.

**Mr. Leshore:** Mr. Speaker, Sir, this is a very important Question. It is not only Mwingi and Kitui Districts which have been affected, it is actually affecting 21 districts in the country.

Mr. Speaker, Sir, two weeks ago, I raised a similar Question and the Ministry could not give me an adequate answer. They promised to Table a list of the number of schools they are giving food assistance to. Could the Assistant Minister tell us whether Kshs2 million is adequate to run 12 schools in three months?

**Mr. Karauri:** Mr. Speaker, Sir, I have already indicated that the Government cannot pay school fees for all the students. We can only assist the needy students.

**Mr. Speaker:** Order! The way I understand the question so that we can make progress is this: This is not an ordinary situation where the Government assist the very poor. Drought makes everybody poor! This is what hon. Members are saying! Now that we have a national calamity that has inflicted upon the rich and the poor alike, and made all of them poor, what are you doing, Mr. Karauri?

*(Applause)*

**Mr. Karauri:** Mr. Speaker, Sir, I have already said that, through the social dimension of development, the Government is able to give food and bursaries to needy schools. The Government cannot be expected to do everything for the students.

**Mrs. Ngilu:** Mr. Speaker, Sir, the question of famine especially in Mwingi, Kitui, Machakos and Makueni Districts is very serious. We not only have children who have dropped out of school, but we also have many families who go without food for many days. We have seen and read in the newspapers that, some have actually died.

Mr. Speaker, Sir, could the Assistant Minister tell the House what short and long-term action the Government will take to save the situation in those districts?

**Mr. Karauri:** Mr. Speaker, Sir, the question by Mrs. Ngilu is not within the domain of my Ministry. There are matters that are handled by other Ministries. But we are doing our best.

**Mr. Maundu:** On a point of order, Mr. Speaker, Sir. The question by Mrs. Ngilu was very specific! She wants the Assistant Minister to tell us what the Ministry will do in the short and long term period, to make sure that this problem is curtailed. In any event, you realise that out of the 5,000 students, each student got Kshs400. If he has taken this situation seriously, is Kshs400 adequate?

**Mr. Speaker:** Very well! You have lost your opportunity to be replied to, because what you have said ceases to be a point of order!

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Assistant Minister tell us, how much of the Kshs400 million we voted in this House a few months ago, for the Schools Feeding Programme, has been used for emergency purposes in the areas mentioned?

**Mr. Karauri:** Mr. Speaker, Sir, if hon. Members so wish, I could bring an answer to that question. It is a different question altogether.

**Mr. Speaker:** Order! I will take the last bit of the Assistant Minister's answer. That, if the House does desire to have a record of how the Ministry used that money for food distribution to schools, he will provide. I will accede to that. I honestly think that, at this particular time, taking into account the amount of drought inflicting this country, the House's anxiety is not mis-guided. So, I will give you the chance!

**Mr. Musila:** On a point of order, Mr. Speaker, Sir. Could I ask one final question, as is the practice?

**Mr. Speaker:** No! No! No! I have not finished your Question! I have asked him to go and inquire further.

**Mr. Musila:** I have no problem! Thank you, Mr. Speaker, Sir.

EXEMPTION OF KTDA/CBK FROM  
STATE CORPORATIONS ACT

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

(a) Is the Minister aware that the recent revocation of the exemption from the State Corporations Act of both the Kenya Tea Development Authority (KTDA), and the Coffee Board of Kenya (CBK) has caused a big crisis in the two sub-sectors?

(b) What urgent measures is the Minister taking to facilitate the second tea payment, now that the KTDA

Board is not sitting?

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

(a) Following the exemption from the provisions of the State Corporations Act of both the CBK and the KTDA, it became evident that entrenched interests in the CBK and the KTDA were taking farmers for a ride. In the recent past, events in the two industries have clearly shown that, the small-scale farmers have not only lost their voices, but have also lost their much needed incomes. The mess in the tendering system has been evident, as well as delayed payments and outright manipulations, causing a crisis in the two sub-sectors. Contrary to the claims that the revocation of the exemption from the State Corporations Act has caused a crisis in the two sub-sectors, this action is, in fact, intended to allow for a well managed restructuring process of the two sub-sectors and, hence, ultimately benefit our tea and coffee farmers and, indeed, the entire economy.

(b) The day to day activities of the two organisations are going on as normal, and at the direction of their respective Boards. The responsibility of determining levels of payments for green leaf deliveries by growers is vested in the directors of each tea factory company. The directors and the KTDA management are currently meeting to consider the accounts and performance of each tea factory company for the year ended 30th June, 1999. In fact, tomorrow, the Board of Directors of the KTDA will meet to review the performance of each of those tea factory companies, to effect payment as approved by each tea factory company, so that payments can be made in the first week of November, as is the tradition.

**Mr. Ndwigwa:** Mr. Speaker, Sir, while we appreciate some of the steps being taken by the Government in the two sub-sectors, particularly with regard to the KTDA, we would request the Minister to tell his House what will be the effect of this exemption on the on-going liberalisation. What would be the effect on the Tea Amendment Bill which is pending in this House?

In the CBK, the Ministry has appointed a Mr. Ndubai to audit the accounts. He is an interested party in the coffee sub-sector. It is very dangerous to---

**Mr. Speaker:** What are you saying? Are you debating?

**Mr. Ndwigwa:** No! No! I am just giving the background!

**Mr. Speaker:** Put your question, please!

**Mr. Ndwigwa:** Mr. Speaker, Sir, could the Minister tell this House how a Mr. Ndubai was appointed to audit the accounts of the CBK, while he is an interested party?

**Mr. Obure:** Mr. Speaker, Sir, in reply to the first part of his question, I would like to say that the action we have taken of revoking the exemption from the State Corporations Act of those two institutions does not, in any way, affect the liberalisation process of the two sub-sectors. On the contrary, I believe that the action will help in ensuring that the liberalisation exercise proceeds well and on course.

With regard to his second part of the question, on the appointment of an auditor, I would like to say that he is an experienced auditor. He is a professional. We are not aware that he has other interests in the same sub-sector. But even if he had, I do not think it will affect the overall outcome of this particular exercise.

**Mr. Anyona:** Mr. Speaker, Sir, in 1993, this House made a resolution that, the only exemption that will be allowed under the State Corporations Act, would be exemption of the financial year. For instance, if the CBK wanted to have the 31st of December as its financial year, it would be allowed. What is the folly or wisdom of the Government and the Ministry going against the resolution of this House, which was considered in the best interest of the farmers in this country?

**Mr. Obure:** Mr. Speaker, Sir, this exemption was granted in March, 1997. The intention at the time was very good. It was, in fact, the first step towards liberalisation. But as you all know, the process has been subjected to abuse. This is why it became necessary to take the steps that we have taken, so that we can put back the two organisations on track.

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Minister tell this House what measures he has put in place, as he facilitates the second payment to tea farmers, to give the farmers the benefit of the depreciation of the Kenyan shilling, against other hard currencies?

**Mr. Obure:** Mr. Speaker, Sir, the hon. Member should appreciate that the measures which we took recently to revoke the exemptions were taken long after the end of the financial year, in respect of which the second payment will be made. I do believe that under ordinary circumstances the fluctuations in currency should be reflected in the accounts of each of these factories. Should there be any discrepancy about that, I assure the hon. Member for Kitutu Chache that we will take appropriate action.

**Dr. Kituyi:** Mr. Speaker, Sir, for the first time, a Government Minister has acknowledged what some of us have been saying here; that exemption of public corporations from the provisions of the State Corporations Act has been a route through which fraudulent managerial activities and tendering have been undertaken, and that it has

negated the spirit of liberalisation. Can he give an undertaking that his Ministry is not going to apply that exemption to any State Corporation under his jurisdiction?

**Mr. Obure:** Mr. Speaker, Sir, this exemption was granted in very good faith. As I said, this was a measure to assist in the speedy liberalisation of these two sectors. It was intended to give the directors and managers a free hand in improving the efficiency of these organisations. It was intended to give them the opportunities to enhance the allowances and benefits payable to members of staff so that they could motivate them in order to compete effectively with other competitors in the same industry. Unfortunately, our experience has shown that this was not to be and that this facility has been subjected to abuse and as provided in the same Act, we have stepped in to ensure that corrective action is taken.

**Mr. Wamae:** Mr. Speaker, Sir, could we know the restructuring that he is going to undertake in the Coffee Board of Kenya with regard to the separation of the joint directorship between the Coffee Board of Kenya, Kenya Planters Co-operative Union (KPCU) and the Nairobi Coffee Exchange; and how he is going to separate the regulatory function of the Coffee Board of Kenya from the other operations?

**Mr. Obure:** Mr. Speaker, Sir, it is premature to talk about that because we are carrying out an in-depth audit of the functions of these two sub-sectors. As I have said before, the findings of this audit will be made public and after that, we will involve all the stakeholders, including Members of Parliament, to chart out a course which will ultimately be for the benefit of the coffee and tea growers. I want also to assure the general public that whatever findings will come out of this audit will be made public and thereafter, there will be public debate, and we will welcome ideas from Members of Parliament and any other stakeholders so that we can put these two important sectors on the proper cause.

**Mr. Ndwigwa:** Mr. Speaker, Sir, one of the reasons why KTDA was exempted from the provisions of the State Corporations Act was because in the development of new factories, donors would not lend money to a parastatal. Right now, there are nine factories which have been planned for construction and one of them is in my constituency. Could the Minister tell us what is going to happen? Where are we going to get money to put up new factories since donors will not lend money to State Parastatals?

**Mr. Obure:** Mr. Speaker, Sir, once again, I would like to assure the hon. Member that what we see today in these two sub-sectors is temporary and it is meant to correct the mess which exists. Once we establish the actual position, discussions will ensue. In fact, with respect to part "b" above, both the Sessional Paper on tea growing which is before this House and the Tea Amendment Bill will be brought to this House so that at the end of the day, the construction of the tea factories will not be affected in any way.

I assure this House that the proposed factories to be constructed under this programme will proceed as usual.

#### ALLOCATION OF PLAYGROUNDS TO SADIKIKA HOLDINGS

**Mr. Anyona:** Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

In view of the recent Government suspension of all allocations of the public land in the country:-

(a) Is the Minister aware that a private developer (Sadikika Holdings Ltd., P.O. Box 54041, Nairobi) has been allocated public utility plot (playground) and an access public road measuring two acres (0.3663 hectares) situated on Sadi Road (L.R. No.209/9793) in Nairobi South "B" area?

(b) Is he further aware that a senior police officer has also been allocated an access public road (L.R. No.209/12564 situated on Zanzibar Road in the same Nairobi South "B" area?

(c) Under what circumstances were these allocations made and by what authority?

**The Assistant Minister for Lands and Settlement (Mr. Opore):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that a private developer, Sadikika Holdings Limited, was allocated a public utility plot No.209/9793 in Nairobi South "B" in late July, 1993. The area residents have gone to court to contest the allocation and the matter is yet to be determined.

(b) I am also aware that a senior police officer was allocated a public utility plot No. L.R. No.209/12564 in July, 1995.

(c) The Ministry is investigating the circumstances under which the allocation of L.R. No.209/12564 was effected.

**Mr. Anyona:** Mr. Speaker, Sir, we are dealing with two very important issues here. One is the issue of corruption and land grabbing in this country which has become a big disease and the other one is about the allocation of public utility plots to private developers. We are talking about a playground for children and a public road which have been allocated to private individuals. Can the Assistant Minister tell us, in all seriousness, how that can happen and still claim that they are fighting corruption? I want to lay some documents on the Table of the House to show that

this a playground and a public road.

*(Mr. Anyona laid the documents on the Table)*

**Mr. Speaker:** Mr. Anyona, there is no point of doing that because the Assistant Minister has agreed with you.

**Mr. Opore:** Mr. Speaker, Sir, the matter of the allocation of L.R. No. 209/9793 is in court and the Ministry cannot take any action until the matter is determined by the court. The Ministry will comply with whatever orders will be issued by the court.

**Mrs. Mugo:** Mr. Speaker, Sir, the Ministry of Lands and Settlement is fond of double allocating plots and especially public utility plots. I have in mind land belonging to public schools. In my constituency, all the pieces of land belonging to public schools have been grabbed and allocated to other people. Does the Ministry have any plans to issue title deeds to all public schools in Kenya so that their pieces of land are not grabbed by individuals?

**Mr. Opore:** Mr. Speaker, Sir, I think all of us are aware that if you have any claim to any piece of land, the proper thing to do is to apply for a title deed.

**Mr. Kihoro:** Mr. Speaker, Sir, it is clear that this allocation has been done on a public utility plot. Has there been any change of user on this plot to allow it to be developed into a residential property? It is also important to know who the directors of Sadikika Holdings are. Certainly, the courts have direct connections with the powers that be.

Mr. Speaker, Sir, the Minister does not keep the names of directors of companies. This can only be obtained from the Registrar of Companies. Therefore, it is not possible for me to tell the names of the owners of the company.

**Mr. Speaker:** Mr. Assistant Minister, you can leave out that bit, but the hon. Member has asked a legitimate question. Here was a planned area for a public utility, which you now admit has been allocated to some people. Irrespective of the fact that the matter is in court, who allocated that land to those people?

**Mr. Opore:** Mr. Speaker, Sir, we have admitted to the fact that the title deed was issued by the Ministry. The matter is now in court; and until it is determined by the court, I do not think it is fair for us to comment on it.

**Mr. N. Nyagah:** Mr. Speaker, Sir, such cases are common all over the country. What action will the Ministry take against those officers found guilty of allocating that land? Is the Ministry ready to sack them?

**Mr. Opore:** Mr. Speaker, Sir, the hon. Member's question has been answered under part (a) of the Question. We will take action as per the court ruling as soon as we get it.

**Mr. Anyona:** Mr. Speaker, Sir, the Assistant Minister is trying to hide behind the court case. The matter raised in part (b) of the Question is not in court, but he is not answering it.

I would like the Chair to guide the House on this matter. The Assistant Minister has said that the Ministry is investigating the matter. So, what is he telling us if they have not investigated the matter yet? What is he going to do? He is even supposed to come back to the House and tell us what he will have found out.

**Mr. Speaker:** Hon. Members, my assistance to the House is absolutely simple. Mr. Opore, if you have agreed that the land in question is a public utility plot that was given out without authority, then Mr. N. Nyagah's question is very valid. What are you going to do with these fellows?

**Mr. Opore:** Mr. Speaker, Sir, I think we have now mixed two issues, in parts (a) and (b) of the Question. I would like to respond to part (b), first. On part (b), I would like to say that the notice on the Private Member's Motion was not adequate enough to enable us come up with a clear answer; we are investigating the matter further on that one. On part (a) of the Question, as I have said, the matter is in court; I do not think it is fair for us to comment on matters that are in court.

**Mr. Speaker:** Very well, Question Time is up. Any hon. Member who is dissatisfied, can always go by the provisions of Standing Order No.18.

*(Mr. Kamolleh consulted other hon. Members)*

Order! Order! Mr. Kamolleh, you always hold a different kind of meeting from the one I chair. I am thinking of giving you a transfer one of these days. Nevertheless, I think it is time for us to go to the next Order.

**COMMITTEE OF SUPPLY**

*(Order of Committee read being  
the 17th Allotted Day)*

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 36 - Ministry of Lands and Settlement

*(The Minister for Lands and Settlement on 21.10.99)*

*(Resumption of Debate interrupted on 21.10.99)*

**Mr. Speaker:** Mr. Angwenyi, could you continue?

**Mr. Angwenyi:** Mr. Speaker, Sir, the Ministry of Lands and Settlement is important in this country. As we all know, we got our Independence through fighting for our land. Therefore, it important for this Ministry to be well managed.

The Ministry is seeking only K£61 million for its expenditure this financial year, yet the Ministry is very important. If not run well, the Ministry will cause problems for this country. Today, there are problems at the Coast. These problems have been brought about by people who do not believe in this country's Constitution, which provides that one can live anywhere in this country. I would urge the Ministry to prepare title deeds for issuance to all land holders in the country and educate the public to know that one can own land and other properties anywhere in the country, so long one is a citizen of this country. The Ministry needs additional funds, because it needs to---

*(Loud consultations)*

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports**

(Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. Hon. Members are consulting very loudly, and we cannot follow the proceedings of the House.

**Mr. Speaker:** Order! Order, hon. Members! All those hon. Members, who showed a lot of anxiety about the last Question by Private Notice, should now be very attentive because we are dealing with that same Ministry. Hon. Members are consulting very loudly, and do not want to even hear the hon. Member contributing to the Motion. So, could you all be very attentive? If you do not, I will take cognisance of that fact, and for the rest of the week, I will rush over all Questions directed at the Minister for Lands and Settlement, because you are not interested. Proceed, Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Speaker, Sir, the Ministry of Lands and Settlement has got a very large stock of files - about 600,000. Therefore, I am surprised that the Ministry is seeking only K£25,000 for computerisation of its operations. I thought that the Ministry would ask for more money, so that it could have a modern computerised filing system in place. This would make it easier for anybody to have information about a title deed on any piece of land. However, the Ministry is seeking a very small amount of money for computerisation and information planning. This Ministry's biggest problem is that of losing files. The problem is so pronounced that sometimes even the Minister cannot answer Questions here. This happens because he cannot gain access to the relevant files. So, I would like to urge the Ministry to seek for more funds and computerise its filing system.

Mr. Speaker, Sir, another aspect that I would like to touch on regarding this Ministry is with regard to remuneration of its staff. The Ministry is the second largest collector of revenue in this country, yet there is a very big disparity in terms of remuneration between the Ministry's members of staff and those of the Kenya Revenue Authority. So, I thought the Ministry would seek adequate funding to compensate its members of staff adequately, so that we do not have problems of resentment and inefficiency.

I would also like to touch on the issue of too many land Acts. The Ministry should consolidate all the land Acts into one land Act, so that it can give proper and efficient service to our people. The Ministry is in charge of approving land use in this country. However, as you have heard from the Assistant Minister's response to the last Question by Private Notice raised in this House this afternoon, land that was meant to be a play ground was allocated for another purpose.

Mr. Speaker, Sir, I thought that the Ministry would stick to land zoning. It should stick to land zoning so that in a residential area, land is set aside for residential development so that we do not have mushrooming of commercial developments. Along Mbagathi Road, where I live, in the last one year or so there has been mushrooming of about

five to six bars and we cannot live there over the weekend. All this is happening because the Ministry does not adhere to the zoning policy. It should stick to the zoning policy, and if there will be any change of user, then the Ministry should seek views of the people who will be affected by the change.

I have noticed in the budget of this Ministry that an amount of K£740,912 is meant for the salaries of the expatriates in the SFT. I am not clear what this amount of money is for. How come we have so many expatriates in this Ministry, and yet, we have qualified people on the streets? Do these expatriates have permits to work in this Ministry? I would like to urge the Ministry to dismiss all these expatriates and give jobs to our people. We are taxing Kenyans, and they must benefit from that tax and not expatriates.

Mr. Speaker, Sir, I would also like to touch on the question of collecting rates on behalf of municipal councils and other local authorities. We have had queries in the PAC regarding non-remittance of rates collected on behalf of local authorities. The Ministry of Lands and Settlement should try to remit the money which it collects on behalf of local authorities promptly so that it does not impair the services of local authorities.

Coming to another issue, most of the land leases were given out at the beginning of this Century; for 99 years. So, a lot of properties in major towns, including Nairobi were leased out at the beginning at this Century. I understand that those leases are about to expire. We would like to have a policy guideline from the Ministry detailing what it will do about these leases. Will it renew the leases or it will advertise the properties for reallocation to other people? That will be a contentious issue. Some people have developed those plots, and if they will be denied a chance of re-allocating, then we will have a physical confrontation in property ownership in this country.

Mr. Speaker, Sir, the amount of money that the Ministry has requested for development is only K£1.2 million, and yet, this is a Ministry which has not done land adjudication and survey in this country. I am surprised that it is requesting that small amount of money under its Development Vote. I would have thought that the Ministry would request for substantial amount of money to ensure that land adjudication and survey work are done. We would also have expected them to ask for money to expand the Kenya Institute of Surveying and Mapping in order to develop the manpower in this country.

I would also like to talk about overlapping of services. You will find that the work done by the Land Adjudication Department could very well be done by the Survey Department or the Lands Department. So, we could probably get more efficient services if we combined the services of these departments. We have a new Minister and Permanent Secretary in the Ministry, and I know that they can use the expertise of a very experienced Commissioner of Lands in order to offer better services.

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

*[Mr. Speaker left the Chair]*

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

**Dr. Oburu:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the Vote of the Ministry of Lands and Settlement.

Land is a very important asset for the country. It is for land that our people fought for Independence. Many of our people lost their lives while fighting for the land. However, I would like to say that the Government has no policy at all on land. If it does, then it is a policy which stands upside down; it is a policy which stands on its head and its feet are upwards. I am saying this because it is in this country where we have squatters. Kenyans are squatting on their own land 35 years after Independence! It is in this country where we have large tracts of land; thousands of productive land lying idle whereas there are millions of Kenyans who do not have land on which to settle. How can our policy be right when there is a lot of productive land which is not being used, and yet, there are people who are squatters while some are still landless? This country needs a policy which will make it imperative for people to own land which they can put into productive use. Any balance of land which one is unable to put to productive use must be usurped and given to the landless Kenyans.

I would like to say that this Ministry, which we will give money today, allowed billions of taxpayers' money to be used on the construction of Eldoret Airport, whereas that land belonged to a private person. I would like to say that up to now, the Ministry has not taken any step to regularise that position. This is because that land still belongs to a private company. Why should Kenyans overspend close to K£15 million which is more than Kshs300 million to buy the Eldoret Airport land when it is still in the name of a private company? To make matters worse, the private valuer who valued this land valued it at K£15 million, while a Chief Government Valuer valued it at K£8 million which translates to Kshs160 million. This is half of the money which that land cost! To our surprise, the Chief Government Valuer's report was ignored, but the private valuer's report was accepted by this Government, and as a result the

Kenyan public lost K£7 million which translates to Kshs140 million.

**An hon. Member:** That is corruption!

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, it is surprising that these people have come to ask for more money when they are unable to protect Government money which they have been allocated. I would like to say that the same Ministry is exchanging the land which is at Uplands Beacon Factory with a land that belongs to a private company.

**Mr. Gitonga:** The land belongs to the people of Lari Constituency.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, Mr. Gitonga has told me that the land which belongs to the people of Lari Constituency is being given out at a throw-away price. Again, the same private valuer has undervalued that land that he is exchanging with the Government, but overvalued the land that he is selling to the Government. The Government and the people of this country continue to lose on that project, and yet apart from other irregularities, it was wrongly constructed.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention another scandal in this Ministry. A parcel of land belonging to the former Ministry of Agriculture and Livestock Development measuring 180 acres and which was supposed to be given to squatters in Muhoroni Settlement Scheme was dished out to politically-correct administrators within the Government. As I speak now in this House, the squatters have not got the land. How do you explain a situation where a whole DC gets land which belongs to the squatters? The Siaya DC, Mr. Samuel Oreta, has given himself a portion of that land; the Nyakach DO, Mr. Rugut, also acquired a piece of the same land. A very senior Lands Officer in Kisumu, Mrs. Lea Onyango, also benefitted; even a former Member of Parliament, who is a friend of mine, got a piece of the land. Up to now, the squatter issue in Muhoroni has not been sorted out. I have a whole list here, which I will lay on the Table. It contains the list of names of the beneficiaries.

*(Dr. Oburu laid the document on the Table)*

Mr. Temporary Deputy Speaker, Sir, I have tabled a document showing a list of senior tycoons who have acquired title deeds for land which belongs to squatters in Muhoroni Settlement Scheme. Yet, that is another scandal in this Ministry. This Ministry also gave land at Thessalia Mission. The people who had been living on that land from 1920s were driven out because the Government wanted to use it for ranching. Upto now, they are landless.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Dr. Oburu! This document is already in the records of the House. It is in the Public Accounts Committee Report. Therefore, you cannot really lay it on the Table again.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I am just referring to that document. But right now, let me refer to my notes. However, still, not everybody knows about it. The squatters who were expelled from Thessalia Mission do not have any piece of land upto now. Now, the former Ministry of Agriculture and Livestock Development, which was given land for holding has returned it back to the Ministry of Lands and Settlement. Those people who were evicted - most of them were Luos from Nyakach co-operating with the ruling party KANU - should now be the ones to be resettled because we understand that, that land is available for settlement. We do not want tribalism to prevail on that particular portion of land. The people who were evicted must be given their rights.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention something about my district. Upto now, my district does not have a Lands Officer. I understand that the Chief Registrar of Titles is from Bondo. But our people still have to travel to Siaya Town to be served. All the other officers from other Government Departments have reported to the District. I do not know what is so important about being the Chief Registrar of Titles. Why is that the Chief Registrar of Titles says that the Ministry has no facilities? Yet, this is one of the Ministries that is given a lot of money. Why can they not come and even establish a small office in Bondo so that my people can also enjoy the services of a district whose purpose of creation was to bring administration closer to the people. If our people still continue to travel as far as Siaya Town, then, they are not seeing the meaning in the creation of the district.

My last point is on the parcel of land at Kabete Veterinary Centre. The Ministry of Lands and Settlement received that parcel of land which was given to it by the former Ministry of Agriculture and Livestock Development to give out to public institutions. However, to my surprise, the land was dished out to private individuals. In one instance, the Ministry gave out 11 acres of that land to an individual. It is located in a prime area of the City at Kabete. What kind of policy is that? How do those people even know that there was land to be dished out? If a piece of land is to be given out, the Ministry must give it out through open public advertisement so that all Kenyans who want to buy land can learn about it and apply for it. The Ministry must stop the land speculation policy that makes individuals millionaires overnight. Those millionaires pretend that they work harder than other Kenyans when what they have done is just to speculate over land.

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

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Sumbeiywo): Thank you very much Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to the Motion.

From the onset, I would like to congratulate the Minister and his staff for doing a very good job, especially in tackling the problem of double allocation of plots. That problem has been there for a long time. I have observed that the Minister and his staff are working round the clock to ensure that those double allocations, which were there in the past have now been reduced, or eliminated completely. My worry is that the Ministry has asked for a small amount of money - K£61 million - although there are so many areas in this country where land adjudication has not taken place. We would like the Minister and his officers to ensure that all areas which have not been adjudicated in this country, particularly in arid and semi-arid areas, are adjudicated including some of the neighbouring districts in the municipalities. I am sure that if the Ministry had enough money, it would have done land adjudication in North Eastern Province, Eastern Province and remote areas in the Rift Valley Province. I am happy to note that the officers have been doing a good job in Kerio Valley in land adjudication matters, despite the fact that they have been hampered by the cattle rustling from the other side of the District.

Mr. Temporary Deputy Speaker, Sir, so, I would like to congratulate those officers who are doing a good job under such difficulties. We know that there are very crooked fellows in this country who are very good experts in producing a fake title deed just like a genuine title deed. So, we would like to ask the Minister and his officers to ensure that his officers are properly briefed and guided on how to eradicate that problem once and for all. The blame has always been put on the Government when it comes to the question of double allocation of land. However, you will find in some cases it is not the Government that issues those double title deeds. It is the people who look for land all over the country. When they get a vacant land which is supposed to be for public utility, they "snatch" that land and go to the Commissioner of Lands and say, "this land is vacant." Then, without the knowledge of the Commissioner of Lands, or this officer having carried their investigations, they find that the land is actually---

**Mr. Gitonga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that it is not the Government that allocates land and that people get land on their own without the Government sanction?

**The Temporary Deputy Speaker** (Mr. Poghio): Is that what he has said?

**Mr. Gitonga:** Yes!

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I did not say that. I said that the Commissioner of Lands, without knowing that the land had been allocated to somebody else, allocates that piece of land. I did not say that he allocates land without knowing that he is doing so.

I would like to say something about the Kilgoris Holding Ground. That land belongs to the Government. The land was divided a long up time ago by a former District Commissioner. The former DC allocated the land to individuals who did not deserve to be allocated that piece of land. Originally, the land was meant to be allocated to people who surrendered their land for the construction of the Tambach Teachers College, where there was a Government land laying idle. The DC allocated the land to some people who had not surrendered their land. I would like the Ministry to revoke the allocation of this land and allocate it to the right people. These are the people who surrendered their pieces of land for the establishment of Tambach Teachers College. Likewise, there is adjacent land called "Maji Mingi Farm". This farm was bought by individuals and the squatters there are living on the doorsteps of the people who bought the land. It would have been fair for these squatters to have been given an alternative place. I remember that when I was in the Ministry of Lands and Settlement, land had already been identified for these people to be allocated. I do not want to sound tribalistic, but most of them come from Ukambani and they had been given land in Makueni. I do not know who took that land. Maybe, it was allocated to some other people. I believe that anybody in this country can own land anywhere. The question of saying that so-and-so should own land in the Rift Valley Province because he comes from the Rift Valley Province is wrong. A person can be allocated land in Coast Province although he comes from the North Rift. It is my believe that when land becomes available for allocation, all Kenyans should be considered for it irrespective of their areas of origin.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about title deeds. The law relating to the issue of title deeds need to be amended in this House. It is us, the hon. Members who should amend the law. All land in this country should be freehold and not leasehold. Who are we leasing the land from? We used to lease land from the Wazungus because they had stolen our land. Now, the land must be freehold so that each and every person allocated land in this country will hold that land throughout his lifetime. The question of saying that the Government should say what it will do for the expired period of leasehold, as hon. Ang'wenyi has said, should not arise if the law was amended to ensure that once land has been allocated to an individual, it belongs to that individual for ever. I am glad that the Ministry is now doing something about the centralisation of issuance of title deeds so that people do not have to walk

all the way from Migori to the Ministry of Lands and Settlement Headquarters to look for their title deeds. They should be served in those remote areas like Moyale, Garissa and Lokichogio.

Mr. Temporary Deputy Speaker, Sir, the planning of our towns is the responsibility of the Ministry of Lands and Settlement. I would like to ask the Minister to ensure that professional land planners are assigned the duty of ensuring that our towns are properly planned. Commercial plots should not be mixed up with residential plots and roads should be properly planned. I have in mind a township like Iten where shops in Iten township are mixed up with residential houses. There must be proper planning of townships and that is the work of this Ministry.

I am happy that files nowadays do not get lost in the Ministry's Headquarters as much as they used to, but they still disappear. Computerisation of the whole system is very important and necessary, so that the files can be easily traced and the public served properly.

With those few remarks, I beg to support.

**Mr. Mwiraria:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion. The issue of land is, perhaps, at the very heart of the problems of this nation. I want to make a few remarks on some of the problems which face most of the wananchi in this country regarding land.

The first point I want to make is that there was a time when a title deed was supposed to be of much value and was expected to have sanctity, as it were. Today, unfortunately, in some of the Registries - and I will talk about Meru which I know very well - title deeds are being issued for land for which owners have other title deeds. I have several cases which I will present to the Minister in writing. In one of these cases, for instance, there was an old man who had two wives and four sons, two sons by each wife. He divided his land equally between the sons of the two wives. The two sons of each wife got their title deed. Unfortunately, the younger son from one of the wives passed away and left two widows. The sons from the older wife went and got another title deed for the land of the two widows and sold it. I want to ask the Minister: How does a second title deed get issued for the same land? I have, as I have said, at least two cases which I will present to the Minister in a letter form so that he can handle the matter.

The other issue that I really want to raise regards the use of law courts to deal with land matters. It is regrettable that our law courts have become extremely corrupt. Indeed, they are so corrupt that one can literally get anything out of the courts provided he has enough money to bribe the judges or the magistrates. No wonder, I have seen blue badges being worn around asking: "Why do you need a lawyer since you can buy the judge?" Unfortunately, this happens with impunity, particularly over land cases.

Again, I would like to quote two cases from Meru. One of them relates to 45 settlement schemes in Timau where people were settled in 1982 with letters of agreement from the Ministry of Lands and Settlements. In 1994, somebody thought that the land looked beautiful. It was flat, in a nice area and there was water. He went to court and claimed that he owned the land. I do not know what logic he used. The judge decided that the 45 owners who were on the 210 acres should be evicted. Unfortunately for him, three of them had already paid fully for the plot. When the matter came to my notice, I brought it to the notice of Ministry and those people have been given peace. The judge had even given orders for eviction of those people from their land. He had even given orders for the people who owned title deeds, to return them for cancellation. The question I am asking is: When we have such a corrupt Judiciary, can we continue entrusting them with such important matters as the very source of livelihood for most of our people -land?

Mr. Temporary Deputy Speaker, Sir, several years ago, our President was very adamant on using land tribunals instead of the courts. I really do not know what happened to the land tribunals. Some of them are active while others are not. I would really urge the Minister to look at the question of taking land cases to the courts, particularly given the present state of corruption. The problem becomes even compounded by the fact that when a poor man, who may own land, but has no other source of income is taken to court, he cannot afford to pay for a lawyer so that his case is heard.

Let me also urge the Minister to speed up the issuance of title deeds. In Meru we have settlement schemes, particularly in Bori, where people moved on the land in 1968 and to date, they do not have title deeds. I thought virtually everything had been cleared as far as Bori was concerned. The problem with having no title deed is that the land committee and the lands officers continue sub-dividing the land they had given out in 1968 and giving it to other people. This is really unfortunate. Let me refer to the fact that the Minister has delegated power to the DCs to be chairmen of Land Allocation Committees. He has also delegated powers to the DC to listen to disputes which the Minister should hear. Unfortunately, these powers have been grossly abused.

There are cases I know of where somebody has taken another's land in some of those recently settled schemes. The matter has gone to the DC who has heard the case on behalf of the Minister. He has decided that rather than the person who is taking the land losing it, the person who owns the land should move out even though there is no alternative land. Once again, I will bring the concrete cases in writing so that the Minister can see what is being done under his name.

Let me wind up by addressing the issue of squatters. I have a lot of squatters in my constituency; up in the

forest, in Karuri, Kienine and several other places. In 1997 the then Minister for Natural Resources set aside 2,000 acres for settlement. At that time I had taken the trouble to count the squatters and they were 857, cases in number. When the DC and his team started allocating that land, they started selling plots under the guise that hon. Mwiraria, who has never been a squatter, had become a squatter, but I have to pay between Kshs30,000 and Kshs50,000.

The final list today contains 500 more people than the actual squatters in the forest. Of course, the result will be that the squatters will get very little land because it has been taken and divided among many people, therefore, their share becomes very small. This is happening at a time when most of those people who have been in the forest have been settled there by the Government for more than 15 years. They have got children, who are now old enough to deserve land. Mr. Minister, I would really urge that since your Ministry is represented on the team, that justice be done, and that only people who were squatters be settled on that land.

With those few remarks, I beg to support.

**Mr. Kajembe:** Thank you, Mr. Temporary Deputy Speaker, Sir. There is need to make policies on how land should be governed in this country. When we achieved our Independence in 1963, every person within the ten-mile coastal strip had a piece of land. People there knew their boundaries. When the Sultan of Zanzibar handed over the coastal strip to the Kenya Government, the Kenya Government said that these people did not have title deeds. The whole of coastal strip came under the Kenya Government as Government land. It was subjected to allocation. With all the allocations along the coastal strip, you will see that none of those indigenous people who come from that area were allocated land. Most of them are squatters today.

I can say today, from Lunga Lunga to Witu there are not less than 700 squatters. If you go to Chaani Island and other areas of Coast Province you will see Germans there. They have been issued with title deeds. Wananchi who come from that area are denied their rights and yet it was not their mistake, but that of change of guard from the Zanzibar to Kenya Government. It is true that Kenyans should own land in every place of this country, but let us call a spade a spade. If we go into that kind of sharing you will see all Kenyan communities coming to the Coast Province because they have been told that there is empty land there. That is not bad, but if that cost sharing is taking place, let people move from one province to another regardless of their tribe, colour, religion or creed. On those land allocations, I would say that you will get a very low percentage of coastal people going to other provinces and obtaining land. It is not possible because people are already full in these other provinces. I am saying this because if you go to Bajuniland, you will find out that Bajuniland was meant for Bajunis. However, if you go to Bajuni today, you will find that Bajunis do not own that land. Some people invaded the place and they allocated land and given title deeds for that land.

Mr. Temporary Deputy Speaker, Sir, under the Land Act---

**Mr. O.K. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that all of the land in the Coast Province was allocated when it is a known fact that most of the people who own land in Coast Province are not the original occupants of Coast Province? That is, they bought that land from the indigenous people of the Coast Province.

**Mr. Kajembe:** Mr. Temporary Deputy Speaker, Sir, I am not talking of buying. I know that the concept of willing buyer and willing seller exists. I am talking of allocations done by the Ministry of Lands and Settlement soon after Independence. I am not talking of land that has been sold through a willing buyer, willing seller basis. I am talking of those allocations.

**Mr. Munyasia:** On a point of information, Mr. Temporary Deputy Speaker, Sir. Hon. Kajembe says it is very difficult to find Coastal people in other districts upcountry. He thinks that it is because the other districts are full. I want to inform him that up here we say: "*Kuingia Mombasa ni harusi; kutoka ni matanga.*" So, many people acquire land in Coast Province because it is more attractive going to the Coast

**Mr. Kajembe:** Mr. Temporary Deputy Speaker, Sir, these people are wasting my time. However, let me be very frank that under the Land Act, the Commissioner of Lands is the authority when it comes to land allocation. However, what has been happening is that the Minister is the one who allocates land. The PS and the Provincial Administration also allocate land. The Ministry's policy says that the Commissioner of Lands has the authority to allocate land and he should do so equally in this country. However, in practice, there is no policy. Everybody allocates land.

Mr. Temporary Deputy Speaker, Sir, I would again like to say that the final planning authority in any local authority is the local authority of that area. However, you will find that this Ministry of Lands and Settlement has surrendered open spaces and road reserves, but the local authorities are not given title deeds for them. What happens is that after a long time, because it has not given these titles to those local authorities, the Ministry of Lands and Settlement starts allocating this public utility land made up of open spaces and road reserves. This is the cause of the very issue that we have been discussing a few minutes ago. I would request the Minister to ensure that title deeds should be issued to the local authorities for any land which has been surrendered to them in the form of road reserves or open spaces.

Mr. Temporary Deputy Speaker, Sir, coming to site and service schemes of Mikindani, Chaani and Miritini in Mombasa, I would like to say that when land was being allocated to the allottees they were required to pay Kshs1,000. All the allottees in these projected areas have been displaced by the rich. Okay, it is fine that we can now see skyscrapers, big buildings and so on, on these sites. However, most of these allottees are still yet to repay these loans. I request this Minister to waive these loans for the sites and service schemes of Mikindani, Chaani and Miritini. This is because this money was donated by the World Bank and it was very nominal and furthermore, the interest rate is growing. I think the Minister should find a way of waiving these small loans that these allottees took.

Mr. Temporary Deputy Speaker, Sir, in my own constituency which is Chagamwe, there is a clique of people, who have been allocated land with letters of allotment, but titles have not been issued to them. My constituents do not have a place to live in. Those constituents of Chagamwe, who come from different tribes, do not have a place to live in now. I request this Minister, through the Chair to nullify those letters of allotment because titles have not been issued and my people do not have land. The question of saying that we are waiting for court action does not arise. With a letter of allotment nobody can be taken to court.

Mr. Temporary Deputy Speaker, Sir, on any vacant land in Kenya which has not been allocated, the Ministry of Lands and Settlement should consider creating settlement schemes. It is only through settlement schemes that the people in any given area will benefit. This is because they will sub-divide plots among their big numbers and many wananchi will be allocated these plots through a proper laid down procedure.

With these few remarks, I beg to support.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this very important Vote.

The Ministry of Lands and Settlement is a very important Ministry, but I am not surprised that they are asking for very little money because I think the money has definitely to go with the services it renders to this nation. Although the Minister is a friend of mine, I feel that he has a very big job ahead of him if he wants Kenyans to remember his tenure in that Ministry as the Minister who cleaned up this Ministry.

Mr. Temporary Deputy Speaker, Sir, this Ministry is too corrupt. It has institutionalised land grabbing which borders on criminal activities. I want to challenge this Minister, because he comes from a very strong Christian family, to display that Christian faith by removing all those corrupt officers from his Ministry. This is because we can speak here for months and years, but we will not see the light at the end of the tunnel as long as that Ministry remains the way it is. I know that we have very good officers there, but the few bad eggs make the whole basket rotten. So, can you do a favour to the good officers by cleaning it up, Mr. Minister. This Ministry really makes a lot of us wonder and I would like to say that the hunger which is being experienced in the country now has its roots in the Ministry of Lands and Settlement. Some of us would like to see the land laws in this country revised.

Mr. Temporary Deputy Speaker, Sir, some of us would like to see farmers, especially women in this country being issued with title deeds so that they can access land, own it and be able to borrow money using those title deeds in order to grow enough food.

Mr. Temporary Deputy Speaker, Sir, there is hue and cry about hunger. Four children died at the coast from hunger. It is quite shameful for children to die in this country when we call our country an agricultural country. Women labour, deliver 90 per cent of food in this country, but what resources are they using? I would like to ask the Ministry of Lands and Settlement and the Ministry of Agriculture and Rural Development to give production of food top priority. Land policy should be geared towards the production of food.

We also need security so that women can till their land and feed their children. We read in the newspapers that, seven children were killed in Elgeyo Marakwet. There is insecurity and hunger in that region and, therefore, women cannot till the land. We need this Government to address important and relevant land policies concerning feeding this nation so that those people who are charged with producing food can produce it.

With regard to corruption, I should say that this Ministry should be cleaned up because it has institutionalised land grabbing, which seems to have blessing from the top to the bottom. This issue is making even those who speak loudly that land is being grabbed or fight for school land to appear as if they are risking their lives.

I have been very vocal about Ndararua School whose land has been grabbed. We have no more land left in Dagoretti Constituency for schools. I am even very much surprised to hear all the time that, schools must apply for land as if this Government has no plans for the future expansion of schools. How do they think we are going to expand those schools? Even land belonging to schools which are already existing is being grabbed. We have had a few such cases in this House. Recently, because of fighting so hard for this land and bringing the matter into this House, the Dagoretti DDC declared that, any land given out must get a consent from the DDC first.

Mr. Temporary Deputy Speaker, Sir, my life has been threatened. Mr. Wa Gathoni has sent a message through a trusted friend of mine saying that: "Tell Beth that we will deal with her personally". I have been threatened with death. Mr. Wa Gathoni went further and said: "Tell her to remember the late Sammy Maina". We know that Sammy Maina was killed because of fighting against corruption at Kilimani School. At least, they were saying: "Tell

Beth that we will deal with her personally." I am not afraid of death! There will be other Beths and Sammy Mainas to fight against this! But I am asking this Government to put people first--- If you grab school land, where will the children who are in school there go? What are we going to do with them in high schools? Whoever grabbed Kilimani School land, when he dies he will go to--- I hope Sammy Maina went to Heaven, but I am sure the person who grabbed Kilimani School land will burn in hell!

Mr. Deputy Speaker, Sir, we are asking for protection and I hope we will get protection because some of us will keep on saying that there is corruption. We do not need people or donors to come from abroad to tell us to behave properly and to care for our families. We should be able to know that the Government is there to care for the public. It should not care about a few people's pockets. So, we are asking for protection because we are elected by the people to speak for them; and we are going to speak for them whether we are threatened with death or not.

Mr. Temporary Deputy Speaker, Sir, like in many other urban areas, land in Dagoretti was given by the indigenous people for public utilities; for women groups, Jua Kali, schools and health facilities. Today, there is not a single plot left. As the hon. Minister told us, some people go round and when they see a plot that is not developed; even on the map, they do not even bother to go to the ground to see how it is. They come and apply for that land taking advantage of the old women who cannot read and write and who do not even know how to apply for the title deeds. As if Kenya is only for the rich and those who are able to read and write, these women have been denied their livelihood because those plots have been given to those people who have applied for them.

So, my question to the Minister is: Do your officers go to the ground and establish---

**The Temporary Deputy Speaker** (Mr. Poghiso): Address the Chair, Mrs. Mugo!

**Mrs. Mugo:** Sorry, Mr. Temporary Deputy Speaker, Sir. I hope the Minister will make a follow-up and find out whether the officers go to the ground to establish whether there is a school, health clinic, a road *et cetera*, or they just sign those papers quickly because of what they get as a cut or what they get under the table. There must be a reason and that is why I said that, the Ministry is so rotten and so corrupt.

Mr. Temporary Deputy Speaker, Sir, I hope Kenya Anti-Corruption Authority (KACA) under Justice Ringera, will move there very fast and stop such dirty activities so that Kenyans can see where the money we pay for such institutions goes to.

Mr. Temporary Deputy Speaker, Sir, before I conclude, I would like to stress the importance of title deeds to encourage farmers to invest in land in order for us to produce enough food. As a mother as well as a leader, I am ashamed to hear that children are dying from hunger. We should be ashamed! Wherever there is food, we have the granaries to keep it.

With those few remarks, I support the Motion.

**The Member for Nithi** (Mr. Ntwiga): Mr. Temporary Deputy Speaker, Sir, my name is hon. Capt. (Rtd) Eustace Mbuva Ntwiga, Member of Parliament for Nithi Constituency, Meru South District.

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to thank the people of Nithi and my party, KANU, for landing me into this honourable House with a resounding bang of 21,000 votes in a by-election.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I would like to request the Electoral Commission to consider splitting Nithi Constituency into two before the next General Elections. As I stand here, I represent a very populous constituency with over 400,000 people, with 80,000 registered voters. That is a very big number in a rural constituency. My constituency is 750 square kilometres. Therefore, I take this time to ask for the split of my constituency before the next General Elections so that, we can have an effective representation in that constituency. It is also of concern to note that this is the only constituency that almost covers the in an entire district.

Mr. Temporary Deputy Speaker, Sir, as we contribute to the Vote of the Ministry of Lands and Settlement, it is unfortunate for me also during my maiden speech in this House, to report that there was a fire tragedy in one of my schools, that is, Ikuu Girls. A fire disaster occurred there on Saturday and we lost two dormitories, including equipment and personal effects belonging to the students. Therefore, I take this opportunity to inform hon. Members and appeal to well-wishers and the Government, particularly the Ministry of Education, Science and Technology to come to the aid of that school, because it cannot resume effectively next year.

Mr. Temporary Deputy Speaker, Sir, in my contribution to the Vote of the Ministry of Lands and Settlement, I wish to say that the current Minister in that Ministry is my personal friend. I think we should give him time to rectify the mess which is there. I agree with hon. Members that the Minister is serious with his work. He should also ask all public institutions to make arrangements to acquire title deeds for the land they own, something which has not been there before. I am saying that with authority because, as I visited that school yesterday, I found that they were

surveying the land so that they can get the title deed and, therefore, minimise land grabbing with time.

Also, yesterday, I had a leaders meeting in my constituency and I would like to report to the House that if we approach these matters amicably in the constituencies, things can work simply because, it is just yesterday that, I raised the issue of a public utility ground which had been grabbed, a place where our President addresses the people of my constituency whenever he comes there. The clerk and the allocation committee promised me that the *status quo* will be maintained and the allocation will revert back to its original purpose as a public utility. I appeal to my colleagues to approach some of these problems amicably and we should help the Minister to perform his duties. I wish him well.

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

**Mr. Maitha:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Vote of the Ministry of Lands and Settlement.

In my opinion, this is a very important Ministry and it should be given what it needs. I am saying that, because this is the only Ministry which touches all the hearts of Kenyans. It is the only Ministry which gives relief to our people who desire to own or already own land in this country. As we know, land is always life for everybody in Kenya.

I want to take this opportunity to thank the Ministry of Lands and Settlement, particularly the Department of Settlement. Through this Ministry, the Government has funded seven settlement schemes in my constituency. Out of the seven settlement schemes, three of them have been completed now, namely; Mwembe Legeza, Shanzu, Bombolulu and Ziwa la Ng'ombe. I want to thank the Minister, the Permanent Secretary and the Director of Settlement for taking a keen interest in settling people at the Coast Province. This is one of the issues which the people of the Coast Province want to see addressed by the Government.

Many times, the Government has been blamed by the people of the Coast Province for not allocating land to them. One of my friends here has been complaining about people who do not come from Coast Province being given land. However, I want to say that, at the moment, the Government has made all efforts and especially in my constituency. This is happening because the Government has seen the light and it now wants to settle the people of the Coast Province. For many years in this House, Members of Parliament from the Coast region have complained here about the problem of squatters in the Coast. The Government had not started the problem of squatters at the Coast Province. The people at the Coast Province were squatters---In fact, I have gone through all land reports and studied about land in this country, the Coast region had not been given preference. We have African Land Tenure (1957), the Report on Mission on Land Consolidation and Registration in Kenya (1965) and Activities of Land Development and Settlement Board (1960). The Coast region was not properly considered. The Government has always constituted several select committees from this House to resolve the land problem.

But what is ailing the Coast Province is that, this Government did not address the land problem at the Coast Province when we got Independence. It is upon this Ministry to bring it forward to this House. All these Reports talk about what the Government did about land which was taken after the colonial period from Central Province and Rift Valley Province.

Mr. Temporary Deputy Speaker, Sir, it is true that the coastal people were not part of Kenyan society until 1966. The Minister should note this fact. When Kenya attained Independence, the coastal people were not considered as Kenyans until 1966 when the agreement between the Queen of England and the Sultan was agreed upon. So, the Coastal Strip was annexed back to Kenya. The question is: Why was that land not allocated to Africans? Why has it remained in the hands of foreigners? There are tenants-at-will in the Coast Province. If you go to Coast Province, you will see Swahili houses in Kisauni, Likoni and Changamwe and are owned by very rich people. They collect rents from poor tenants. In law, this is known as tenant-at-will. Our people have stayed on that land for many years. It is a pity that our people have to pay rents to foreigners. The owners of those houses are using lawyers to collect rents on their behalf. It is high time that the Ministry and the Commissioner of Lands---

**The Assistant Minister for Local Government (Mr. Hashim):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Maitha should substantiate this very serious allegation about land issue in Mombasa. Could he tell us who those foreigners who own land in the Coast Province are?

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, I am talking about absentee landlords in Coast Province. So, if the hon. Member is worried that he is one of them, he could tell us.

All I am saying is that the agreement between the Sultan and---

**The Assistant Minister for Local Government (Mr. Hashim):** Mr. Temporary Deputy Speaker, Sir, I want to refute what the hon. Member has just said because I am more of a Kenyan than anybody else here, according to the history of this country.

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, I am talking about the agreement in this report. The hon. Assistant Minister could read about the agreement in this copy. I have also confidential letters here with me. This is evidence to show that, the coastal land problem has never been addressed. These reports were compiled in 1965. They

highlight the problems of squatters and private land in other parts of the country. It blames the Government of Kenya that, even after the Sultan was paid money for the land, coastal people were not given the land. These reports are from London and I thank hon. Kihoro for availing this information. So, what I am trying to say is that, the tenants-at-will in Coast Province must be abolished, so that people should stop paying house rents to those rich people forthwith. This is a very serious matter.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Lands and Settlement is distributing land in the Coast Province fairly. However, I am a very sad person, as I speak before this House, because of clashes in my constituency. These clashes are being instigated by politicians. Mr. Minister, I want you to take note of the *Kenya Times* report today. A certain Cabinet Minister and a politician are alleging that, Kikuyus are being given land in the Coast Province. Whenever Government land is subdivided in the Coast Province; maybe, a Kikuyu or a Luo, invited by a Giriama, is allocated a piece of land where he builds a house. The Government has no business of chasing a Kikuyu or a Luo from the Coast Province. Some politicians are alleging that the clashes in Kisauni are as a result of Kikuyus being allocated land in that area. They want to use that as an excuse, so that the Government stops subdividing land in my area. This is because they think that land issues make me popular in my area. It is sad that some Ministers are seated here looking at me.

So, the question of land clashes at the Coast Province---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, hon. Maitha! Are you going to table those documents?

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, I am quoting from a paper.

**The Temporary Deputy Speaker** (Mr. Poghiso): Are those the documents which you are waving over there?

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, this information is available in the library. The Government and the Ministry of Lands and Settlement should not stop land allocation in my constituency because of the politicians who are fanning tribalism and animosity in the Coast Province. These politicians are inciting the Mijikenda against upcountry people. They are inciting the Mijikenda to kill Kikuyus, because they are being allocated their land. These reports show that a vast land owned by certain powerful people is idle in the Coast Province and yet, we are fighting them. This is not in good taste.

With those few remarks, I beg to support.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I have very few minutes, indeed, to contribute to this Motion. I would like to associate myself with the feelings of my colleagues in that, the Ministry of Lands and Settlement is very important. However, I think we all agree that this Ministry has seriously let down Kenyans because it has not lived to their expectations. There is no single department of this important Ministry that performs to the expectations of our people. For example, the Physical Planning Department, all the problems we hear about grabbing of public land is sanctioned by this department. There is double registration of land in the land registry office or double adjudication and valuation of land. There is no department of the Ministry of Lands and Settlement which can claim to have lived to the expectations of Kenyans.

Because of the limited time, I would like to zero-in on land adjudication. Land adjudication work in Mwingi District started in 1975; that is, about 24 years ago. Since then, 22 adjudication areas have been opened and out of those, only three have been completed. At this rate of three adjudication areas in 24 years, how long will it take the Ministry of Lands and Settlement, particularly the department of land adjudication, to complete the entire exercise of land adjudication in the district? It is obvious that the present generation and future generations will never be issued with title deeds in this country. This is because of inefficiencies in the Ministry. There is no work being done by the departments of this Ministry. The end result of this is that here are Mwingi District today is numerous endless land cases, and corruption goes on unabated. Not even a single town in Mwingi District has title deeds, despite the huge investment that members of the public have made in that area. On the 22 March, 1999, my people had some hope when His Excellency the President directed the Minister for Lands and Settlement, to see to it that land adjudication in Mwingi District is accelerated. He also directed that survey of Mwingi Town be done. I am sorry to say that, there is nothing today to show that this Ministry is serious in implementing the directives by the President. In fact, I listened very carefully to the Minister when he was moving this Motion and he enumerated the number of districts which will benefit from the funds allocated for land adjudication in this country. However, Mwingi District is not among those districts. I would like to appeal to the Minister to get a briefing on this directive and ensure that land adjudication is accelerated in this district. Mwingi Town residents should get land title deeds as directed by the President.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about land control boards. There are no land control boards in areas where land adjudication has been completed. So, how do we administer land in those areas? I would like the Minister to ensure that land control boards are established in Mwingi District. There is also no land registry in Mwingi District. People are forced to go to another district to collect land title deeds. Why should people

leave their district to another district looking for title deeds? I am appealing to the Minister to see to it that land adjudication is accelerated, land control boards are set up and a land registry which is independent of another district is established in Mwingi District.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to appeal to the Minister to investigate a case involving a group ranch called Migwani-Salai Group Ranch. This ranch has been "grabbed" by some influential people led by (Rtd) Brig. David Meli. I would like the Minister to ensure that the law takes its course in accordance with law so that the members of the group ranch are given their rights. In 1993, the Minister made it clear that the land belonged to the group ranchers. How come the Minister now continues to entertain rich people who are bent on grabbing land that rightly belongs to poor people?

I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghiso): Hon. Members, looking at the clock, it is time to call upon the Mover to reply.

**The Minister for Lands and Settlement** (Mr. J.W. Nyagah): Mr. Temporary Deputy Speaker, Sir, the House will recall that last Thursday, I moved my Ministry's recurrent and development budgets totalling K£22,295,215 for the current 1999/2000, financial year.

First, I would like to take this opportunity to thank hon. Members for their contribution and the support, sometimes with genuine criticism, for the last two days. I would like to assure hon. Members that the money that has been allocated to the Ministry will be spent for the purpose for which it is intended, for the benefit of Kenyans. I would also like to thank hon. Members for coming out very clearly that the funds we have asked for are not sufficient. The Ministry is aware that the funds that have been allocated to it this financial year are insufficient for the job that we must undertake. This is critical given that we are a major revenue-earner for the Government. In the past few years, those agencies that are charged with the responsibility of collecting revenue for the Government have in turn been provided with resources that would enable them perform their job successfully. It is our hope that as has been clearly indicated by the hon. Members, in future, we will benefit from increased funding so that we can perform our job perfectly.

Mr. Temporary Deputy Speaker, Sir, for us to perform the role of being a major revenue collector, we need to computerise. Computerization is a very expensive project and I would like to thank hon. Members who have appealed to the Treasury to provide additional funding to the Ministry.

As clearly stated, land is a very sensitive commodity and our history is tied to land issues. A big chunk of the Lancaster Constitution was delayed over arguments to do with land. So, I would not like to be involved in abetting land clashes or be involved in creating a situation which causes major disagreements. I would like to appeal to hon. Members to appreciate the role of the Ministry and help us resolve land issues in their constituencies with great maturity.

Mr. Temporary Deputy Speaker, Sir, during the debate, hon. Members raised many issues such as the way we allocate plots. Several hon. Members talked of the Ministry's officers being corrupt, long delays in the adjudication process, the sanctity of title deeds and the need to clarify the relationship between the Ministry of Lands and Settlement and Local Authorities.

### QUORUM

**Mr. Muiruri:** Mr. Temporary Deputy Speaker, Sir, there is no quorum.

**The Temporary Deputy Speaker** (Mr. Poghiso): Indeed, there is not quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! There is quorum now. Proceed, hon. J. Nyagah!

**The Minister for Lands and Settlement** (Mr. J.W. Nyagah): Mr. Temporary Deputy Speaker, Sir, since I have lost seven minutes, I will jump some sections where I was summarising the issues that were raised, such as consolidating the 32 laws that we administer. Members also raised serious issues with regard to squatters. Several hon. Members raised the issue of the Arid and Semi-Arid Lands (ASAL) where, very little adjudication work has been done. We need to pay attention to all those areas.

Having highlighted some of the areas that were mentioned, let me respond to some of the issues that were raised. First of all, I would like to inform the House that, the Ministry has been very active. Currently, we are holding over one million title deeds in our registries countrywide, awaiting collection by owners. I would urge the noisy Members of Parliament and others to---

**Mr. Ndwiga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is replying to what was said in this House. Could we ask the "KANU Bench" to behave and keep quiet?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! That is not a point of order!

**The Minister for Lands and Settlement** (Mr. J.W. Nyagah): Please, do not waste my time! We have a very serious issue! We have over one million title deeds in our registries. Kenyans do not know that. During this occasion, I would like to urge Kenyans to go to our offices and collect those title deeds. We are working on schemes that will assist to get those title deeds closer to the people. But for the time being, I would like Kenyans to know that we have more than one million title deeds awaiting collection.

A lot of comments were made about protection of public land. A couple of years ago, following the request by this House, and due to public demand, we found it necessary to appoint a Senior Lands Officer, whose responsibility is to handle public land, in order to protect the land that our schools, dispensaries, health centres and public institutions stand on. I would like to urge the public entities that have applied for title deeds to come for them. I would also like to urge public entities which have not applied for title deeds to do so quickly. Then, I can guarantee that they are safe. But if they do not apply, I have a problem. At the moment, there are 1742 letters of allotment that have been issued to public institutions. Well over 1,000 institutions have been issued with title deeds in the recent past, to cover Government Ministries, State Corporation, schools and churches.

A mention was made with regard to the consolidation of land laws. We have 32 laws that we administer. We have set up a task force which has been doing some work. But it requires funding. Some of the little money that we have got will assist the task Force to begin its work. It is hoped to harmonise and consolidate the numerous land laws that exist. Also, in the past, through the task force, we have worked with the Law Reform Commission, private lawyers and individuals, to tackle that particular problem. But it requires funding and time. Work in that area has started. We do recognise the need to consolidate all those laws into very few laws that are current and up-to-date.

Mr. Temporary Deputy Speaker, Sir, as far as double allocation of land is concerned, part of our problem, and we have several, has been the fact that, our records are very manual. With records that go back to 1902, it is very difficult to guarantee accuracy. That is why we have asked for a beginning of a computerisation programme. We know that we have not put sufficient funding into this year's books. But we hope that, with the help of foreign donors and the Treasury, we will start the process of computerisation. This will bring our records up to date. The complaints of double allocation and other issues will be overcome once and for all. But I need your help. When you hear that I am talking to foreign donors, do not block the talks. Please assist so that I can produce title deeds for you on timely basis.

Mr. Temporary Deputy Speaker, Sir, as we are all aware, the Physical Planning Act was approved, and it is now operational. A lot of issues that were raised with regard to our relationship with the Local Authorities, are now clearly defined in the new Act. The process begins with advertising at the grassroots level. It is true that they have put advertisements in the newspapers, in addition to the *Kenya Gazette*. The procedure involves the committee structure at the district level, which have been set up. They are called the Physical Planning Liaison Committees. In the current Budget, we have asked for their funding. What I would like the Members to do, is to familiarise themselves with the Act. If they fear taking short-cuts, they can stop those things. But at the moment, the Act is operational. Some of the issues that have been bogging us down in the past have been addressed by the Act. The process comes all the way to the Minister. I can assure you that, I have already signed the first lot. I have checked the first lot. But I need the help of all members of the public to be sure that, we are following the new Act. Without their help, we cannot help them.

Mr. Temporary Deputy Speaker, Sir, to-date, my Ministry has adjudicated more than 50 per cent of the Republic of Kenya. Land adjudication work is still in progress in Nyanza, Coast and Eastern Provinces. Work has been completed in Western and Central Provinces. The big problem that we have in this area are the delays that arise due to many disputes that the members of the public, clans and families have. There is also a delay because the process has to come all the way to the Minister. We are doing our level best to resolve and speed up the process. We have come up with mechanisms, some of which are open to criticism, but I hope you will support some of them. One of these days, those mechanisms will be brought to Parliament with a formal proposal of how best to do the adjudication. But, I would like to appeal to Kenyans to reduce the number of disputes. If they argue over ten-acre boundaries, they should agree on five-acre boundaries. That way, my officers can conclude the work quickly. We would like to issue title deeds to as many Kenyans as possible. In the Maasai area, where there are group ranches - I can see hon. Parpai looking at me - I would urge them to work together as group ranches and reduce corruption within such groups. Only genuine people should be given land so that I can issue title deeds quickly.

Mr. Temporary Deputy Speaker, Sir, my Ministry is also engaged in the regularisation of squatter settlement, especially in the Coast Province. This was ably explained by hon. Maitha and so, I will not go into the details because he praised the work that we are doing in this particular field. We are also addressing these issues in Nairobi through the Provincial Administration and through them, we hope that we can address some of the problems affecting squatters in the big towns such as Nairobi. We do not enjoy seeing people being evicted from places where they have lived all their

lives.

Finally, there were complaints by hon. Members, particularly hon. Michuki, to the effect that our maps are out of date. I wish to confirm that, that is true and we are doing our best to modernise them. I am very grateful that some of the money which we are asking for will go towards assisting my Director of Survey and his team, so that we can do more mapping than we have been able to do up until now. It is our hope that in the coming years--- some of the work in this particular area is under rationalization and some of it will go to the private sector. By so doing, we will have the resources to concentrate on maps so that we can have accurate and up-to-date maps.

Mr. Temporary Deputy Speaker, Sir, I would like to end there because my time is over and I would like hon. Members to go into a more detailed analysis of what they are about to approve. I am confident that they will approve this Vote and I thank them in advance.

With those remarks, I beg to move.

*(Question put and agreed to)*

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

#### **IN THE COMMITTEE**

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

Vote 36 - Ministry of Lands and Settlement

**The Minister for Lands and Settlement** (Mr. J. W. Nyagah): Mr. Temporary Deputy Chairman, I beg to move:-

THAT, a sum not exceeding K£22,295,215 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2000 in respect of:-

Vote 36 - Ministry of Lands and Settlement

*(Question proposed)*

#### **VOTE R36 - RECURRENT EXPENDITURE**

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

*(Heads 026 and 576 agreed to)*

*(Sub-Vote 360 agreed to)*

SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENT

*(Heads 030, 035, 040 and 084 agreed to)*

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 - SURVEY OF KENYA

*(Heads 096, 098, 099 and 277 agreed to)*

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 - LANDS

*(Heads 130 and 132 agreed to)*

*(Sub-Vote 364 agreed to)*

SUB-VOTE 367 - PHYSICAL PLANNING

*(Heads 376, 378 and 453 agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote R36 agreed to)*

**VOTE D36 - DEVELOPMENT EXPENDITURE**

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

*(Head 026 agreed to)*

*(Sub-Vote 360 agreed to)*

SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENT

*(Heads 084, 173 and 199 agreed to)*

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 - SURVEY OF KENYA

*(Head 277 agreed to)*

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 - LANDS

*(Head 202 agreed to)*

*(Sub-Vote 364 agreed to)*

*(Vote D36 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported without amendment)*

*(The House resumed)*

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

**REPORT**

Vote 36 - Ministry of Lands and Settlement

**Mr. Musila:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has

considered the Resolution that a sum not exceeding K£22,295,215 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2000, in respect of Vote 36 - Ministry of Lands and Settlement, and has approved the same without amendment.

**The Minister for Lands and Settlement** (Mr. J.W.N. Nyagah): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

**The Minister for Renewable Energy Development** (F.L. Lotodo) seconded.

*(Question proposed)*

**Mr. Obwocha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Although we have passed this Vote, there is still one issue the Ministry has not cleared yet. There are various loans that were issued under the Settlement Fund Trustees (SFT). There are collections that are going on from various people, and we know that there are certain collections which are not being made. We would like to know why the Ministry has failed to show in its Estimates, how much is being collected from the SFT loans in terms of Appropriations-in-Aid (A-in-A) for all these years. For instance, there is one company in Trans Nzoia District called M/S Gama Enterprises, which has not paid an original loan of Kshs24 million upto now. Why has the Ministry not shown it in its A-in-A in these Estimates?

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I concur with my colleague, Mr. Obwocha, on the importance of the Ministry to be clear on those SFT loans, the Ministry is not coming out very clearly on the issue of informal settlements in Kenya. Our urban centres are being threatened by informal settlements where the Government does not know whether these are the responsibility of the urban planning system or whether they fall under the Act that the Minister referred to during his presentation. If we were to look at the statistics for this nation, we would find that informal settlements in peri-urban areas are increasingly becoming one of the biggest concentration of population in terms of settlement in this country. Could the Minister ensure that during this fiscal period attention is paid to informal settlements as a responsibility of the Ministry in co-ordination with urban planning?

**The Minister for Lands and Settlement** (Mr. J.W.N. Nyagah): Mr. Temporary Deputy Speaker, Sir, I would like to, first of all, react to hon. Obwocha's question, about SFT loans. I wish to confirm that the Department that is concerned within the Ministry is collecting funds from the farmers in those particular areas. As I stated in my presentation, one of the reasons to computerise the Ministry is to ensure that we have a better and a very close monitoring of the various aspects of our operations. This is a move which will be of great benefit to the country, As I stated clearly, we will begin with the computerisation of that particular area, so that some of the confusions and the things that were not very clear, can be very clearly explained in future.

I think when we talk of informal settlement, we are referring to squatters in Nairobi and elsewhere in the country. As I stated earlier, that aspect is administered by the Provincial Administration (PA). The PA advises us on how the situation is like, after which we try our level best to find land for them. I agree with hon. Anyang'-Nyong'o that this is becoming a serious issue, particularly in cities and towns, where the population growth rate is more than seven per cent. Inevitably,

when the economy growth rate is lower than that of the population, we are bound to have problems. So, we will try to work closely with the PA to try and solve that particular problem.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question has not been answered, although I have a lot of respect for the Minister. I am asking why they have not inserted in the Estimates what they expect to collect in terms of loans from the farmers. I am not asking whether the Ministry should computerise its departments or not. Why are the Appropriations-in-Aid not in the Estimates?

**The Minister for Lands and Settlement** (Mr. J. W. Nyagah): Mr. Temporary Deputy Speaker, Sir, first of all, if I can react to the particular loan the hon. Member is interested in, I would like to confirm that Kshs8.75 million has been paid. So, the loan is being serviced. I will answer that question in details in the next few minutes as we go along.

**Mr. Michuki:** Mr. Temporary Deputy Speaker, Sir, I just rose to support the point raised by Prof. Anyang'-Nyong'o on the question of population in the urban areas, which the Minister for Lands and Settlement--

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Michuki, I hope you are not opening the debate again. The Minister is not obligated to--

**Mr. Michuki:** Mr. Temporary Deputy Speaker, Sir, I am not opening the debate, but I am saying that in order to alleviate that problem, I am sure that some co-operation between the Minister for Lands and Settlement and the Minister for Agriculture and Rural Development is necessary. It can avert this very serious situation of rural-urban

migration. It is just the question of working out the income and making available the land that Dr. Oburu was talking about this afternoon. We have plenty of land, and yet, we have so many squatters. This is a point that we cannot stress any further. I hope that the Minister will come up with something, so that by the time we come to another Budget, he will tell us how far he has gone in averting this situation.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Poghiso): Hon. Members, it is now time to interrupt the business of the House. The House is adjourned until tomorrow Wednesday, 27th October, at 9.00 a.m.

The House rose at 5.45 p.m.